

**EDGERTON CITY COUNCIL  
MEETING AGENDA  
CITY HALL, 404 EAST NELSON STREET  
April 25, 2024  
7:00 P.M.**

**Call to Order**

1. **Roll Call**

\_\_\_\_\_ Roberts \_\_\_\_\_ Longanecker \_\_\_\_\_ Lewis \_\_\_\_\_ Lebakken \_\_\_\_\_ Malloy \_\_\_\_\_ Conus

2. **Welcome**

3. **Pledge of Allegiance**

**Consent Agenda** *(Consent Agenda items will be acted upon by one motion unless a Council member requests an item be removed for discussion and separate action)*

4. Approve Minutes from April 11<sup>th</sup>, 2024 Regular City Council Meeting

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

**Regular Agenda**

5. **Declaration.** At this time Council members may declare any conflict or communication they have had that might influence their ability to impartially consider today's issues.

6. **Public Comments.** The City of Edgerton encourages public participation in local governance issues. To facilitate an efficient and effective meeting, persons wishing to address the City Council must sign-up before the meeting begins. Speakers must provide their name and address for the record and are limited to three (3) minutes. The maximum time limit for all speakers will be thirty (30) minutes. Comments on personnel matters or matters pending before court/other outside tribunals are not permitted. Any comments are for informational purposes only. No action will be taken.

The Mayor may modify these provisions, as necessary. The Mayor may limit any unnecessary, off-topic, or redundant comments or presentations. Speakers should address their comments to City Council members only and should not speak to fellow audience members. City Council members will not engage in a dialogue or debate with speakers. Speakers and audience members should conduct themselves in a civil and respectful manner. Disruptive conduct may result in removal from the meeting.

7. **Introduction of New Employee Chance Heinz**

**Business Requiring Action**

8. **CONSIDER THE 2023 AUDIT OF FINANCIAL STATEMENTS AS PRESENTED BY VARNEY & ASSOCIATES**

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

9. **CONSIDER RESOLUTION NO. 04-25-24A AUTHORIZING SPECIAL EVENT PERMIT FOR SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR ON CERTAIN PUBLIC PROPERTY WITHIN THE CITY OF EDGERTON, KANSAS**

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

10. **CONSIDER RESOLUTION NO. 04-25-24B AUTHORIZING PERMISSION TO USE REQUESTED CITY BUILDINGS/PUBLIC SPACES AND THE APPROVAL OF ADDITIONAL SERVICE REQUESTS DURING EDGERTON FRONTIER DAYS**

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

11. **CONSIDER RESOLUTION NO. 04-25-24C AUTHORIZING THE CLOSURE OF PUBLIC STREET FOR THE EDGERTON FRONTIER DAYS FESTIVAL PARADE IN 2024.**

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

12. **CONSIDER RESOLUTION NO. 04-25-24D FOR TEMPORARY NO PARKING RELATED TO FRONTIER DAYS**

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

13. **CONSIDER RESOLUTION 04-25-24E RECOGNIZING THE EDGERTON FRONTIER DAYS AS A "PUBLIC FESTIVAL" FOR PURPOSES OF THE CITY'S NOISE RESTRICTIONS.**

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

14. **CONSIDER ORDINANCE NO. 2159 AMENDING CHAPTER IV – BUILDINGS, CONSTRUCTION AND FIRE OF THE MUNICIPAL CODE OF THE CITY OF EDGERTON, KANSAS**

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

15. **CONSIDER ORDINANCE NO. 2160 REPEALING CHAPTER VII FIRE OF THE MUNICIPAL CODE OF THE CITY OF EDGERTON, KANSAS**

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

16. **CONSIDER ORDINANCE NO. 2161 REPEALING ORDINANCE 891 AND THE CODE OF REGULATIONS FOR BUILDINGS AND CONSTRUCTION OF THE CITY OF EDGERTON, KANSAS.**

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

**17. CONSIDER A PROFESSIONAL SERVICES AGREEMENT WITH TETRA TECH TO PROVIDE DESIGN SERVICES FOR THE 2024 CDBG 2ND AND HULETT SANITARY SEWER REHABILITATION PROJECT**

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

**18. Report by the City Administrator**

- 1<sup>st</sup> Quarter 2024 Financial Report
- Update on Community Picnic and Fireworks Show
- Water Conservation and Emergency Plan Annual Review

**19. Report by the Mayor**

**20. Future Meeting Reminders:**

- May 9: City Council Meeting – 7:00 PM
- May 14: Planning Commission – 7:00 PM
- May 23: City Council Meeting – 7:00 PM
- June 11: Planning Commission – 7:00 PM
- June 13: City Council Meeting – 7:00 PM

**21. Adjourn** Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

**EVENTS**

4/27: Compost 101  
4/29: Polymer Clay Animals Workshop  
5/11: Family Yoga  
5/11: 80's Outdoor Movie Night  
5/14: Tales for Tots  
5/17: Coloring Café  
5/22: Out of School Ice Cream  
5/31: Animal Wonders  
6/1: Summer Kickoff Party

## City Council Action Item

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**Council Meeting Date:** April 25, 2024

**Department:** Administration

### **Agenda Item: Consider the 2023 Audit of Financial Statements as Presented by Varney & Associates**

**Background/Description of Item:**

On September 9, 2021, staff recommended, and Council approved, a contract with Varney & Associates, CPAs, LLC, for the audit of the 2021, 2022 and 2023 financial statements. A single audit was not required for 2023, since the City did not receive federal funds in excess of the single audit threshold. The 2023 Audit of Financial Statements is now complete.

The objective of the audit is the expression of an opinion as to whether the City's financial statements are fairly presented, in all material respects, in conformity with the Kansas prescribed basis of accounting. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. The auditors perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws and governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity.

The audit procedures include tests of documentary evidence supporting the transactions recorded in the accounts and may include direct confirmation of certain assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. The audit also includes obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures.

A representative from Varney & Associates will present their findings to the City Council on April 25, 2024. The Audited Financial Statements will be presented to City Council that evening.

**Related Ordinance(s) or Statue(s):** K.S.A. 44-1030

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**Funding Source:** N/A

**Budget Allocated:** N/A

x Karen E. Kindle

**Finance Director Approval:** Karen Kindle, Finance Director

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**Recommendation: Accept the 2023 Audited Financial Statements as presented by Varney & Associates, CPAs, LLC.**

**Enclosed:** Copies of the Audit Report will be available the evening of the meeting.

**Prepared by:** Justin Vermillion, Accountant

## City Council Action Item

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**Council Meeting Date:** April 25, 2024

**Department:** Parks and Recreation

**Agenda Item: Consider Resolution No. 04-25-24A Authorizing Special Event Permit For Sale And Consumption Of Alcoholic Liquor On Certain Public Property Within The City Of Edgerton, Kansas**

**Background/Description of Item:**

Edgerton Frontier Days will be held June 14-15, 2024. The Edgerton Frontier Days Committee has requested permission to sell and serve alcoholic liquor (i.e. alcoholic beverages other than 3.2% beer [a/k/a cereal malt beverage]) at the Festival.

If approved, Resolution No. 04-25-24A authorizes the Special Event Permit to be submitted by the Frontier Days Association, with the following stipulations:

- The sale and consumption of alcoholic liquor shall be allowed within Martin Creek Park
- Between the hours of 6:00 pm and 11:59 pm on June 14, 2024
- Between the hours of 2:00 pm and 11:59 pm on June 15, 2024
- Point of sale for alcoholic liquor shall be at Martin Creek Park (20200 Sunflower Road)
- No alcoholic liquor may be sold or dispensed in glass bottles or containers, only plastic, paper cups or cans may be used.

Edgerton Frontier Days Committee has requested that the City waives any application or permit fees for issuance of the Special Event Permit.

**Related Ordinance(s) or Statue(s):** Chapter III, Article 5 of Edgerton Municipal Code

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**Funding Source:** N/A

**Budget Allocated:** N/A

**Finance Director Approval:** N/A

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**Recommendation: Approve Resolution No. 04-25-24A Authorizing Special Event Permit For Sale And Consumption Of Alcoholic Liquor On Certain Public Property Within The City Of Edgerton, Kansas**

**Enclosed:** Draft Resolution No. 04-25-24A

**Prepared by:** Brittany Paddock, Recreation Superintendent

Event Name: \_\_\_\_\_

Primary Contact Name: NATE EGGLESTON Phone: 913-4761-5511

Email Address: NATEEGGLESTON@GMAIL.COM

Are you the contact for day of the event?  Yes  No

If no, please provide contact name and phone: \_\_\_\_\_

Sponsoring Organization/Event Operator: EDGERTON FRONTIER DAYS ASSOCIATION

Address: P.O. BOX 222 EDGERTON KS 66021 Email: \_\_\_\_\_

Website: EDGERTONFRONTIERDAYS.COM

**Event Information:**

Event Date(s): JUNE 14TH AND 15TH Hours of Event: 6/14 4PM-12AM

Requested Location(s): Martin Creek Park, 312 E Nelson St, 404 E Nelson St, Edgerton City Lake, Portions of Nelson Street for Parade 6/15 9AM-12AM

Type of Event: Circle all applicable  
 Festival  Parade  Sports  Competition  
 Trade Show  Car Show  Other: \_\_\_\_\_

Is this event for profit?  Yes  No

If no, who is the beneficiary: \_\_\_\_\_

Estimated number of participants\*: 900/DAY Estimated number of support personnel: TBD

\*Events in excess of 1,000 people may be required to have additional security and/or crowd control

Event description: SUMMER COMMUNITY FESTIVAL

Will you be selling or serving alcohol/cereal malt beverages?  Yes  No

Will you have any food vendors?  Yes  No

Will you have any merchant vendors?  Yes  No

Will you have any non-commercial vendors?  Yes  No

If you checked any yes boxes, please fill out the vendor information on the following page

Do you need to close a publicly owned facility, street or sidewalk?  Yes  No

If yes, please specify which facility, streets, or sidewalk (list all and include date and times of closures): CITY HALL AND STUDIO B.

Will there be amplified music or speaking?  Yes  No

If yes, please specify dates and hours: 6/14 4PM-12AM AND 6/15 10AM-12AM



**Vendor Information:**

**Alcohol Vendors**

Total number of alcohol/cereal malt beverage vendors: 1

Cereal Malt Beverage Permit Holder(s): CITY CENTER PUB LLC.,

Temporary Permit for Alcohol Vendors # from Kansas Alcohol and Beverage Control: PENDING

Copy of temporary permit must be turned in to City Clerk prior to start of event and is not required at application

Vendor Contact Name/Company: SCOTT ANDERSON Phone: \_\_\_\_\_

2<sup>nd</sup> Vendor Contact Name/Company: \_\_\_\_\_ Phone: \_\_\_\_\_

3<sup>rd</sup> Vendor Contact Name/Company: \_\_\_\_\_ Phone: \_\_\_\_\_

Please attach additional vendor contacts, if necessary

Description of alcohol control measures (beer garden, wristbands for 21+, etc): DESIGNATED AREAS BETWEEN SPECIFIC TIMES, SERVED ONLY IN PLSATIC CUPS, PAPER CUPS OR CANS. SHERIFF'S DEPARTMENT CONTACT

\_\_\_\_\_  
\_\_\_\_\_

**Food Vendors**

Total number of food vendors: 5 PENDING

Vendor Contact Name/Company: TEXAS BBQ MOBILE Phone: \_\_\_\_\_

2<sup>nd</sup> Vendor Contact Name/Company: KILEES CAKES Phone: \_\_\_\_\_

3<sup>rd</sup> Vendor Contact Name/Company: TIM HORN/ KS SNACK SHACK Phone: \_\_\_\_\_

Please attach additional vendor contacts, if necessary JASONS LUNCHBOX  
LOADED SPUDS

Food Vendor License #(s) from Kansas Department of Agriculture: PENDING

Copy of license(s) must be turned in to the City Clerk prior to the start of event

**Merchant Vendors**

Total number of merchant vendors: PENDING

Vendor Contact Name/Company: \_\_\_\_\_ Phone: \_\_\_\_\_

2<sup>nd</sup> Vendor Contact Name/Company: \_\_\_\_\_ Phone: \_\_\_\_\_

3<sup>rd</sup> Vendor Contact Name/Company: \_\_\_\_\_ Phone: \_\_\_\_\_

Please attach additional vendor contacts, if necessary

**Public Sanitation Measures:**

Depending on the size of your event, public sanitation measures may be required. Please describe your plans to handle trash and portable restrooms. Include contact information for any vendors.

THERE WILL BE 6 RESTROOMS AND 2 HAND WASH STATIONS. THE CITY WILL PROVIDE TRASH RECEPTICLES GARDNER DISPOSAL WILL DELIVER AND EMPTY. VOLUNTEERS WILL PICK UP TRASH AT THE

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Event Equipment:

Please check equipment required (additional charges may apply):

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Traffic or Event Signage | <input checked="" type="checkbox"/> Bleachers |
| <input checked="" type="checkbox"/> Barricades               | <input type="checkbox"/> Tables               |
| <input type="checkbox"/> Extension cord covers               | <input type="checkbox"/> Chairs               |

Please check if you plan to have other Entertainment/Amusements:

\*Attach additional description and/or proof of insurance

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Carnival rides     | <input checked="" type="checkbox"/> Animals          |
| <input type="checkbox"/> Fireworks                     | <input checked="" type="checkbox"/> Hired performers |
| <input checked="" type="checkbox"/> Stage              | <input checked="" type="checkbox"/> Live Music       |
| <input type="checkbox"/> Other (please specify): _____ |  |

## Information for Event Organizer

**State Sales Tax Information:** State of Kansas Tax Identification Numbers must be provided for all food and merchant vendors. Event sponsors are required to provide the Kansas Department of Revenue with notification of an event and a list of participating vendors.

**Community Notification:** Provide copy of written notification or log of personal contacts to notify surrounding residents/businesses of street closures, if applicable. Notification must be completed prior to consideration of special event application by the Governing Body.

**Completion of Event/Clean Up:** Event organizer is responsible for cleaning and disposing of refuse from event.

**Insurance:** The operator and sponsoring agency of a special event shall furnish an original copy of a certificate of insurance indicating the City as a certificate holder and executed within the previous ten (10) days. The certificate of insurance must provide evidence of occurrence form general liability insurance coverage of at least \$1,000,000 combine single limit per occurrence for bodily injury and property damage with a minimum aggregate limit of \$2,000,000 and shall include the City as an additional insured. The operator and sponsoring agency, if any, shall complete and submit a hold harmless and indemnification agreement for review and approval by City officials.

## Applicant's Statement of Agreement

Everything stated on this application is true and correct to the best of my knowledge. I further understand that the facilities for this event must be in compliance with all the City regulations (including adopted codes by reference). It is further understood that failure to comply with these regulations may result in permission to operate being withheld until all codes are met. I understand this permit, if granted, is not transferable and is revocable at any time at the discretion of the City of Edgerton.

I agree to abide by the provisions in this application and regulations of the City of Edgerton.

Name of Applicant and Title (please print) NATE EGGLESTON PRESIDENT OF EDGERTON FRONTIER DAYS

Signature  Date 4-10-24

To the fullest extent permitted by law,

Nathaniel Eggleston [hereafter referred to as OPERATOR and/or SPONSOR] shall indemnify, hold harmless and defend the City of Edgerton, hereafter referred to as the CITY, and all of its appointed and elected officials, agents, officials and employees from and against all claims, damages, losses and expenses, including but not limited to reasonable attorneys' fees arising out of or resulting from the conduct or management of the Special Event, known as

Edgerton Frontier Days and any condition created in, about, or resulting from the Special Event or any accident, injury or damage whatsoever occurring in or at the Special Event, provided that any such claim, damage, loss or expense: (a) is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property, including loss of use resulting there from, and (b) is caused in whole or in part by any alleged act or omission of the OPERATOR / SPONSOR or anyone directly or indirectly employed or appointed by them or anyone for whose acts they may be liable, regardless of whether it is caused in part by the negligent act or omission of the CITY or any of its appointed and elected officials, agents, officials and employees. Notwithstanding the foregoing, the special event OPERATOR'S / SPONSOR'S obligation to indemnify the CITY or any of its appointed and elected officials, agents, officials and employees for any judgment, decree or arbitration award shall extend only to the percentage of negligence of the CITY in contributing to such claim, damage, loss and expense. In any and all claims against the CITY or any of its appointed and elected officials, agents, officials and employees, by any employee of the OPERATOR and/or SPONSOR, the indemnification obligation under this paragraph shall not be limited by any limitation on the amount or type of damages, compensation or benefits payable by or for OPERATOR and/or SPONSOR under workers compensation acts, disability benefit acts or other employee benefit acts. Such workers compensation policies or plans maintained on behalf of OPERATOR and/or SPONSOR shall waive subrogation against the CITY.

Date: April 17, 2024

NATHAN EGLESTON  
PRESIDENT  
Title

STATE OF Kansas )

COUNTY OF Johnson

) ss:  
)

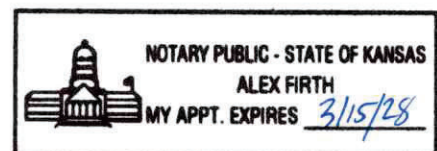
BE IT REMEMBERED that on this 17 day of April, 2024 before me, the undersigned, a notary public in and for the County and State aforesaid, came Nathaniel Eggleston of Frontier Days Committee who is personally known to me to be the person who executed, as such officer, the within instrument on behalf of said entity and such person duly acknowledged the execution of the same to be the voluntary act and deed of said entity.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal and the day and year last above written.

Alex Firth  
Notary Public

My Commission Expires:  
3/15/2028

(SEAL)



## Application Checklist: (Attach required documents)

- List of services requested from the City
- Description of publicly owned property for event
- Map of event (show vendor areas, stage, carnival, beer garden, etc.)
- Description of Amusement/Entertainment
- Operators' Certificates of Insurance (includes entertainment/amusement companies)
- Sponsoring Agency's Certificate of Insurance
- Completed indemnification statement
- Site/Route/Staging/Parking Map (including by not limited to:)
  - Main Entrances/Exits
  - Street/Sidewalk closures
  - Barricades
  - Traffic Signs
  - Assembly areas
  - Fire hydrant locations
  - Food Vendor Fire Extinguishers, with minimum rating of 2A10BC
  - Extension Cord Locations for food production or other portable equipment (minimum 12-gauge cords required)
  - Fire Department Vehicle Access Locations (20-feet wide minimum)
  - Parking/No Parking Areas
- Emergency Plan for reporting police, fire or medical emergencies
- Food Vendor License from KS Department of Agriculture (if applicable)
- Temporary Permit for Alcohol Vendors from Kansas Alcohol and Beverage Control (if applicable)
- Retailers' Sales Tax Registration Event Certificate (if applicable)
- State of Kansas Tax Identification Numbers for all food and merchant vendors
- Application Fee

**OFFICE USE ONLY:**

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Application Fee Paid Date: \_\_\_\_\_ Receipt Number: \_\_\_\_\_

Required documents?    Map       Indemnification       Vendor Licenses       Insurance  
                                  Emergency Plan       Site/Staging Plan

Requested public equipment approved?       Bleachers       Tables/chairs

Requested public street, facility, or sidewalk approved?       Yes       No

Council Review Date of application: \_\_\_\_\_

Ord. # for Special Event: \_\_\_\_\_ Ord. # for Street/Sidewalk/Facility Closure: \_\_\_\_\_

Ord. # for Noise Waiver: \_\_\_\_\_ Ord. # for Public Alcohol Waiver: \_\_\_\_\_

Blow  
UP'S

STAGE

Petting  
ZOO

Bar

Food Trucks

Vendors

Vendors

☐ - Dumpsters

☒ - Porta Potties

Martin Creek Dog Park

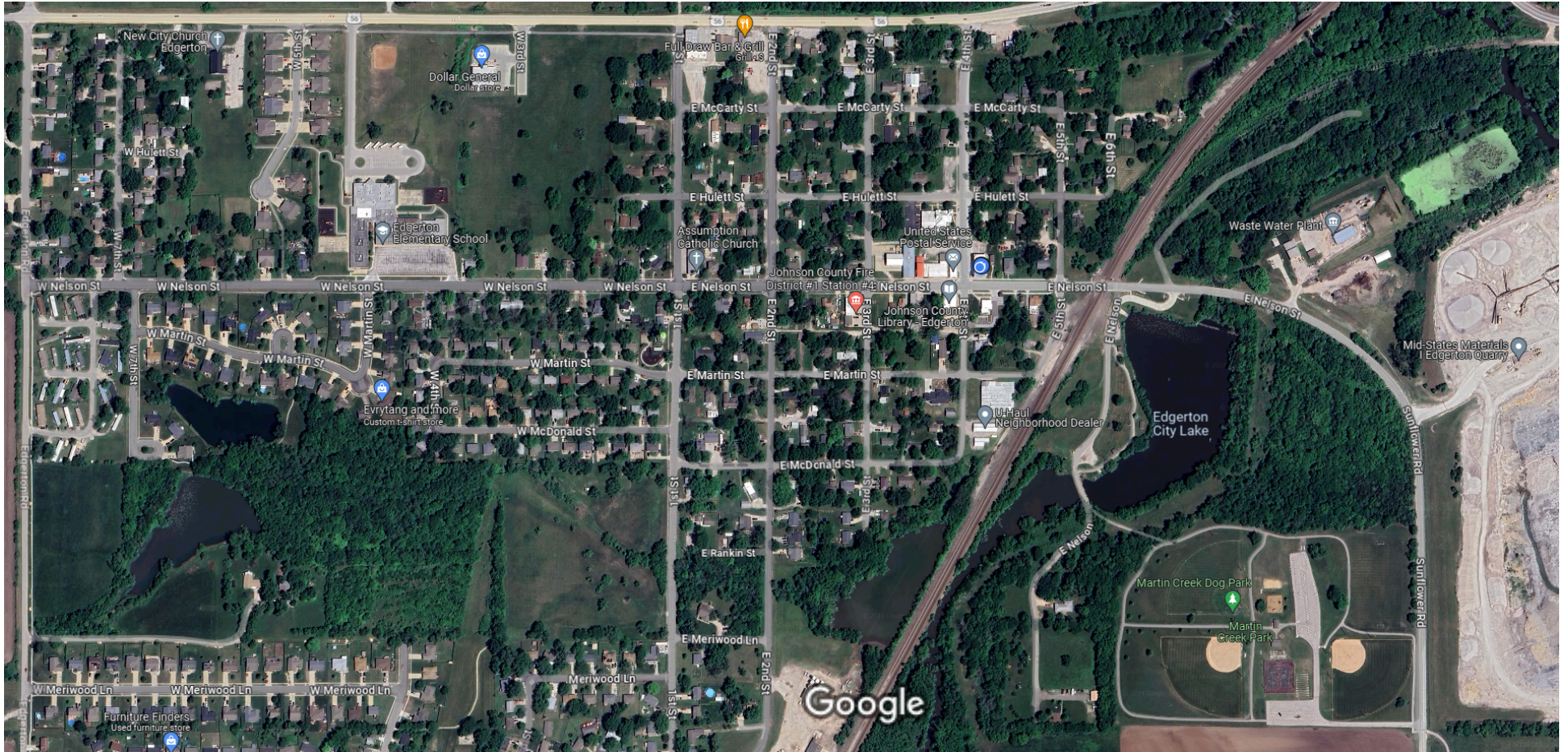


Martin  
Creek Park

Reserved Parking  
Reserved Parking  
Reserved Parking

Sunflower Rd

Sunflower Rd





## RESOLUTION NO. 04-25-24A

### **A RESOLUTION AUTHORIZING A SPECIAL EVENT PERMIT FOR THE SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR ON CERTAIN PUBLIC PROPERTY WITHIN THE CITY OF EDGERTON, KANSAS**

**WHEREAS**, the 2024 annual celebration known as Frontier Days is scheduled for June 14 through June 15 in the City of Edgerton, Kansas; and

**WHEREAS**, Article 5 of Chapter III of the Code of the City of Edgerton requires that an entity desiring to sell and serve alcoholic liquor on public property at an event open to the public must, in addition to obtaining the required permit from the State of Kansas, also apply and obtain a Special Event Permit from the City; and

**WHEREAS**, a request has been received by the City of Edgerton from the Edgerton Frontier Days Association for a Special Event Permit to sell and serve alcoholic liquor (i.e. alcoholic beverages other than 3.2% beer [a/k/a cereal malt beverage]) at its annual festival on June 14 and 15, 2024.

### **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS, THAT:**

**SECTION ONE: Special Event Permit Authorized:** That the Governing Body does hereby authorize the City Clerk, in accordance with Article 5 of Chapter III of the Edgerton City Code, to issue the Frontier Days Association a Special Event Permit for sale and consumption of alcoholic liquor per the requirements contained within Article 5 and with the following additional stipulations:

- a) The Special Event Permit provided for herein is only valid if the required permit from the State of Kansas is obtained by the Frontier Days Association.
- b) The sale and consumption of alcoholic liquor shall be allowed within Martin Creek Park (specifically designated and approved by the City Administrator) between the hours of 6:00 pm and 11:59 pm on June 14, 2024 and between the hours of 2:00 pm and 11:59 pm on June 15, 2024.
- c) Point of sale for alcoholic liquor shall be Martin Creek Park (20200 Sunflower Road) by properly licensed individuals or groups only
- d) No alcoholic liquor may be sold or dispensed in glass bottles or containers, only plastic, paper cups or cans may be used.

**SECTION TWO: Waiver of Application Fees:** The City of Edgerton, in appreciation for the many benefits enjoyed by the community from the annual Frontier Days festival, waives any City application or permit fees for issuance of the Special Event Permit.

**SECTION THREE - Effective Date:** This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body.

ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE 25<sup>TH</sup> DAY OF APRIL 2024.

ATTEST:

**CITY OF EDGERTON, KANSAS**

\_\_\_\_\_  
Chris Clinton, Deputy City Clerk

By: \_\_\_\_\_  
Donald Roberts, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Lee W. Hendricks City Attorney

## City Council Action Item

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**Council Meeting Date:** April 25, 2024

**Department:** Parks and Recreation

### **Agenda Item: Consider Resolution No. 04-25-24B Authorizing Permission to Use Requested City Buildings/Public Spaces and the Approval of Additional Service Requests During Edgerton Frontier Days**

**Background/Description of Item:** The Edgerton community celebrates its heritage with the annual Frontier Days celebration. Since 1971, this event has brought the town together through kids activities, crafts, food, music, and parade. This year's event will take place Friday, June 14th-Saturday, June 15<sup>th</sup> at Martin Creek Park. Full schedule of details may be found on the event website at [edgertonfrontierdays.com](http://edgertonfrontierdays.com). The event is put on each year by the Edgerton Frontier Days Association.

Similar to recent years, the Edgerton Frontier Days Association has made requests to use certain city facilities/public spaces. Below is a summary of those requests. Additionally, please find enclosed a draft resolution to approve those requests.

#### **Use of City Facilities/Public Spaces**

The Edgerton Frontier Days Committee has requested permission to use the following City Facilities/Public Spaces during the time of the festival:

- Martin Creek Park at 20200 Sunflower Road;
- City Offices at 312 East Nelson Street;
- City Hall at 404 East Nelson Street (outside of normal city business hours);
- Edgerton City Lake at 501 E 6<sup>th</sup> Street;
- Portions of Nelson Street.

#### **Additional Service Requests**

The Edgerton Frontier Days Committee has requested the following additional Service Requests to support the festival:

- Waive any City permit fees related to the event;
- City to order event dumpsters for the festival days;
- City to provide and coordinate shuttle service to and from Martin Creek Park due to change in location of event in 2024 due to construction of The Greenspace;
- Handicap parking signage;
- Street sweeping on Nelson Street before and after parade;

- City to barricade closed street for parade;
- Event flyer printing;
- Newspaper advertisement for event;
- Provide at least two Edgerton employees to be Public Safety liaisons during event;
- Coordination of additional resources from Sheriff's Office;
- Establish a temporary truck route to avoid the event area.

City staff has reviewed the facility/public space use requests, and other service requests and does not anticipate any conflicts or issues.

City staff recommends approving all requests pending submission/proof of the following:

- Special Event Permit
- Certificate of Insurance for Edgerton Frontier Days with the City of Edgerton additionally insured
- Certificate of Insurance for each Vendor with the City of Edgerton additionally insured

**Related Ordinance(s) or Statue(s):** N/A

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**Funding Source:** N/A

**Budget Allocated:** N/A

**Finance Director Approval:** N/A

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**Recommendation: Approve Resolution No. 04-25-24B Authorizing the Closure of Certain Public Streets During the Edgerton Frontier Days Festival, Permission to use requested City Buildings/Public Spaces, and the approval of additional Service Requests.**

**Enclosed:** Draft Resolution No. 04-25-24B

**Prepared by:** Brittany Paddock, Recreation Superintendent

## **RESOLUTION NO. 04-25-24B**

### **A RESOLUTION AUTHORIZING PERMISSION TO USE REQUESTED CITY BUILDINGS/PUBLIC SPACES, AND THE APPROVAL OF ADDITIONAL SERVICE REQUESTS FOR THE EDGERTON FRONTIER DAYS FESTIVAL**

**WHEREAS**, the City Council of the City of Edgerton, Kansas wishes to provide a safe and enjoyable Frontier Days Festival on June 14<sup>th</sup>, 2024 and June 15<sup>th</sup>, 2024; and

**WHEREAS**, the City has determined that the use of certain City facilities and public spaces would be beneficial to the safety and enjoyment of the Frontier Days Festival; and

**WHEREAS**, the following City owned facilities and public spaces will be reserved for the use of Edgerton Frontier Days:

- Martin Creek Park at 20200 Sunflower Road
- City Offices at 312 East Nelson Street
- City Hall at 404 East Nelson Street (outside of normal business hours)
- Edgerton City Lake at 501 E 6<sup>th</sup> Street
- Portions of Nelson Street

**WHEREAS**, the following service requests will be carried out by the City:

- Waive any City permit fees related to event
- City to provide and coordinate shuttle service
- Provide event dumpsters
- Handicap signage parking signage
- Street sweeping before and after parade
- City to barricade closed street for parade
- Event flyer printing
- Newspaper advertisement for event
- Provide at least two Edgerton employees to be Public Safety liaisons during event
- Coordination of additional resources from Sheriff's Office
- Establish a temporary truck route to avoid the event area

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EDGERTON, KANSAS** that the City hereby authorizes the above-named service requests are carried out for the durations specified above for the 2024 Edgerton Frontier Days Festival.

**SECTION ONE: EFFECTIVE DATE** This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body.

ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE 25TH DAY OF APRIL, 2024.

ATTEST:

CITY OF EDGERTON, KANSAS

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Chris Clinton, Deputy City Clerk

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Donald Roberts, Mayor

APPROVED AS TO FORM:

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Lee W. Hendricks, City Attorney

## City Council Action Item

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**Council Meeting Date:** April 25, 2024

**Department:** Parks and Recreation

**Agenda Item: Consider Resolution No. 04-25-24C Authorizing the Closure of a Public Street for the Edgerton Frontier Days Festival Parade in 2024.**

**Background/Description of Item:**

Edgerton Frontier Days committee has requested the following street closure for the Festival's parade. This road closure is needed to ensure a successful and safe event. This parade takes place on the morning of Saturday, June 15<sup>th</sup>, 2024.

To support the Festival's parade, City staff is requesting the following street closure:

- Nelson Street from West 8th to East 3rd Street for the set-up and duration of the Edgerton Frontier Days parade on Saturday, June 15<sup>th</sup>, 2024, barricades for preparation will be placed at 8:30 AM and the parade will conclude around 10:30 AM.

City staff has reviewed the proposed street closure and do not anticipate any conflicts or issues. City staff will notify the Johnson County Sheriff's Office, Johnson County Fire District 1 and Johnson County Med-Act of the proposed closing.

**Related Ordinance(s) or Statue(s):** N/A

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**Funding Source:** N/A

**Budget Allocated:** N/A

**Finance Director Approval:** N/A

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**Recommendation: Approve Resolution No. 04-25-24C Authorizing the Closure of a Public Street for the Edgerton Frontier Days Festival Parade in 2024.**

**Enclosed:** Resolution No. 04-25-24C

**Prepared by:** Brittany Paddock, Recreation Superintendent

**RESOLUTION NO. 04-25-24C**

**A RESOLUTION APPROVING THE CLOSURE OF A PUBLIC STREET NAMED HEREIN DURING EDGERTON FRONTIER DAY FESTIVAL PARADE IN 2024.**

**WHEREAS**, the City Council of the City of Edgerton, Kansas wishes to provide successful and safe community events in Edgerton; and

**WHEREAS**, the City has determined that the closure of a certain street would be beneficial to the safety and enjoyment of the Edgerton Frontier Days Festival Parade; and

**WHEREAS**, City staff has reviewed the proposed street closure and does not anticipate any conflicts or issues that would prevent said closure; and

**WHEREAS**, the following public street shall be closed to vehicular traffic for the setup, duration, and tear down of the Edgerton Frontier Days parade from approximately 8:30 AM until 10:30 AM on Saturday, June 15th, 2024:

- Nelson Street from West 8th to East 3rd Street

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EDGERTON, KANSAS** that the City hereby authorizes the closure of the public street named above for the duration of the Edgerton Frontier Days Festival Parade.

**SECTION ONE: EFFECTIVE DATE**

This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body.

ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE 25<sup>TH</sup> DAY OF APRIL, 2024.

ATTEST:

**CITY OF EDGERTON, KANSAS**

\_\_\_\_\_  
Chris Clinton, Deputy City Clerk

By: \_\_\_\_\_  
Donald Roberts, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Lee W. Hendricks, City Attorney



## City Council Action Item

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**Council Meeting Date:** April 25, 2024

**Department:** Parks and Recreation

### **Agenda Item: Consider Resolution No. 04-25-24D for Temporary No Parking Related to Frontier Days**

**Background/Description of Item:**

As part of the 2024 annual Edgerton Frontier Days festival, City staff is requesting that parking be prohibited on a portion of a certain street during the festival in order to ensure unobstructed access for the fire department.

Staff is requesting that the following street be closed to parking on Friday, June 14, 2024 at 12:00 P.M. to Monday, June 17, 2024 at 9:00 A.M. **on both sides:**

- **East 3<sup>rd</sup> Street:** West Morgan Street to East Martin Street.

**Related Ordinance(s) or Statue(s):** n/a

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**Funding Source:** N/A

**Budget Allocated:** N/A

**Finance Director Approval:** N/A

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### **Recommendation: Approval of Resolution No. 04-25-24D for Temporary No Parking Related to Frontier Days**

**Enclosed:** Draft Resolution No. 04-25-24D

**Prepared by:** Brittany Paddock, Recreation Superintendent

**RESOLUTION 04-25-24D**

**A RESOLUTION OF THE CITY OF EDGERTON, KANSAS, PROVIDING FOR THE CREATION OF TEMPORARY NO PARKING ZONES ON A CERTAIN STREET TO PERMIT THE HOLDING OF FRONTIER DAYS 2024**

**WHEREAS**, the annual Frontier Days festival will be held in the City of Edgerton on June 14<sup>th</sup> and June 15<sup>th</sup>, 2024; and

**WHEREAS**, Frontier Days festival parade will still be held along Nelson Street, which will necessitate the creation of no parking zones to allow the fire department unobstructed access for emergencies;

**WHEREAS**, the creation of temporary no parking zones is necessary to permit the festival to be held.

**THEREFORE, BE IT RESOLVED** by the City Council of Edgerton, Kansas;

That a no parking zone is hereby created from Friday, June 14, 2024 at 12:00 P.M. to Monday, June 17, 2024 at 9:00 A.M. **on both sides** of the following street:

- East 3<sup>rd</sup> Street, from East Nelson to West Morgan Street.

PASSED AND APPROVED by the City Council of Edgerton, Kansas on the 25<sup>th</sup> day of April, 2024.

ATTEST:

CITY OF EDGERTON, KANSAS

\_\_\_\_\_  
Chris Clinton, Deputy City Clerk

By: \_\_\_\_\_  
Donald Roberts, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Lee W. Hendricks, City Attorney

## City Council Action Item

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**Council Meeting Date:** April 25, 2024

**Department:** Parks and Recreation

**Agenda Item: Consider Resolution 04-25-24E Recognizing the Edgerton Frontier Days as a “Public Festival” for Purposes of the City’s Noise Restrictions**

**Background/Description of Item:**

The Edgerton community celebrates its heritage with the annual Frontier Days celebration. Since 1971, this event has brought the town together through kids activities, crafts, food, music, and parade. This year’s event will take place Friday, June 14<sup>th</sup> and Saturday, June 15<sup>th</sup> at Martin Creek Park. Full schedule of details may be found on the event website at [edgertonfrontierdays.com](http://edgertonfrontierdays.com). The event is put on each year by the Edgerton Frontier Days Association.

Within this resolution is to recognize Edgerton Frontier Days as a “public festival” in order to waive the City’s noise restrictions on the evenings of Friday, June 14, 2024 and Saturday, June 15, 2024.

**Related Ordinance(s) or Statue(s):** Article 6 of Chapter XI of the Code of the City of Edgerton

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**Funding Source:** N/A

**Budget Allocated:** N/A

**Finance Director Approval:** N/A

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**Recommendation: Approve Resolution 04-25-24E Recognizing the Edgerton Frontier Days as a “Public Festival” for Purposes of the City’s Noise Restrictions**

**Enclosed:** Resolution 04-25-24E

**Prepared by:** Brittany Paddock, Recreation Superintendent

**RESOLUTION NO. 04-25-24E**

**A RESOLUTION RECOGNIZING EDGERTON FRONTIER DAYS AS A "PUBLIC FESTIVAL" FOR THE PURPOSES OF THE CITY'S NOISE RESTRICTIONS**

**WHEREAS**, the City Council of the City of Edgerton, Kansas wishes to partner with Edgerton Frontier Days Association to provide a safe and enjoyable Edgerton Frontier Days; and

**WHEREAS**, Article 6 of Chapter XI of the Code of the City of Edgerton regulates the levels of noise and sound within the City but said regulations do not apply when the governing body recognizes the event where the noise and sound is to occur as a "public festival".

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS, THAT:**

**SECTION ONE: Edgerton Frontier Days a "Public Festival":** Edgerton Frontier Days is hereby recognized as a public festival and, therefore, the noise restrictions contained within Article 6 of Chapter XI of the Code of the City of Edgerton shall not apply to noise and sounds made or generated by the public festival to be held on June 14 and 15, 2024.

**SECTION TWO: Effective Date:** This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body.

ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE 25TH DAY OF APRIL 2024.

ATTEST:

**CITY OF EDGERTON, KANSAS**

\_\_\_\_\_  
Chris Clinton, Deputy City Clerk

By: \_\_\_\_\_  
Donald Roberts, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Lee W. Hendricks, City Attorney

## City Council Action Item

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**Council Meeting Date:** April 25, 2024

**Department:** Community Development

**Agenda Item: Consider Ordinance No. 2159 Amending Chapter IV – Buildings, Construction and Fire Of The Municipal Code Of The City Of Edgerton, Kansas And Repealing All Ordinances Or Parts Of Ordinances In Conflict Therewith.**

**Background/Description of Item:**

The International Code Council (ICC) includes a diverse family of codes that provide minimum requirements for the construction and maintenance of both commercial and residential buildings. The various disciplines in the construction industry are governed by separate codes which specifically address that discipline. This suite of codes is updated every three (3) years by the International Code Council following input and votes from code officials worldwide.

The City of Edgerton adopted the 2006 ICC suite of codes in 2010 with Ordinance 891, which also adopted the City's Code of Regulations for Buildings and Construction. The Code of Regulations supplemented Chapter IV of the Municipal Code by including amendments to each of the Codes adopted, as well as providing additional regulations for items not covered by the ICC suite, such as blasting and land disturbance.

In 2021, staff worked with George Butler Associates (GBA) on creating a scope for updating the City's adopted building codes to the 2018 ICC suite of codes. GBA assisted staff with research and input on the 2018 code suite, and attended two (2) work sessions with the City Council in the spring of 2023, where changes from the 2006 to the 2018 codes were discussed for the International Building Code (IBC) and the International Residential Code (IRC). In October 2023, the City hired an in-house Building Inspector who has worked with other jurisdictions previously to update their adopted codes to the 2018 ICC suite. Two (2) additional work sessions were held to discuss updates to the 'trade' codes (International Fuel Gas Code, Plumbing Code, Mechanical Code, Existing Building Code, National Electric Code) included in the ICC suite (February 8, 2024) and the updates to the International Fire Code (IFC) (February 22, 2024). Since those work sessions, staff has been working to refine the ordinance language included in this packet, as well as include proposed amendments to each of the codes of the ICC suite to tailor them to best suit our community.

Amendments to each of the codes of the ICC suite are included in their respective sections of the proposed updated Chapter IV of the Municipal Code. Additionally, the regulations that were previously included in Chapter VII (Fire) of the Municipal Code and in the Code of Regulations

for Buildings and Construction for the City of Edgerton, Kansas have been consolidated to be provided in Chapter IV of the Municipal Code as well.

The codes from the 2018 ICC suite that are proposed to be adopted with this update to Chapter IV of the Municipal Code are as follows:

1. International Building Code (IBC)
2. International Residential Code (IRC)
3. International Fuel Gas Code (IFGC)
4. International Plumbing Code (IPC)
5. International Mechanical Code (IMC)
6. International Existing Building Code (IEBC)
7. National Electric Code (NEC)
8. International Fire Code (IFC)
9. International Energy Conservation Code (IECC)

Since each of the work sessions held with City Council between 2023 and 2024, some changes to what was presented at the work sessions discussing the IBC and IRC have been introduced as staff has researched further. Notable changes are listed below:

1. Introduction of work hours. – The City currently does not have a restriction on the hours that someone may conduct work or construction. Staff is proposing that an amendment prescribing work hours be introduced in Section 104.3 of the IBC. These work hours would allow work Monday – Friday, 7:00 AM to 6:00 PM, Saturday from 8:00 AM to 6:00 PM, and would prohibit work on Sundays.

These work hours would not apply to any repair or remodeling work performed by the owner(s) or occupant(s) of single- or two-family dwellings, nor would they apply to repair work performed on an emergency basis. Additionally, staff may permit an 'extended construction work hours permit' on a case-by-case basis.

2. Storm shelters for residential development. – During the work session for the IRC in 2023, City Council discussed potentially amending in a requirement for storm shelters in residential development. It was also previously discussed during by City Council on August 11, 2022. A copy of those minutes related to this item have been included with this packet for reference.

The unamended IRC requires that *if* a storm shelter is to be provided, that it must meet the requirements of ICC/NSSA-500 in addition to other requirements of the ICC code suite. This, however, does not require that a single- or two-family home provide a storm shelter either in the residential unit or a community shelter.

Following staff's research, the only two (2) communities in the Kansas City metro that have amended in language requiring that a storm shelter be provided for a single- or two-family dwelling unit are the City of Olathe, and the Unified Government of Wyandotte County and the City of Kansas City, Kansas.

If City Council would like to consider some level of requirement for inclusion in the IRC for storm shelter in residential construction Staff has identified three options to amend the IRC. Option (1) to require a storm shelter be provided in each single-family or two-family home. Option (2) to require a storm shelter at time of original construction for any single-family or two-family home unless the property owner signs an affidavit waiving or "opting out" of this requirement. Option (3) allow for construction and maintenance of a community storm shelter (maintained by the HOA) for a designated percentage of single-family or two-family homes without a shelter in the development.

If City Council approves the ordinance as drafted, the unamended IRC does not require that a single- or two-family home provide a storm shelter either in the residential unit or a community shelter. However, *if* a storm shelter is to be provided, that it must meet the requirements of ICC/NSSA-500 in addition to other requirements of the ICC code suite.

3. International Energy Conservation Code (IECC) – Included with the attached draft ordinance that would update the City's Building Code suite is the International Energy Conservation Code. The City does not currently have an Energy Conservation Code adopted, however is proposing to introduce the 2018 IECC. Residential energy conservation requirements were discussed during the work session discussing the IRC, and no changes to staff's recommendation have been made there. Staff is recommending minimal amendments to the commercial section of the 2018 IECC, which is included as the proposed Article 10 of the revised Chapter IV of the Municipal Code.
4. Mobile Food Preparation Vehicles – The 2018 edition of the IFC introduces Section 319 which includes fire protection requirements for Mobile Food Preparation Vehicles, commonly known as food trucks. Staff needs additional time to conduct research for Mobile Food Preparation Vehicles to have a better understanding of what potential adoption of this Section in the future might mean for vendors that operate in the City. At this time, staff is recommending that Section 319 of the IFC be amended out of the City's adopted Code, meaning that there is no change to the current requirements for mobile food vendors in the City at this time. Staff will conduct additional research, and will provide an update in the future.

The enclosed draft Ordinance has not yet been reviewed by the City Attorney. Staff recommends approval of the Ordinance pending any revisions by the City Attorney following review.

**Related Ordinance(s) or Statue(s):** Edgerton Municipal Code, Chapters IV and VII; Ordinance 891, Code of Regulations for Buildings and Construction for the City of Edgerton, Kansas

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**Funding Source:** CIP

**Budget Allocated:** \$27,300

x Karen E. Kindle

**Finance Director Approval:** Karen Kindle, Finance Director

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**Recommendation: Approve Ordinance No. 2159 Amending Chapter IV- Buildings, Construction and Fire Of The Municipal Code Of The City Of Edgerton, Kansas And Repealing All Ordinances Or Parts Of Ordinances In Conflict Therewith.**

**Enclosed:** Minutes August 11, 2022  
DRAFT Ordinance 2159

**Prepared by:** Zachary Moore, Development Services Director



**City of Edgerton, Kansas**  
**Minutes of City Council Regular Session**  
**August 11, 2022**

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on August 11, 2022. The meeting convened at 7:22 PM with Mayor Roberts presiding.

**1. ROLL CALL**

Clay Longanecker	present
Josh Lewis	present
Josh Beem	absent
Josie Stambaugh	absent
Deb Lebakken	present via telephone

With a quorum present, the meeting commenced.

Staff in attendance: City Administrator, Beth Linn  
Planning and Zoning Coordinator/Deputy City Clerk, Chris Clinton  
Public Works Director, Dan Merkh  
Public Works Superintendent, Trey Whitaker  
Development Services Director, Katy Crow  
Accountant, Justin Vermillion  
Capital Improvement Project Manager, Brian Stanley  
Finance Director, Karen Kindle

**2. WELCOME**

**3. PLEDGE OF ALLEGIANCE**

**Consent Agenda** (*Consent Agenda items will be acted upon by one motion unless a Council member requests an item be removed for discussion and separate action*)

4. Approve Minutes from July 28, 2022 Regular City Council Meeting
5. Approve Resolution 08-11-22A Appointing Beth Linn as Zoning Administrator for the City of Edgerton.

Councilmember Longanecker made motion to approve the consent agenda, seconded by Councilmember Lewis. The items were approved, 3-0.

**Regular Agenda**

6. **Declaration.** At this time Councilmembers may declare any conflict or communication they have had that might influence their ability to impartially consider today's issues.

There were no declarations made by the Councilmembers.

7. **Public Comments.** The City of Edgerton encourages public participation in local governance issues. To facility an efficient and effective meeting, persons wishing to address

the City Council must sign-up before the meeting begins. Speakers must provide their name and address for the record and are limited to three (3) minutes. The maximum time limit for all speakers will be thirty (30) minutes. Comments on personnel matters or matters pending before court/other outside tribunals are not permitted. Any comments are for informational purposes only. No action will be taken. The Mayor may modify these provisions , as necessary. The Mayor may limit any unnecessary, off-topic, or redundant comments or presentations. Speakers should address their comments to City Councilmembers only and should not speak to fellow audience members. City Council members should conduct themselves in a civil and respectful manner. Disruptive conduct may result in removal from the meeting.

Mr. James Oltman, President of ElevateEdgerton!, approached the Council. He stated he is speaking in support of the proposed Planned Unit Development (PUD). He explained Edgerton is in need of additional housing. This is confirmed by the Edgerton housing assessment completed last year. There are real life examples of this need being shown, including a previous Councilmember needing to move out of the City as there was not a house to fit their needs. Rausch Coleman has been discussing a possible development in the City since July 23, 2018, so this proposal has been years in the making. This particular developer will be able to market the homes to large number of buyers. Potential buyers would include people looking for larger homes, older people wanting to downsize, and first-time home buyers. This proposal has not been made in haste and is well researched. He implored the Council to be on the side of progress.

Mr. Dan Merkh, Public Works Director, spoke before the Council. He introduced Mr. Rick Scholler, who is a new Public Works employee. Mr. Scholler stated he currently lives in Wellsville and has done hands-on work all his life. He wanted to be closer to home and has enjoyed learning new things during his first few days employed with the City. He said he has worked on farms and like to go fishing and hunting. The Council welcomed Mr. Scholler to the City. Mr. Merkh explained Public Works is almost fully staffed once again.

### **Business Requiring Action**

- 8. CONSIDER ORDINANCE NO. 2113 ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2022-01 FOR THE REZONING OF APPROXIMATELY 80.4 ACRES OF LAND LOCATED AT THE SOUTHWEST CORNER OF 207<sup>TH</sup> STREET/BRAUN STREET AND 8<sup>TH</sup> STREET/EDGERTON ROAD FROM JOHNSON COUNTY "RUR (RURAL DISTRICT) TO CITY OF EDGERTON "PUD" (PLANNED UNIT DEVELOPMENT) ZONING.**

Ms. Katy Crow, Director of Development Services, approached the Council. She reminded the Council about the presentation a few months ago about Planned Unit Developments and how they operate. This is the first development application of this type in Edgerton. She stated the City of Edgerton received the rezoning Application ZA2022-01 from Jesse Fulcher, the applicant representative for the owners, Dennis L. Dwyer, Vickie J. Dwyer, David L. Dwyer, and Kendra L. Dwyer, and the developer, Rausch Coleman Homes, requesting the rezoning of an 80.4-acre parcel located southwest corner of 207<sup>th</sup> Street/ Braun Street and 8<sup>th</sup> Street/Edgerton Road in Edgerton, Kansas from Johnson County "RUR" zoning to City of Edgerton "PUD" zoning. The parcel was annexed into the City of Edgerton on April 14, 2022.

The current zoning designation of RUR is considered a holding designation and thus an appropriate zoning designation is required under the City of Edgerton Unified Development Code (UDC) for development. This request is to rezone the parcel to Planned Unit Development (PUD) with the intent of developing a 275 single family residential home development, which is Conceptual Plan Application PUD2022-01, which will be presented later to the Council.

Ms. Crow explained City staff reviewed the rezoning application with respect to the Edgerton Comprehensive Plan, the Edgerton UDC Zoning and Subdivision Regulations, and the laws of the State of Kansas, in particular the "Golden Criteria" as established by the Supreme Court of Kansas in 1978. She said the Planning Commission held a Public Hearing on July 12, 2022 regarding this rezoning request and voted 3-0 to recommend approval of Application ZA2022-01 subject to two stipulations. Those stipulations are all infrastructure requirements of the City are met and all requirements of the City for a PUD are met. She informed the Council that copies of the Staff Report and draft minutes were included in the packet. City staff has not received any further public comment for this application following the Planning Commission action on July 12, 2022.

Councilmember Longanecker moved to approve Ordinance No. 2113. Councilmember Lewis seconded the motion. Ordinance No. 2113 was approved, 3-0.

**9. CONSIDER ORDINANCE NO. 2114 ADOPTING THE RECOMMENDATION OF THE EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION PUD2022-01 FOR A PLANNED UNIT DEVELOPMENT CONCEPT PLAN FOR 80.4 ACRES OF LAND LOCATED AT THE SOUTHWEST CORNER OF 207<sup>TH</sup> STREET/BRAUN STREET AND 8<sup>TH</sup> STREET/EDGERTON ROAD IN EDGERTON, KANSAS.**

Ms. Crow spoke before the Council. She stated that the first step for a Planned Unit Development (PUD) is the rezoning which was done by Ordinance No. 2113. The Conceptual Plan is the next step and will take the place of the Preliminary Plat that is typically done with other developments.

Ms. Crow explained the project acreage is divided by use. The residential lots will comprise 48.2 acres, the green space will make up 9.7 acres, the storm drainage will contain 3.4 acres, and the remaining 19.1 acres will be made up of dedicated right-of-way. The houses in the subdivision will be three (3) to four (4) bedrooms with two (2) or 3 baths and range from 1,300 square feet to 2,400 square feet. Each home will have a 2 or 3 car garage and all of the front façades will be completely masonry on the first floor. She said there will be a Homeowner's Association (HOA) with a Declaration of Covenants, Conditions, and Restrictions (CCR's) that only owners within the subdivision must abide by. She said a tree that measures one and a half (1.5) to two (2) in inches in caliper shall be planted in the front yard of every lot. There will be trees planted every forty (40) feet along 8<sup>th</sup> Street/Edgerton Road and 207<sup>th</sup> Street/Braun Street along the exterior of the subdivision. The applicant has indicated that home prices are anticipated to be between \$275,000 and \$350,000. Ms. Crow said the development will be split into 4 phases over 5 years. The first phase will have eighty-one (81) lots, the second phase will have seventy (70) lots, the third phase will have sixty-one (61) lots, and the final phase will be made of sixty-three (63) lots.

Ms. Crow said the UDC states the purpose of a PUD is to encourage and allow a more creative and imaginative project design that is possible under standard district zoning regulations. The flexibility allowed when designing a PUD will result in a community which can include more green space for recreational activities, walking trails, playgrounds, and other amenities. She explained there is a difference from the proposed lot sizes than that of standard requirements for R-1, single-family residential, zoning. The applicant has requested a departure from the standard lot width of 70 feet as some of the interior lots in the subdivision are fifty (50) feet wide. The UDC requires that perimeter lots of a PUD match the width or depth of adjacent properties. This development meets that requirement.

Councilmember Longanecker inquired if the narrower lots will change the setback requirements.

Ms. Crow said as a balance to the narrower lots on the interior of the subdivision, the applicant has included a ten (10) foot walking trail along 207<sup>th</sup> Street/Braun Street and 8<sup>th</sup> Street/Edgerton Road, a playground area in the center of the development and proposed sidewalks throughout the development. She stated in addition to the lot width and setback deviations, the applicant has requested a departure from the PUD requirement of sixteen (16) feet between single family detached dwellings. The applicant is requesting the spacing between the residential units be 10 feet with each dwelling unit having a five (5) foot side yard setback with that setback being measured to the exterior building wall. She explained this would allow overhangs or eaves to encroach into the setback. The City's contracted building official review has noted that all aspects of the building, eaves included, needs to be a minimum of 10 feet apart, unless fire rated materials, such as cement fiberboard, are used in construction.

Ms. Crow stated Article 6, Section 6.1(C)(9)(b) of the UDC states that any departure from the any requirement specified in the UDC or other City ordinances and regulations is a privilege and shall be granted upon recommendation of the Planning Commission and approval by the Governing Body. Both City staff and the Planning Commission recommended approval of the departure from the standard R-1 lot sizes for this project and the standards for setback distances as long as fire rated materials are used in construction.

Ms. Crow explained on July 12, 2022, the Planning Commission held a public hearing regarding this Conceptual Plan request and voted 3-0 to recommend approval of Application PUD2022-01 subject to stipulations. Those stipulations are all infrastructure requirements of the City are met, all requirements of the City for a PUD are met, and the Planning Commission recommendation to grant the departure from PUD standards for setback distance on side yards between residential units as long as fire rated materials are used in construction. She said the Staff Report and draft minutes were provided in the packet. City staff has not received any further public comment for this application following the Planning Commission action on July 12, 2022.

Mayor Roberts explained a PUD is a give and take development. The City allows items that differ than traditional development and the developer adds amenities and other incentives for the buyers. He said he has received phone calls about requiring storm shelters for houses that will not have basements. He knows of shelters that people can buy and install in the garage or elsewhere in the house. Mayor Roberts stated he knows it is an option for

buyers to select to have it installed during the construction of the home, but he inquired if Rausch Coleman would have it as a standard item to be included and if the homebuyer wants to opt out of the installation of the storm shelter, they can.

Mr. John Stone with Rausch Coleman addressed the Council. He answered that Rausch Coleman has only one (1) community that has that requirement. He explained the size of the storm shelter takes up enough space in a garage that an owner of a pick-up truck will not be able to fit their truck in the garage. Restrictions like that will hurt sales and the price can make the homes unaffordable for first-time homebuyers. Mr. Stone explained during their internal discussions, Rausch Coleman would need to charge roughly \$4,000 for 3-bedroom house and about \$5,000 for a 4-bedroom house. It is possible to get a storm shelter and install it on a model home to show it as an option so potential buyers get an idea how much space one takes up.

Mayor Roberts stated from the community's perspective, it would show good will towards the potential residents and would help fix a growing concern. He stated an area storm shelter that is managed by the HOA is another solution. He is aware this is a premature discussion, but it is a community desire to address it. Mr. Stone agreed it is a safety concern and having a family of his own, he understands the concern. He said having a storm shelter on display in the model home would be a good way for people to see it and better decide if they want to pursue that option.

Mayor Roberts said the installation of the storm shelter can be included in the mortgage if the home is still under construction. Councilmember Longanecker agreed and said the shelter would need to be installed during construction of the house. Mr. Stone explained the storm shelter would need to be attached to the property prior to the mortgage being agreed upon. Councilmember Longanecker said the shelter would have to be installed prior to closing on the property.

Councilmember Lewis inquired if any of the houses will have a basement. Mr. Stone answered that some houses will have basements, but in order for Rausch Coleman to offer a range of prices, they mostly construct houses on slabs as it is much cheaper.

Mayor Roberts stated it is best to for the storm shelter to be standard and the buyers have the option to remove the storm shelter. He said he is attempting to quell any concerns regarding the safety of the future residents. Mr. Stone agreed it is best to have the choice of the storm shelter. Mayor Roberts reiterated his sentiment that the storm shelters should be opted out of, instead of opting to have one installed. Mr. Stone explained there is more prep work to install a storm shelter, especially when there is a lot of them ordered. Mayor Roberts stated this discussion does not stop the Council from taking action on this item, but the storm shelter requirement could be discussed during the drafting of the development agreement. He would rather the option be to remove the storm shelter instead of the option of adding one on.

Mayor Roberts inquired if the storm shelter could be installed outdoors. Ms. Crow replied there are requirements for accessory structures and lot coverage for R-1 zoned parcels, but with the PUD there is flexibility for those requirements to be stipulated. She added it is not required by the current adopted building code, but some municipalities have put in their

UDC or adopted the requirement as part of the building code. Mayor Roberts said he does not mind if the storm shelter is outdoors as part of a patio and if a homeowner does not want it, they have the option to not have it installed. He recognizes that some of the storm shelters are aesthetically pleasing, but the inside of the shelter is much more beautiful in the middle of a tornado and homeowner could paint it. Ms. Crow said that is a possibility depending on the HOA requirements. Mayor Roberts recommended Rausch Coleman have a conversation with a company that offers storm shelters. He has seen a lot of info on the New Day Tornado Shelter that a lot of people call "the Egg." The New Day Tornado Shelter website was shown on the screen. Mayor Roberts the interior could be tight, especially for bigger families, but it is better than nothing during a tornado.

Councilmember Longanecker inquired if this development needed to be done as a PUD. Mr. Stone answered a PUD is not as prevalent as doing traditional R-1 zoning. Mr. Shawn Cheevers, Rausch Coleman Homes, said he has built PUDs before. Councilmember Longanecker asked how many people want a house on a slab versus a basement. Mr. Cheevers replied building on a slab is cheaper and in Blue Springs, Missouri they are seeing empty nesters love a house on slab since there are no stairs at all. He explained that a ranch house will still have some stairs to get into the home if constructed on a basement. The development in Blue Springs is roughly eighty percent (80%) of homes on slabs, especially a ranch style house.

Mr. Cheevers said first-time home buyers are typically moving out of townhomes and apartments that do not have storm shelters, so they are generally not concerned about not having one. He explained the Egg is one type of shelter that can be installed in a closet and outdoors as there are pillars that go ten (10) to twelve (12) feet into the ground. When a tornado shelter is rated to withstand a F5 tornado, it is rated purely for the wind speed. The main threat in a tornado is the debris. The debris is what causes most of the injuries or deaths attributed to tornados. Mayor Roberts agreed and said people are in the storm shelters for a maximum of thirty (30) minutes. Mr. Cheevers stated being inside a house has its benefits as there are other weather hazards with a severe thunderstorm. He explained that adding a basement to a house adds roughly \$30,000 to \$35,000 to the price of a new house. Installing a basement all depends on the type of soil and topography of the lot. Mr. Cheevers said he knows and has met the developer of the Egg and it can be purchased at major retailers in some areas. He stated that homes constructed on a slab do have their advantages. Mayor Roberts added it is currently recommended for people to shelter in place during tornadic storms and that is why a storm shelter area should be included inside the home. Mr. Cheevers said Rausch Coleman will research a solution that benefits all of the parties. He explained he has not opted to get a shelter for his townhome. Mayor Roberts said a lot of cities that require storm shelters have been hit or nearly hit by a tornado. There are places in town that do not have storm shelters as is and he does not want to add to that number. He stated this will be discussed more later as discussion of the development agreement continues. He feels there is value in storm shelters and having that option might help buyers decide to buy here in Edgerton.

Councilmember Longanecker stated he read through the HOA's CCRs and was impressed by it. He inquired as to what sureties does the City have that the HOA will maintain the grounds and other requirements listed in the CCRs. Mr. Cheevers replied that Rausch Coleman will hire a 3<sup>rd</sup> party company to manage the HOA and that is what the company

does. The 3<sup>rd</sup> party will help start the HOA then the community members will join the board and run the HOA. The HOA will mow the greenspaces, do the general maintenance of the park, and beautification of the common spaces. Homeowners can meet during the board meetings, and they could decide to add amenities if the community wishes to do so. He said the HOA is a great way of getting homeowners to volunteer for their community. The HOAs Rausch Coleman installs are always ran by 3<sup>rd</sup> party companies that oversee many HOAs in the Kansas City metro area. Mr. Cheevers explained the City can and will still enforce the municipal code and the lawns must adhere to the City standard. Councilmember Longanecker stated the HOA has more strict standards than the City. Mr. Cheevers replied the HOA is installed to handle minor issues and to keep the community conforming to a more uniform style. He said it will help maintain property values in the subdivision since there will not be any outliers in style. Mayor Roberts explained a HOA is a sub form of government and if the HOA decides to add a pool and those homeowners want to increase their dues, they can do so. He said the more expensive HOAs will maintain all of the exterior landscaping, mowing of people's lawns, and snow removal. This proposed HOA will not be like that. Mr. Cheevers agreed and stated Rausch Coleman want affordable housing and as part of that goal they stay away from pools because of the added costs and liability. They install the base amenities to start harmoniously and allow the residents decide the future of the subdivision.

Ms. Crow stated this is the first step of development. The applicant will need to return with a Final Plan and Plat. Mayor Roberts inquired if a Final Plan and Plat will be needed for each phase. Ms. Crow answered that is up to the applicant. They can do one large Final Plan and Plat for the entire parcel, or a Final Plan and Plat can be done for each phase. Ms. Beth Linn, City Administrator, stated the development agreement will be presented to the Council at a later date as well.

Mayor Roberts said it has been 4 years since the first communication Rausch Coleman has had with the City. They have been great to work with and have had a good dialog and open conversations since the start. He explained that is not the case with all developers. Mr. Stone stated the City has been pleasant to deal with and they have not always had that sentiment for every city. Mayor Roberts explained development is a two-way street and if both parties are willing to work together, it goes smoother.

Councilmember Longanecker moved to approve Ordinance No. 2114. Councilmember Lewis seconded the motion. Ordinance No. 2114 was approved, 3-0.

#### **10. Report by the City Administrator**

- 2<sup>nd</sup> Quarter Financial Report

Ms. Karen Kindle, Finance Director, addressed the Council. She stated she will review the General Fund first. She started with the revenues. She stated that 83.3% of the Ad Valorem tax, which is paid as property tax, has had 2 of the 3 distributions paid to the City and the remaining will be paid shortly. The Local Compensating Use Tax is hard to predict because it depends on what companies and individuals purchase for delivery to their home or place of business, but the revenue is ahead of the budget. She explained that is the same with the County Use Tax. In the Charges for Services revenue, the City is ahead of what was budgeted due to the payment from the Tax Increment Financing

for Edgerton Crossing and event sponsors. Ms. Kindle stated that generally, the City is on track with expenditures. The second quarter bill from the Johnson County Sheriff has not been paid at this time. Fees regarding Economic Development were transferred in July and will not show on this report. Information Technology is lower at this time because of the software contract is renewed. She said the City is within the required reserves and within its budget authority.

Ms. Kindle addressed the Water Fund. She said the revenues are on target. The expenditures are on track. The Fleet Maintenance expenditure is spent as needed to maintain the vehicles. She said the City is within required reserves and its budget authority.

Ms. Kindle then focused on the Sewer Fund. She said the revenues are at what is typically seen at this time of the year. The amount of revenue is affected by the commercial users and depends on the watering of the properties. The revenue will increase after dry months as watering increases. She explained the expenditures are in line. The City made one more bond payment earlier this month and transfers were completed in July so those will be seen on next quarterly report. She said the City is at the required reserves and within its budget authority.

#### **11. Report by the Mayor**

- Mayor Roberts thanked everyone for their patience during the delay of the start of the meeting. He thanked Councilmember Lebakken for joining the meeting, even during a family crisis.

#### **12. Future Meeting Reminders:**

- August 25<sup>th</sup>: City Council Meeting – 7:00PM
- September 8<sup>th</sup>: City Council Meeting – 7:00PM
- September 13<sup>th</sup>: Planning Commission Meeting – 7:00PM
- September 22<sup>nd</sup>: City Council Meeting – 7:00PM
- October 11<sup>th</sup>: Planning Commission Meeting – 7:00 PM
- October 13<sup>th</sup>: City Council Meeting – 7:00PM
- October 27<sup>th</sup>: City Council Meeting – 7:00PM

#### **13. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319(B)(2) FOR CONSULTATION WITH AN ATTORNEY DEEMED PRIVILEGED IN THE ATTORNEY/CLIENT EXCEPTION TO INCLUDE THE CITY ATTORNEY, CITY ADMINISTRATOR, AND BOND COUNSEL FOR THE PURPOSES OF CONTRACT NEGOTIATIONS.**

Councilmember Longanecker moved to table the executive session to the August 25, 2022 meeting due to the absence of the City Attorney. Councilmember Lewis seconded the motion. The executive session was table to the August 25, 2022 meeting, 3-0.

#### **14. Adjourn**



Councilmember Longanecker inquired to the timeframe for development of the PUD. Mr. Stone answered Rausch Coleman will have to get the development plans in order and get bids for materials. He estimated it will take thirty (30) to sixty (60) days to get those bids. Councilmember Longanecker asked when development will start. Mr. Stone replied at this moment, it is too early to tell yet as there are still some items to clarify. Councilmember Longanecker asked if could be by spring. Mr. Cheevers said they will have to go back to engineering to get plans finalized, but hopefully around April of 2023 they will be able to start moving dirt and installing some of the infrastructure. He estimated possible by third quarter of 2023 to start construction of houses. Mayor Roberts added he is hoping to see a home on the market by the end of next year. Councilmember Longanecker stated he wanted to ask as many others will have this question. Mayor Roberts agreed and said those questions will really arise when equipment is on site.

Councilmember Lewis moved to adjourn the meeting. Councilmember Longanecker seconded the motion. The meeting was adjourned at 8:12 PM, 3-0.

**ORDINANCE NO. 2159**

**AN ORDINANCE AMENDING CHAPTER IV OF THE CITY CODE OF THE CITY OF EDGERTON, KANSAS.**

**WHEREAS**, the City desires to update its building standards by adopting the 2018 Editions of the International Building Code, International Residential Code, International Fuel Gas Code, International Plumbing Code, International Mechanical Code, International Existing Building Code, International Fire Code and 2017 National Electrical Code - NFPA 70.

**WHEREAS**, §4-201, 4-301, 4-401, 4-501, 4-601, 4-701, 4-801, 4-901, 4-1001 of Chapter IV of the City Code of the City of Edgerton, Kansas adopts the 2018 editions of the International Building Codes; and

**WHEREAS**, the requirements of the Code of Regulations of Buildings and Construction for the City of Edgerton have been relocated to Chapter IV of the City Code of the City of Edgerton, Kansas.

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EDGERTON KANSAS:**

**SECTION ONE:** Chapter IV of the Edgerton Municipal Code is hereby amended to read as is provided in Exhibit A.

**SECTION TWO:** This Ordinance is adopted under the authority of K.S.A. 12-3009 and K.S.A. 12-3010.

**SECTION THREE:** REPEAL OF CONFLICTING ORDINANCES. Any Code provisions of the Code of the City of Edgerton, Kansas, or any Ordinances that are in conflict therewith are hereby repealed in their entirety.

**SECTION FOUR:** EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its passage, approval, and publication once in the City's official newspaper.

ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE \_\_\_\_ DAY OF \_\_\_\_\_. 2024

**CITY OF EDGERTON, KANSAS**

By: \_\_\_\_\_  
Donald Roberts, Mayor

ATTEST:

\_\_\_\_\_  
Chris Clinton, Deputy City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Lee W. Hendricks, City Attorney

DRAFT

## EXHIBIT A

### CHAPTER IV- BUILDINGS, CONSTRUCTION AND FIRE

- Article 1. General Provisions
- Article 2. International Building Code
- Article 3. International Residential Code
- Article 4. International Fuel Gas Code
- Article 5. International Plumbing Code
- Article 6. International Mechanical Code
- Article 7. International Existing Building Code
- Article 8. National Electric Code
- Article 9. International Fire Code
- Article 10. International Energy Conservation Code
- Article 11. Dangerous and Unsafe Buildings
- Article 12. Licensing of Building Trades
- Article 13. Oil and Gas Wells
- Article 14. Fire Insurance Proceeds Fund
- Article 15. Excise Tax
- Article 16. Enforcement, Violations and Penalties
- Article 17. Board of Code Review
- Article 18. Land Disturbance Regulations
- Article 19. Blasting Regulations
- Article 20. Fireworks
- Article 21. Fire Protection
- Article 22. Administration

#### ARTICLE 1. GENERAL PROVISIONS

4-101. **ADOPTION.** This Chapter shall be known and may be cited as the City of Edgerton Building and Construction Code.

4-102. **AUTHORITY.** This Chapter is adopted pursuant to the Home Rule Authority of the Governing Body of the City of Edgerton, Kansas, pursuant to K. S. A. 12-101 and 12-101a, as currently enacted and from time to time amended.

4-103. **JURISDICTION.** This Chapter shall be applicable to all buildings and construction within the corporate limits of the City of Edgerton, Kansas.

4-104. **PURPOSE AND INTENT.** The purpose and intent of this Chapter is to establish a comprehensive set of codes and standards, designed to be compatible with one another, which will provide better building construction and greater safety for the public.

4-105. **SEVERABILITY.** It is hereby declared to be the intention of the Governing Body that the articles, sections, paragraphs, sentences, clauses, and phrases contained in this Chapter are to be severable, and should any article, section or other provision of these regulations be declared unconstitutional or otherwise ruled to be invalid by any court of competent jurisdiction in a valid judgment or decree, then such decision or ruling shall not affect the validity of the regulations as a whole or any part of them other than the specific declared to be unconstitutional or ruled to be invalid.

4-106. AMENDMENTS AND ADDITIONS. This Chapter may be supplemented, or its provisions may be amended by ordinance duly adopted by the Governing Body and any such amendments or additions shall be incorporated within and codified as a part of this Chapter.

4-107. REPEAL OF CONFLICTING REGULATIONS AND POLICIES. All previously adopted ordinances, resolutions or polices of the Governing Body which enacted or imposed regulations, standards, or prohibitions which, in whole or in part, are in conflict with any provision of the Chapter are hereby repealed to the extent necessary to give these regulations full force and effect, and, in the case provisions of this Chapter shall be deemed applicable, shall take precedence over any other, and shall control and govern.

4-108. EFFECTIVE DATE. This Chapter shall be and become effective from and after the date of adoption by the Governing Body and publication of the adopting ordinance and notice as required by law.

## ARTICLE 2. INTERNATIONAL BUILDING CODE

4-201. ADOPTION. There is hereby adopted the International Building Code 2018 Edition, to include Appendices C, F, G, H, I, and J, published by the International Code Council, for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the City of Edgerton, providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such International Building Code, 2018 edition, on file in the office of the building official are hereby referred to as the IBC, adopted and made a part hereof as if fully set out in this chapter, subject only to the express amendments and deletions provided herein.

4-202. DEFINITIONS. For the purpose of the International Building Code 2018 Edition, as adopted, the following words and phrases shall have the following meanings:

- a. The term "city" shall mean the City of Edgerton, Kansas.
- b. The term "misdemeanor" or "unlawful act", unless otherwise specifically defined or provided for herein, shall mean Class A violation.
- c. The term "approved certified sprinkler system" shall mean one that has been designed by an engineer who is licensed in the State of Kansas and installed by a contractor licensed to do so by the Johnson County Contractor Licensing Program and approved by the Building Code Official.

4-203. AMENDMENTS. The International Building Code shall be amended as follows:

- a) Amend Section 101.4.3 of the IBC to read as follows:

101.4.3 Plumbing. The provisions of the International Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

The provisions of the Johnson County Environmental Department shall apply to private sewage disposal systems.

- b) Amend the IBC by adding a new Section 101.4.8 to read as follows:

101.4.8 Electrical. The provisions of the NFPA 70 National Electrical Code, 2017 Edition, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances thereto.

- c) Amend the IBC by deleting Section 103 Department of Building Safety in its entirety.

- d) Amend Section 104.3 of the IBC to read as follows:

104.3 Notices, Orders, and Work Hours

The Building Official shall issue necessary notices or orders to ensure compliance with this code.

Construction work on residential, commercial, and industrial projects involving earth-moving equipment, trucking, concrete work, exterior carpentry and masonry, exterior plumbing, exterior painting, exterior electrical work shall be permitted during the following hours only:

Monday through Friday - 7:00 A.M. to 6:00 P.M.

Saturday - 8:00 A.M. to 6:00 P.M.

Sunday - All Work Prohibited

EXCEPTIONS:

1. Repair and remodeling work performed by the owner or occupant of one- and two-family residential buildings.
2. Repair work performed on an emergency basis.
3. An extended construction work hours permit approved by the Development Services Director.

- e) Amend Section 105.3 of the IBC to read as follows:

105.3 Application for Permit

1. A permit shall not be issued until evidence is presented to the Building Code Official certifying the availability of satisfactory potable water. Applicants within areas under the jurisdiction of a duly constituted water district shall submit a connection permit or notice of intent to supply water service from the water district. Applicants from areas that are not within an area under the jurisdiction of the City, or a duly constituted water district shall submit evidence that the proposed water supply meets the required standards for health and safety.
2. A permit for construction shall not be issued until evidence is presented to the Building Code Official verifying the availability of satisfactory hydrant locations. Applicants for areas under the jurisdiction of a duly constituted water district shall submit a statement from the district verifying that the proposed fire protection system conforms to the provisions of this Code.
3. Include a sanitary sewer connection permit. No building permit for any structure or building to be located within the City in which sanitary sewage will, or may, originate shall be issued until the applicant, or the applicant's agent, has previously applied for and received from the City a sanitary sewer construction and connection permit as required by the rules and regulations of the City of Edgerton.
4. Include an entrance/right-of-way permit application from the City.
5. Include proof that the permit applicant has a valid contractor license, in the appropriate class with Johnson County Contractor Licensing. Include proof that the applicant has a current City of Edgerton license.
6. Identify and describe the work to be covered by the permit for which the application is made.

7. 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.
8. Indicate the use and occupancy for which the proposed work is intended.
9. Be accompanied by construction documents and other information as required in Section 107.
10. State the valuation of the proposed work.
11. Be signed by the applicant, or the applicant's authorized agent.
12. Give such other data and information as required by the building official.

f) Amend the IBC by adding a new Section 105.3.1.1 to read as follows:

105.3.1.1 Denial of Permits.

The Building Official is authorized to deny a permit to any applicant not meeting the provisions of this code on any open permits.

The Building Official may also stop construction on any permit if the contractor fails to maintain oversight of a project or fails to maintain insurance as required by the Johnson County Contractor Licensing Regulations.

g) Amend the IBC by adding a new Section 105.3.3 to read as follows:

105.3.3 Moving Buildings or Structures

It shall be unlawful for any person to move, haul or transport, any house, building, derrick, or other structure of the height of 16 feet or over, or of a width of 15 feet or more upon, across or over any street or alley in this city without first obtaining a permit therefore as hereinafter provided.

All applications for permits to move buildings or structures shall include the following information:

1. The dimensions of the building or structure as to length, width, and height at its highest point when loaded for moving.
2. A letter verifying that all utilities have been disconnected, i.e. gas, electric, water, sewer. Verbal or electronic communication from the utility company is acceptable in lieu of a letter.
3. A letter or electronic communication from any utility company having overhead lines along the proposed route indicating that they have approved the route.
4. Letters from the Sheriff Department and the Public Works Department approving the date, time, and route of the move.
5. A letter indicating the day and hour when the move is to start; the length of time required for the move; and the number and type of escort vehicles.
6. A map showing the route of the move.
7. A copy of the State highway move permit, if applicable.
8. Copies of written notices to the owners of adjacent lots along the route who may be affected by utility disconnects. The letter will give the date and time of the move.
9. Written permission from the private property owner to trim any trees on private property necessary to provide clearance for the move along the proposed route.
10. Written permission to trim trees in the public right-of-way necessary to provide clearance for the move along the proposed route.
11. Sewer permit from the City of Edgerton Wastewater Division.

12. Letter from the appropriate water district certifying the availability of the water supply.

13. Verification from the water district of a satisfactory fire hydrant location.

14. Verification that the building or structure meets current adopted codes and standards.

15. A plot plan showing the property or lot where the building or structure is to be moved. A legal description of the property shall be included.

16. Before a permit to move any house, building, derrick, or other structure is granted under the provisions of this article, applicant for the permit shall pay to the City Clerk the application fee outlined in the Fee Resolution, which shall be deposited to the credit of the general fund of the city. (Ord. 2059).

17. The applicant shall upon filing of such application, give not less than 24 hours written notice to the person, firm or corporation owning or operating such wires or poles or to their agents, of the time and place, when and where the removal of the poles, or the cutting, raising or otherwise interfering with the wires shall be necessary.

18. It shall be the duty of the person, firm or corporation owning or operating the poles or wires after service of notice, as required to furnish competent workmen or linemen to remove such poles or raise or cut such wires, as will be necessary to facilitate the moving of such house, building, derrick, or other structure. The necessary expense which is incurred thereby shall be paid by the holder of the moving permit.

19. No person engaged in moving any house, building, derrick, or other structure shall raise, cut or in any way interfere with any such poles or wires unless the persons or authorities owning or having control of the same shall refuse to do so after having been notified as required and then only by competent workmen. In such case the necessary and reasonable expense shall be paid by the owners of the poles and wires handled and the poles and wires shall be promptly replaced, and the damages thereto promptly repaired.

20. It shall be the duty of the building inspector, from time to time, to inspect the progress of moving of any building, house, or other structure and to see that the house, building, or other structure is being moved in accordance with the provisions of this article.

21. It shall be the duty of any person, firm or corporation moving any structures to display red lanterns thereon in such a manner as to show the extreme height and width thereof from 30 minutes before sunset to 30 minutes after sunrise.

22. The council may require any person at the time of making application for a permit as provided to execute in the favor of the city a good and sufficient surety bond indemnifying the city against any loss or damage suit resulting from the failure of such person to comply with the provisions of this article or from their negligence.

The amount of the surety bond shall be determined by the City Council.

**h)** Amend Section 105.5 of the IBC to read as follows:

105.5 Expiration

Every permit issued by the Building Code Official under the provisions of this code shall expire by limitation and become null and void if:



1. The building or work authorized by such permit is not commenced within 180 days from the date of such permit; or
2. The building or work authorized by such permit has not progressed to the point of the next required inspection within 90 days of either the issuance of the permit, or from the date of the last inspection.

Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that the untimely progress has not exceeded one year. In order to renew action on a permit that has expired for a period exceeding one year, the permittee shall pay a new full permit fee.

The Building Code Official is authorized to grant, in writing, one or more extensions of time. The extension shall be requested in writing and justifiable cause demonstrated.

- i) Amend the IBC by adding a new Section 105.8 to read as follows:

105.8 Responsibility

The permit applicant of record shall complete, and be responsible for, all work for which the building permit was issued, in full compliance with applicable laws and ordinances.

The permit applicant of record shall complete, and be responsible for, all sidewalks, drive approaches, grading, erosion control, installation of landscaping, and culvert drains in the right-of-way abutting the property described by the building permit.

The construction of sidewalks, drive approaches and other public improvements shall comply with all technical specifications adopted by the City and as directed by the Public Works Director or his/her representative.

- j) Amend Section 109.2 of the IBC to read as follows:

109.2 Schedule of Permit Fees/Expiration

On buildings, structures, electrical, gas, mechanical and plumbing systems, or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the fee schedule as established by the applicable governing authority.

The fee for each building permit shall be as set forth by resolution of the City Council.

When permit fees are required, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be sixty-five percent (65%) of the building permit fee. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.1, an additional plan review fee may be charged.

Applications shall be considered inactive and/or abandoned thereby becoming null and void by expiration of the following:

1. The building or work authorized by such permit is not commenced within 180 days from the date of such permit, or
2. The building or work authorized by such permit has not progressed to the point of the next required inspection within 90 days of either the issuance of the permit, or from the date of the last inspection.

Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee

therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that the untimely progress has not exceeded one year. In order to renew action on a permit that has expired for a period exceeding one year, the permittee shall pay a new full permit fee. The Building Code Official is authorized to grant, in writing, one (1) extension of time, for a period not to exceed 180 days. The extension shall be requested in writing and justifiable cause demonstrated.

- k)** Amend Section 109.4 of the IBC to read as follows:

*109.4 Work Commencing Before Permit Issuance*

Any person or company that commences any work on a building, structure, electrical, gas, plumbing, or mechanical system before obtaining the necessary permits shall be subject to a fee double the original permit fee as established by the City of Edgerton.

- l)** Amend Section 109.6 of the IBC to read as follows:

*109.6 Refunds*

The City Administrator or his/her designee is authorized to establish a refund policy.

- m)** Amend Section 111.3 of the IBC to read as follows:

*111.3 Temporary Certificates of Occupancy*

The Building Official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely.

The Building Official shall set a time period during which the temporary certificate of occupancy is valid. A 60-day temporary certificate may be issued for interior items and a 90-day temporary certificate may be issued for exterior items upon request from the owner or contractor, subject to the approval of the Building Official.

Additional time may be granted up to 30 days by the Building Official upon written request and for a fee of \$100.00.

Contemporaneously with the issuance of a Temporary Certificate of Occupancy, the Building Official shall provide a list of deficiencies or conditions, if any, that require correction to any building or portion thereof. The failure of the permit holder to correct the deficiencies or conditions, to the satisfaction of the Building Official, prior to the expiration of the Temporary Certificate of Occupancy, shall be an unlawful act.

- n)** Amend Section 113 of the IBC to read as follows:

*113 Board of Appeals*

The Board of Appeals shall mean the Board of Code Review as established in Chapter IV, Article 17 of the Edgerton Municipal Code. The Board of Code Review shall hear and decide appeals of orders, decisions, or determinations made by the Building Official relative to the application and interpretation of this code.

- o)** Amend Section 114.3 of the IBC to read as follows:

*114.3 Prosecution of Violation*

Any person failing to comply with a notice of violation or order shall be deemed guilty of an unlawful act.

If the notice of violation is not complied with, the Building Official may request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

- p) Amend Section 114.4 of the IBC to read as follows:

114.4 Violation Penalties

Violation of any provision of this code shall be an unlawful act. Each separate day or any portion thereof, during which any violation of this code occurs or continues, shall also be deemed to constitute a separate offense, and shall be punishable as provided in Chapter IV, Article 16 of the Edgerton Municipal Code.

- q) Amend Section 115 of the IBC to read as follows:

115 Stop Work Orders

In addition to Sections 115.1, 115.2, and 115.3, no building permit or permits will be issued to any person engaged in doing or causing such work to be done by such persons in the City of Edgerton until any and all stop work orders or any other restrictions have been cancelled or have been lifted by the Building Official.

- r) Amend Section 305.2 of the IBC to read as follows:

305.2 Group E, Day Care Facilities

This group includes buildings and structures and portions thereof occupied by more than five (5) children older than 2 ½ years of age who receive educational, supervision, or personal care services for fewer than 24 hours per day.

EXCEPTION:

Daycare that is an accessory use for the dwelling unit principal residents, when conducted in compliance with applicable state and local regulations, shall comply with applicable requirements of the International Residential Code.

- s) Amend the IBC by omitting Section 305.2.3 *Five or Fewer Children in a Dwelling Unit* in its entirety.
- t) Amend the IBC by omitting Section 310.4.1 *Care Facilities within a Dwelling* in its entirety.
- u) Amend Section 903.3.1.2.1 of the IBC as follows:

903.3.1.2.1 Balconies and decks

Sprinkler protection shall be provided for exterior balconies, decks, and ground floor patios of dwelling units and sleeping units. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch to 6 inches below the structural members and a maximum distance of 14 inches below the deck of the exterior balconies and decks that are constructed of open wood joist construction.

- v) Amend Section 904.3.5 of the IBC as follows:

904.3.5 Monitoring

Where a building fire alarm system is installed, automatic fire-extinguishing systems, to include kitchen hood suppression systems, shall be monitored by the building fire alarm system in accordance with NFPA 72.

- w) Amend Section 906.1 of the IBC as follows:

906.1 Where required

Portable fire extinguishers shall be installed in all of the following locations:

1. In new and existing Group A, B, E, F, H, I, M, R-1, R-2, R-4, and S occupancies.
2. In all new and existing laundry rooms.

Exceptions 1-6 apply as written.

- x) Amend Section 912.4 of the IBC as follows:

912.4 Access

Immediate access to fire department connections shall be no less than 3 feet in width, maintained at all times and without obstruction by fences, bushes, trees, walls or any other fixed or movable object. Access to fire department connections shall be approved by the fire code official.

- y) Amend Section 1015.2 of the IBC by adding the following text:

1015.2 Where required

Guards are required at retaining walls over 30 inches above grade when walking surfaces are within 10 feet of the high side of the retaining wall.

- z) Amend the IBC by omitting Chapter 11 and adding the following:

Chapter 11 – Accessibility

The architect/design professional is responsible for all ADA design elements and requirements in accordance with ICC A117.1-2017 Standard for Accessible and Usable Buildings and Facilities. Modifications to existing buildings or sites, and construction of new buildings shall comply with all applicable Federal and State laws governing ADA access and usability. The architect/design profession shall provide certification that the entire scope of the construction documents and the finished construction project shall be in full compliance with all applicable ADA regulations.

- aa) Amend Section 1202.1 of the IBC to read as follows:

1202.1 General

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

- bb) Amend Section 1612.3 of the IBC to read as follows:

1612.3 Establishment of Flood Hazard Areas

To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special floor hazard as identified by the Federal Emergency Management Agency in an engineering report entitled “The Flood Insurance Study for Johnson County, Kansas and Incorporated Areas”, dated August

3, 2009, as amended, or revised with the accompanying current Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this Section.

cc) Amend Section 2901.1 of the IBC to read as follows:

2901.1 Scope

The provisions of the International Plumbing Code shall govern the erection, installation, alteration, repairs, relocation, replacement, addition, use, or maintenance of plumbing equipment and systems. Toilet and bathing rooms shall be constructed in accordance with Section 1209 of the International Building Code.

dd) Amend Section 3307 of the IBC to read as follows:

3307 Protection of Adjoining Property

Adjoining public and private property shall be protected from damage during construction, remodeling, and demolition work. Protection shall be provided for footings, foundations, party walls, chimneys, skylights, and roofs. Provisions shall be made to control water runoff and erosion during construction or demolition activities. The person making or causing an excavation to be made shall provide written notice to the owners of adjoining buildings advising them that the excavation is to be made and that the adjoining buildings should be protected.

Said notification shall be delivered not less than 10 days prior to the scheduled starting date of the excavation. A copy of the notice shall be delivered to the Building Official prior to the commencing of excavation. All construction sites shall be maintained in a good, clean, and safe condition, including, but not limited to, the following minimum requirements:

1. Construction materials shall be stored, maintained, and secured so as to prevent safety risk or danger. Accumulated construction debris shall be hauled away and disposed of at an approved landfill. Dumpsters shall be emptied or removed when full and may be used only for construction debris. Construction materials shall not be stored in a public right-of-way.
2. All mud, dirt, or debris deposited on any street, crosswalk, sidewalk, or other public property as a result of excavation, construction, or demolition shall be immediately broom cleaned to the extent possible and disposed of in an acceptable manner.
3. It shall be unlawful to intentionally place, deposit, or otherwise dispose of construction debris in any public or private sewer.
4. Airborne particles shall be controlled at the property at all times during work by means of a water truck and/or spraying equipment, or other water sources capable of spraying and thoroughly saturating all portions of the structure and surrounding property affected by the work. Spraying shall be undertaken at all time necessary to thoroughly control the creation and migration of airborne particles, including, without limitation, dust, from the subject property.
5. No person shall operate or cause to be operated any radio, media player, telecommunications device, or other such object at such a volume, or in any other manner that would cause a nuisance or disturbance to any person.
6. Every contractor shall be responsible for all actions of their employees, agents, and subcontractors under this Subsection, and shall be responsible for all violations of the provisions of this Subsection committed by such employees, agents, or subcontractors.

**ARTICLE 3. INTERNATIONAL RESIDENTIAL CODE**

4-301. ADOPTION. There is hereby adopted the International Residential Code 2018, to include Appendices A, B, C, E, G, H, J, K, M and P, published by the International Code Council, for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the City of Edgerton, providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such International Residential Code, 2018 edition, on file in the office of the building official are hereby referred to as the IRC, adopted and made a part hereof as if fully set out in this chapter, subject only to the express amendments and deletions provided herein.

4-302. DEFINITIONS.

For the purposes of the International Residential Code, 2018 Edition, as adopted, the following words and phrases shall have the following meanings:

- a. The term "city" shall mean the City of Edgerton, Kansas.
- b. The term "misdemeanor" and "unlawful act", unless otherwise specifically defined or provided for herein, shall mean Class A violation.
- c. The term "approved certified sprinkler system" shall mean one that has been designed by an engineer who is licensed in the State of Kansas and installed by a contractor licensed to do so by the Kansas State Fire Marshal and approved by the Building Code Official.

4-303. AMENDMENTS. The International Residential Code shall be amended as follows:

- a) Amend the IRC by omitting Sections R103 through R114 and adding a new Section R103 to read as follows:

*R103.1 Administrative Provisions*

The administrative provisions of the 2018 International Residential Code, Chapter 1 and as amended in Chapter IV of the Municipal Code, along with Sections R101 and R102 of the IRC shall govern all matters within the scope of this code.

- b) Amend Section R105.5 of the IRC to read as follows:

*R105.5 Expiration*

Applications shall be considered inactive and/or abandoned thereby becoming null and void by expiration of the following:

1. The building or work authorized by such permit is not commenced within 180 days from the date of such permit; or
2. The building or work authorized by such permit has not progressed to the point of the next required inspection within 90 days of either the issuance of the permit, or from the date of the last inspection.

Before such work can be recommended, a new permit shall be first obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that the untimely progress has not exceeded one year.

In order to renew action on a permit that has expired for a period exceeding one year, the permittee shall pay a new full permit fee. The Building Official is authorized to grant, in writing, one (1) extension of time, for a period not to exceed 180 days. The extension shall be requested in writing and justifiable cause demonstrated.

- c) Amend Section R108.2 of the IRC to read as follows:

R108.2 Schedule of Permit Fees

On buildings structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as set forth by resolution of the City Council. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items; an additional plan review fee shall be charged.

- d) Amend Section R108.5 of the IRC to read as follows:

R108.5 Refunds

The City Administrator or his/her designee is authorized to establish a refund policy.

- e) Amend the IRC by omitting Section R112 Board of Appeals.

- f) Amend Section R113.4 of the IRC to add the following language at the end of the paragraph:

R113.4 Violation Penalties

Violation of any provision of this code shall be an unlawful act.

Each separate day or any portion thereof, during which any violation of this code occurs or continues, shall also be deemed to constitute a separate offense, and shall be punishable as provided in Chapter IV, Article 16 of the City of Edgerton Municipal Code.

- g) Amend Table R301.2 (1) of the IRC to read as follows:

Table R301.2 (1) The following values shall be inserted into the table:

Ground snow load (psf): 20  
Wind design speed (mph): 115  
Topographical effects: No  
Windborne debris zone: No  
Special wind region: No  
Seismic Design Category: A  
Weathering: Severe  
Frost Line Depth: 36 inches  
Termite: Moderate to Heavy  
Winter Design Temp: 6 degrees F  
Ice Barrier Required: Yes  
Air Freezing Index: 1000  
Mean Annual Temp: 54.7 degrees F  
Flood Hazard: Current FIRM

- h) Amend the IRC by adding a new subsection R302.7.1 to read as follows:

R302.7.1 Under-Stairway Protection

Under-stair surfaces of stairways shall be protected with ½ inch gypsum board.

EXCEPTIONS:

1. Exterior stairways.
2. Stairways of noncombustible materials.
3. Interior and garage combustible stairways where there are less than 4 steps total.

- i) Amend the IRC by adding a new Section 303.4 to read as follows:

*R303.4 Mechanical Ventilation*

Where the air infiltration rate of a dwelling unit is less than three (3) air changes per hour when tested with a blower door at a pressure of 0.2 inch w.c. (50 Pa) in accordance with Section N1102.4.1.2, the dwelling unit shall be provided with whole-house ventilation in accordance with Section M1507.3.

- j) Amend the IRC by adding a new Section R306.5 to read as follows:

*R306.5 New single-family dwellings toilet facilities*

Toilet facilities shall be provided within 500 feet (measured from the property line adjacent to the street for platted subdivisions along the public way) for all new single-family dwellings starting from the time of the first footing 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 on the job site or other certification provided to the Building Official to verify the availability of toilet facilities. The facilities on the site shall be removed prior to issuance of a Temporary Certificate of Occupancy.

- k) Amend the IRC by adding a new Section R306.6 to read as follows:

*R306.6 New single-family dwellings construction site maintenance*

All construction sites shall be maintained in a good, clean, and safe condition, including, but not limited to, the following minimum requirements:

1. Construction materials shall be stored, maintained, and secured so as to prevent safety risk or danger. Accumulated construction debris shall be hauled away and disposed of at an approved landfill. Dumpsters shall be emptied or removed when full and may be used only for construction debris. Construction materials shall not be stored in a public right-of-way.
2. All mud, dirt, or debris deposited on any street, crosswalk, sidewalk, or other public property as a result of excavation, construction, or demolition shall be immediately broom cleaned to the extent possible and disposed of in an acceptable manner.
3. It shall be unlawful to intentionally place, deposit, or otherwise dispose of construction debris in any public or private sewer, or in any public right-of-way.
4. Airborne particles shall be controlled on the property at all times during work by means of a water truck and/or spraying equipment, or other water sources capable of spraying and thoroughly saturating all portions of the structure and surrounding property affected by the work. Spraying shall be undertaken at all times necessary to thoroughly control the creation and migration of airborne particles, including, without limitation, dust, from the subject property.
5. No person shall operate or cause to be operated any radio, media player, telecommunications device or other such object at such a volume or in any other manner that would cause a nuisance or disturbance to any person of reasonable sensibilities.



6. Every contractor shall be responsible for all actions of their employees, agents, and subconsultants under this subsection, and shall be responsible for all violations of the provisions of this subsection committed by such employees, agents, or subcontractors.

l) Amend the IRC by omitting Section R309.5 Fire Sprinklers.

m) Amend the IRC by adding a new Section R309.6 to read as follows:

R309.6 Residential driveways

Residential concrete and asphalt driveway slabs shall be a minimum of 4-inches thick. The driveway shall have a constant slope so as to avoid ponding water. The slope shall be away from the house or building or drain by means approved by the City Engineer.

n) Amend the IRC by adding a new Section R313 to read as follows:

R313 Automatic Fire Sprinkler Systems

R313.1 General

An automatic fire sprinkler system shall be provided throughout all structures that contain four (4) or more townhouses.

R313.2 Design and Installation

Automatic sprinkler systems required by this code shall be designed and installed in accordance with Section P2904 or NFPA 13D.

o) Amend the IRC by adding a new Section R314.2.2 to read as follows:

R314.2.2 Alterations, Repairs, and Additions

Where alterations, repairs, or additions requiring a permit occur, the individual dwelling unit shall be equipped with smoke alarms and carbon monoxide alarms as required for new dwellings.

EXCEPTIONS:

1. Work involving the exterior surfaces of dwellings, such as the replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck, are exempt from the requirements of this section.
2. Installation, alteration or repairs of plumbing, mechanical or electrical systems are exempt from the requirements of this section.

p) Amend Section 401.3 to read as follows:

R401.3 Drainage

Surface drainage from lots shall be diverted to a storm sewer conveyance or other point of collection as approved by the Public Works Director. The surface drainage shall not create a hazard or nuisance onto adjacent properties, sidewalks, driveways, or streets. Lots shall be graded to drain water away from foundation walls. The grade shall fall a minimum of six (6) inches within the first ten (10) feet.

Where lot lines, walls, slopes, or other physical barriers prohibit six (6) inches of fall within ten (10) feet, drains or swales shall be constructed to ensure drainage away from the structure. The grade shall not alter any existing drainage course or re-route excessive surface drainage onto adjacent properties.

Downspouts shall not discharge closer than ten (10) feet to any side or rear property line. In most cases, these setbacks will allow the discharge water from downspouts to percolate naturally through the soil on private property without adversely affecting or altering drainage onto adjacent properties.

These requirements are not intended to address seasonal extreme weather events and discharges associated with the same. The Director of Public Works retains the authority to waive or modify elements or conditions of this policy when it is determined that unique conditions exist, and such waiver or modification would be in the best interest to the City and/or adjacent properties.

- q) Amend the IRC by adding a new Section R401.4.4 to read as follows:

*R401.4.4 Johnson County Residential Foundation Guideline*

Foundation designs for one- and two-family dwellings may use the approved standard design provided in the Johnson County Residential Foundation Guidelines in lieu of the prescriptive requirements of the 2018 International Residential Code as approved by the Building Official.

- r) Amend Section 402.1 to read as follows:

*R402.1 Wood foundations*

Wood foundation systems are not allowed. All other references in this code to wood foundation systems are null and void.

- s) Amend the IRC by adding a new Section R403.1.1.1 to read as follows:

*R403.1.1.1 Continuous footing reinforcement*

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

- t) Amend Section 404.1.1 to read as follows:

*R404.1.1 Design required*

A design in accordance with accepted engineering practice shall be provided for concrete or masonry foundation walls when any of the conditions listed below exist:

1. Walls are subject to hydrostatic pressure from ground water.
2. Walls supporting more than 48 inches (48") of unbalanced backfill that do not have permanent lateral support at the top and bottom.
3. Sites containing CH, MH, OL, or OH soils as identified in Table R405.1.
4. Foundation walls nine feet (9 ft.) or greater in height, measured from the top of the wall to the bottom of the slab.
5. Lots identified on the subdivision grading plan as having more than six feet (6 ft.) of fill or having a finished slope steeper than 4 horizontal to 1 vertical before grading.
6. Footings and foundations with existing fill soils below the footing level.
7. Sloping lots steeper than 4 to 1 before grading.

8. Lots where some footings will bear on soil and other will bear on a different soil type, including rock.
9. Areas where problems have historically occurred.
10. Stepped footing and foundation walls.
11. Concrete floor slabs supported on more than twenty-four inches (24 in.) of clean sand or gravel fill or eight inches (8 in.) of earth fill.

u) Amend Section 404.4 to read as follows:

R404.4 Retaining Walls

Retaining walls that are not laterally supported at the top and that retain in excess of forty-eight inches (48 in.) of unbalanced fill shall be designed by a professional engineer to ensure stability against overturning, sliding, excessive foundation pressure and water uplift. Retaining walls shall be designed for a safety factor of 1.5 times against lateral sliding and overturning.

v) Amend Section 405.1 to read as follows:

R405.1 Concrete or Masonry Foundations

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

EXCEPTIONS:

1. A drainage system is not required when the foundation is installed on well drained ground or sand-gravel mixture soils according to the Unified Soil Classification System, Group I Soils, as detailed in Table R405.1.
2. A filter membrane is not required where perforated drains are covered with a minimum of eighteen inches (18 in.) of washed gravel or crushed rock.
3. For gravel or crushed stone drains a filter membrane is not required when the gravel or crushed stone extends at least eighteen inches (18 in.) above the top of the footing.

w) Amend Section 502.6.2 to read as follows:

R502.6.2 Joist Framing

Joist framing into the side of a wood girder shall be supported by approved framing anchors or on a ledger strip not less than nominal two inches by two inches (2 in. x 2 in.). Where joists run parallel to foundation walls, solid blocking for a minimum of three (3) joists spaces shall be provided at a maximum of three feet (3 ft.) on center to transfer lateral loads on the wall to the floor diaphragm.

Each piece of blocking shall be securely nailed to joists, sill plate and flooring with not less than three (3) eight penny nails at each connection. Where applicable, a standard design approved by the city and shown on the approved plans may be used in lieu of this requirement.

- x) Amend the IRC by adding a new Section R506.3 to read as follows:

*R506.3 Basement floor slab isolation*

Non-bearing walls supported on basement floor slabs shall be provided with a minimum one inch (1 in.) expansion joint to facilitate differential movement between the floor slab and the floor framing above.

Two layers of fifteen (15) pound asphalt-impregnated felt will be considered adequate to act as a bond-breaker between the basement floor slab, columns, column footings and interior bearing walls.

- y) Amend the IRC by adding a new Section R602.6.1 to read as follows:

*R602.6.1 Drilling and Notching of Top Plate*

When piping or ductwork is placed in or partly in an exterior wall or interior load-bearing wall, necessitating cutting, drilling or notching of the top plate by more than 50 percent of its width, a galvanized metal tie not less than 0.054 inch thick (1.37 mm)(16 ga) and 1 ½ inches (38 mm) wide shall be fastened across and to the plate not less than eight 10d (0.148 inch diameter) nails having a minimum length of 1 ½ inches (38 mm) at each side or equivalent. The metal tie must extend a minimum of six inches (6 in.) past the opening. See Figure 602.6.1.

- z) Amend the IRC by adding a new Section R703.2 to read as follows:

*R703.2 Water Resistive Barrier*

One (1) layer of 15 pound felt, free from holes, tears, or breaks, complying with ASTM D226 for Type 1 felt or other approved water resistive barrier shall be applied over studs or sheathing of all exterior walls. Such felt or material shall be applied horizontally, with the upper layer overlapping the lower layer not less than two (2) inches. Where joints occur, such felt or material shall be lapped not less than six (6) inches. The felt or other approved material shall be continuous to the top of walls and terminated at penetrations and building appendages in a manner to meet the requirements of exterior wall envelope as described in Section 703.1.

EXCEPTION:

Omission of the water-resistive barrier is permitted in the following situations:

- 1) In detached accessory buildings.

- aa) Amend the IRC by omitting Section N1101.5 (R103.2) Information on Construction Documents

- bb) Amend the IRC by adding a new Section N1101.33 (R401.2) to read as follows:

*N1101.13 (R401.2) Compliance*

Projects may comply with one of the following:

1. Sections N1104.14 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.

- cc) The permit applicant of record must elect which compliance option will be followed at the time the permit application is made.

As an alternative to the provisions of Chapter 11 of this code, structures validated by an energy rater accredited by the Residential Energy Services Network (RESNET) to meet a HERS rating score of 80 or less shall be deemed to meet this code. A preliminary HERS Certificate with 'Draft' watermark or a copy of a REM/rate compliance report with 'Draft' watermark must be submitted with building permit plans. The 'Draft' HERS certificate or report shall identify the project address and include the HERS raters name and contact information.

The HERS rater is required to perform a blower door test, duct blaster test, pre-drywall inspection and final inspection as part of the standard HERS Index rating process. The final HERS Index score must be posted on the Certificate required by Section N1101.14 (R401.3). The final HERS certificate which indicates the dwelling unit achieved a compliant HERS score must be submitted to the city before issuance of the Certificate of Occupancy. The final HERS Certificate shall identify the project address and include the HERS raters name and contact information.

- dd) Amend the IRC by adding a new Table N1102.1.2 (R402.1.2) to read as follows:

*Table N1102.1.2 (R402.1.2) Insulation and Fenestration Requirements by Component (a)*

Climate Zone	Fenestration U-factor (b)	Skylight U-factor (b)	Glazed Fenestration SHGC (b)	Ceiling R-value	Wood frame wall R-value	Mass wall R-value (e)	Floor R-value (c)	Base ment wall R- valu e (c)	Slab R- value & depth (d)	Crawl space wall R- value (c)
4	0.32	0.55	0.40	49	13	8/13	19	10/13	NR	10/13

- (a) R-values are minimums. U-factors and SHGC are maximums.  
 (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 on the interior of the basement walls.  
 (d) NR shall mean "no requirement"  
 (e) The second R-value applies when more than half the insulation is on the interior of the mass wall.

- ee) Amend the IRC by adding a new Section N1102.4.1.2 (R402.1.2) to read as follows:

*N1102.4.1.2 (R402.1.2) Testing (Mandatory)*

The building or dwelling unit shall be tested and verified as having an air leakage rate of not exceeding 5 air changes per hour. Testing shall be conducted with a blower door at a pressure of 0.2 inches w.g. (50 Pascals) Where required by the Building Official, testing shall be signed by the party conducting the test and provided to the Building Official. Testing shall be performed at any time after creation of all penetrations of the building thermal envelope.

During testing:

1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed, beyond the intended weather stripping or other infiltration control measures;
2. Dampers including exhaust, intake, makeup air, backdraft and flue dampers shall be closed, but not sealed beyond intended infiltration control measures;
3. Interior doors, if installed at the time of the test, shall be open;

4. Exterior doors for continuous ventilation systems and heat recovery ventilators shall be closed and sealed;
5. Heating and cooling systems, if installed at the time of the test, shall be turned off; and
6. Supply and return registers, if installed at the time of the test, shall be fully open.

**ff)** Amend the IRC by omitting Section N1102.4.4 (R402.4.4) Rooms Containing Fuel Burning Appliances

**gg)** Amend the IRC by omitting Section N1103.3.2.1 (R403.3.2.1) Sealed Air Handler

**hh)** Amend the IRC by omitting Section 1103.3.3 (R403.3.3) to read as follows:

*N1103.3.3 (R403.3.3) Duct Testing (Mandatory)*

Where required by the Building Official, duct tightness shall be verified by either of the following:

1. Post construction test: Total leakage shall be less than or equal to 4 cfm per 100 square feet of conditioned floor area when tested at a pressure differential of 0.1 inches w.g. (25 Pa) across the entire system, including the manufacturer's air handler enclosure. All register boots shall be taped or otherwise sealed during the test.
2. Rough-in test: Total leakage shall be less than or equal to 4 cfm per 100 square feet of conditioned floor area when tested at a pressure differential of 0.1 w.g. (25 Pa) across the system, including the manufacturer's air handler enclosure. All registers shall be taped or otherwise sealed during the test. If the air handler is not installed at the time of the test, total leakage shall be less than or equal to 3 cfm per 100 square feet of conditioned floor area.

**EXCEPTIONS:**

1. The total leakage test is not required for ducts and air handlers located entirely within the building thermal envelope.
2. On the post construction test, it is permissible to test for "leakage to the outdoors" versus "total leakage." Leakage to the outdoors shall be less than or equal to 8 cfm per 100 square feet of conditioned floor area.

**ii)** Amend the IRC by omitting Section N1103.3.5 (R403.3.5 Building Cavities)

**jj)** Amend the IRC by omitting Section N1104 Electrical Power and Lighting Systems

**kk)** Amend the IRC by adding a new Section N1106.2 (R406.2) to read as follows:

*N1106.2 (R406.2) Mandatory Requirements*

Compliance with this section requires that the provisions identified in Section 1101.13 through N1104 indicated as "mandatory" be met. The building thermal envelope shall be greater than or equal to the levels of efficiency and Solar Heat Gain Coefficients in Table N1102.1.2 (R402.1.2) and N1102.1.4 (R402.1.4).

**EXCEPTIONS:**

1. Supply and return ducts not completely inside the building thermal envelope shall be insulated to an R-value of not less than R-6.
2. Section N1103.5.1 (R403.5.1) shall not be "mandatory".

- ll) Amend the IRC by adding a new Table N1106.4 (R406.4) to read as follows:

*N1106.4 (R406.4) Maximum Energy Rating Index*

Climate Zone	Energy Rating Index
4	80

Where on-site renewable energy is included for compliance using the ERI analysis of Section N1106.4, the building shall meet the mandatory requirements of Section N1106.2 and the building thermal envelope shall be greater than or equal to the levels of efficiency and SHGC in Table N1102.1.2 or Table N1102.1.4.

- mm) Amend Section G2414.5.3 of the IRC to read as follows:

*G2414.5.3 Copper or copper-alloy tubing*

Copper tubing shall comply with Standard Type K or L of ASTM B88 or ASTM B280. Copper and brass tubing shall not be utilized to distribute natural gas, nor shall it be utilized to distribute any other fuel gas within a building or structure.

- nn) Amend Section G2417.4.1 of the IRC to read as follows:

*G2417.4.1 Test pressure*

The test pressure to be used shall not be less than one- and one-half times the proposed maximum working pressure, but in no case less than 10 psig regardless of design pressure. For welded piping and for piping carrying gas at pressure in excess of 14 inches water column, the test pressure shall not be less than 60 psig.

- oo) Amend Section P2503.2 of the IRC to read as follows:

*P2503.2 Concealment*

A plumbing or drainage system, or part thereof, shall not be covered, concealed or put into use until it has been inspected and approved by the Building Official, or his/her authorized representative.

A plumbing or drainage system, or part thereof, shall not be covered, concealed, or put into use until it has been tested by the permittee, or his/her designated representative. The Building Official may require that any test of the plumbing or drainage system be witness by the Building Official or his/her designated representative.

- pp) Amend Section P2603.5 of the IRC to read as follows:

*P2603.5 Freezing*

Water, soil, or waste pipe shall not be installed outside of a building, in exterior walls, in attics or crawl spaces, or in any other place subject to freezing temperature unless adequate provision is made to protect it from freezing by insulation or heat or both. Water service pipe shall be installed not less than 42 inches in depth below grade.

- qq) Amend Section P2603.5.1 of the IRC to read as follows:

*P2603.5.1 Sewer depth*

Building sewers shall not be less than 12 inches below grade.

**rr)** Amend Section P2604.5 of the IRC to read as follows:

P2604.5 Inspection

Excavations required for the installation of the building sewer system shall be open to trench work and shall be kept open until the piping has been inspected and approved to cover.

**ss)** Amend Section P2902.5.3 of the IRC to read as follows:

P2902.5.3 Lawn irrigation systems

The potable water supply to lawn irrigation systems shall be protected against backflow by an approved device. Backflow devices within structures shall be installed between 12 inches and 48 inches above the floor and shall be accessible.

**tt)** Amend Section P2902.6.2 of the IRC to read as follows:

R2902.6.2 Protection of backflow preventers

Backflow preventers shall not be located in areas subject to freezing except where they can be removed by means of unions, or are protected by heat, insulation or both.

EXCEPTION: In-ground backflow preventers installed for lawn irrigation systems.

**uu)** Amend Section 3005.4.2 of the IRC to read as follows:

P3005.4.2 Building sewer size

The minimum size of a building sewer serving a dwelling unit shall be 4 inches.

**vv)** Amend Section 3008.1 of the IRC to read as follows:

P3008.1 Where required

All sewer connections require a backwater valve which shall be provided with access.

**ww)** Amend Section 3114.3 of the IRC to read as follows:

P3114.3 Where permitted

Individual vents, branch vents, circuit vents, and stack vents shall be permitted to terminate with a connection to an air admittance valve only when approved by the Authority Having Jurisdiction (AHJ).

**xx)** Amend Section P3303.2 of the IRC to read as follows:

P3303.2 Sump pump

Whenever a sump pit is installed, a sump pump and piping for discharge must also be provided. The sump pump discharge must be day-lighted and shall not be discharged into the public sewer system or onto adjacent properties.

Sump pumps must be discharged no less than 10 feet from side or rear yard property lines.



yy) Amend Section E3601.6.2 of the IRC to read as follows:

E3601.6.2 Service disconnect location

The service disconnecting means shall be installed at a readily accessible location either outside of a building or inside the nearest point of entrance of the service conductors.

When service conductors are more than 10 feet in length from the point of entry to the service panel, a separate means of disconnect shall be installed at the service cable entrance to the building or structure. Service disconnecting means shall not be installed in bathrooms.

Each occupant shall have access to the disconnect servicing the dwelling unit in which they reside.

zz) Amend Section E3902.2 of the IRC to read as follows:

E3902.2 Garage, Unfinished Basements and Accessory Building Receptacles.

All 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. A dedicated single receptacle for a garage door opener.
2. A dedicated single receptacle on a dedicated circuit that is specifically identified for cord and plug connected use of an appliance such as a refrigerator or freezer.
3. A dedicated single receptacle for a sump pump.
4. A dedicated receptacle supplying a permanently installed fire alarm or security alarm system.

**ARTICLE 4- INTERNATIONAL FUEL GAS CODE.**

4-401. ADOPTION. There is hereby adopted for the purpose of prescribing regulations governing conditions for the erection, construction, enlargement, alteration, repair and maintenance of water heaters, fuel gas piping and heating systems in the City, the code known as the International Fuel Gas Code, published by the International Code Council, Inc., being particular the 2018 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which code not less than one copy has been and is now filed in the office of the building official and the same are hereby adopted and incorporated as if fully set out at length herein. This code is hereafter referred to as the "IFGC" or "fuel gas code".

4-402. DEFINITIONS. For the purposes of the International Fuel Gas Code, 2006 Edition, as adopted, the following words and phrases shall have the following meanings:

- a. The term "city" shall mean the City of Edgerton, Kansas.
- b. The term "misdemeanor" and "unlawful act", unless otherwise specifically defined or provided for herein, shall mean Class A violation.

4-403. AMENDMENTS: The International Fuel Gas Code shall be amended as follows:

- a) Amend Section 101.1 to read as follows:

101.1 Title

These regulations shall be known as the Fuel Gas Code of Edgerton, Kansas, hereinafter referred to as "IFGC" or "fuel gas code".

- b) Amend Section 106.4.3 to read as follows:

106.4.3 Schedule of permit fees/Expiration

On buildings, structures, electrical, gas, mechanical and plumbing systems, or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the fee schedule as established by the applicable governing authority.

The fee for each building permit shall be as set forth by resolution of the City Council. When permit fees are required, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be sixty-five percent (65%) of the building permit fee. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.1, an additional plan review fee may be charged.

- c) Amend Section 106.5.3 to read as follows:

106.5.3 Expiration

Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken.

No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

- d) Section 106.6.3 of the IFGC shall be amended to read as follows:

106.6.3 Fee Refunds

The City Administrator or his/her designee is hereby authorized to establish a refund policy.

- e) Section 108.5 of the IFGC shall be amended to read as follows:

108.5 Stop Work Orders

Upon notice from the Building Official, work on any plumbing or gas system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease.

Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work.

The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the Building Official shall not be required to give a written notice prior to stopping the work.

Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as the person is directed to perform to remove a violation or unsafe conditions, shall be guilty upon conviction of a public offense, Class A violation, as provided in Chapter IV, Article 16 of the Edgerton Municipal Code.

- f) The IFGC shall be amended by omitting Section 109 *Means of Appeal* in its entirety.

#### **ARTICLE 5- INTERNATIONAL PLUMBING CODE**

4-501. ADOPTION. There is hereby adopted the International Plumbing Code 2018, published by the International Code Council, for regulating the erection, construction, enlargement, alteration, repair, and maintenance of all plumbing systems in the City of Edgerton, providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such International Plumbing Code, 2018 edition, on file in the office of the building official are hereby referred to as the IPC, adopted and made a part hereof as if fully set out in this chapter, subject only to the express amendments and deletions provided herein.

4-502. DEFINITIONS. For the purposes of the International Plumbing Code, 2018 Edition, as adopted, the following words and phrases shall have the following meanings:

- a) The term "Building Official" shall also be known as the "Code Official" or "Administrative Authority" and shall have the duty of enforcing all provisions of this code.
- b). The term "city" shall mean the City of Edgerton, Kansas.
- c). The term "misdemeanor" and "unlawful act", unless otherwise specifically defined or provided for herein, shall mean Class A violation.

4-503. AMENDMENTS. The International Plumbing Code shall be amended as follows:

- a) Amend Section 101.1 of the IPC to read as follows:

101.1 Title

These regulations shall be known as the International Plumbing Code of the City of Edgerton, hereinafter referred to as "this code" or "IPC".

- b) Amend the IPC by omitting Section 103 *Department of Building Inspection*.

- c) Amend Section 106.5.3 of the IPC to read as follows:

106.5.3 Expiration

Applications shall be considered inactive and/or abandoned thereby becoming null and void by expiration of the following:

1. The building or work authorized by such permit is not commenced within 180 days from the date of such permit, or
2. The building or work authorized by such permit has not progressed to the point of the next required inspection within 90 days of either the issuance of the permit, or from the date of the last inspection.

Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that the untimely progress has not exceeded one year. In order to renew action on a permit that has expired for a period exceeding one year, the permittee shall pay a new full permit fee.

- d) Amend Section 106.6.2 of the IPC to read as follows:

106.6.2 Fee Schedule

On buildings, structures, electrical, gas, mechanical and plumbing systems, or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the fee schedule as established by the applicable governing authority.

The fee for each building permit shall be as set forth by resolution of the City Council. When permit fees are required, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be sixty-five percent (65%) of the building permit fee. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.1, an additional plan review may be charged.

The Building Official is authorized to grant, in writing, one (1) extension of time, for a period not to exceed 180 days. The extension shall be requested in writing and justifiable cause demonstrated.

- e) Amend Section 106.6.3 of the IPC to read as follows:

106.6.3 Fee Refunds

The City Administrator or his/her designee is authorized to establish a refund policy.

- f) Amend Section 108.4 of the IPC to read as follows:

108.4 Violation Penalties

Violation of any provision of this code shall be an unlawful act. Each separate day or any portion thereof, during which any violation of this code occurs or continues, shall also be deemed to constitute a separate offense, and shall be punishable as provided in Chapter IV, Article 16 of the Edgerton Municipal Code.

- g) Amend Section 108.5 of the IPC to read as follows:

108.5 Stop Work Orders

Upon notice from the Building Official, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the Building Official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty upon conviction of a public offense, Class A violation, as provided in Chapter IV, Article 16 of the Edgerton Municipal Code.

- h) Amend the IPC by omitting Section 109 *Means of Appeal* in its entirety.

- i) Amend Section 305.4.1 of the IPC to read as follows:

305.4.1 Sewer depth

Building sewers that connect to private sewage disposal systems shall comply with the City of Edgerton regulations. Contact the City of Edgerton Public Works department for all specific regulations. Building sewer pipes connecting to the public sewer shall comply with the regulations of the City of Edgerton.

- j) Amend Section 312.3 of the IPC to read as follows:

312.3 Drainage and Vent Air Test

An air test shall be made by forcing air into the system until there is a uniform gauge pressure of 5 psi (34.5kPa) or sufficient to balance a 10 inch column of mercury.

This pressure shall be held for a period not less than 15 minutes. Any adjustments to the test pressure because of changes in ambient temperature or the seating of gaskets shall be made prior to the beginning of the test period.

- k) Amend the IPC by omitting Section 312.6 *Gravity sewer test* in its entirety.
- l) Amend the IPC by omitting Section 312.7 *Forced sewer test* in its entirety.
- m) Amend the IPC by omitting Section 312.10 *Inspection and testing of backflow prevention assemblies* in its entirety.
- n) Amend the IPC by omitting Section 312.10.1 *Inspections* in its entirety.
- o) Amend Section 410.4 of the IPC to read as follows:

410.4 Substitution

In occupancies where drinking fountains are required, water coolers or bottled water dispensers are permitted to be substituted for the required drinking fountains.

- p) Amend Section 608.15.2 of the IPC to read as follows:

608.15.2 Protection of backflow preventers

Backflow preventers shall not be located in areas subject to freezing except where they can be removed by means of a union or are protected from freezing by heat, insulation or both.  
*Exception:* in-ground backflow devices for lawn-irrigation systems.

- q) Amend Section 903.1 of the IPC to read as follows:

903.1 Roof extension

Open vent pipes that extend through a roof shall be terminated not less than 6 inches above the roof. Where a roof is to be used for assembly or as a promenade, observation deck, sunbathing deck, or similar purposes, open vent pipes shall terminate not less than 7 feet above the roof.

- r) Amend Section 918.1 of the IPC to read as follows:

918.1 General

Air admittance valves are not allowed unless approved by the Authority Having Jurisdiction (AHJ). Vent systems utilizing air admittance valves shall comply with this section. Stack type air admittance valves shall conform to ASSE 1050. Individual and branch-type air admittance valves shall conform to ASSE 1051.

- s) Amend Section 1103.3 of the IPC to read as follows:

1103.3 Prohibited drainage

Storm water systems, to include connections of sump pumps, foundation drains, yard drains, gutters, downspouts and any other stormwater conveyance or system are prohibited from connecting to the sanitary sewer system. Storm water systems shall not be installed so as to cause a nuisance onto adjacent properties or to alter any existing drainage course.

- t) Amend Section 1113.1.4 of the IPC to read as follows:

1113.1.4 Piping

Discharge piping shall meet the requirements of Section P3002.1, P3002.2, P3002.3, and P3003. Discharge piping shall include an accessible full flow check valve. Pipe and fittings shall be the same size as or larger than the pump discharge piping. Discharge shall be day-lighted so as not to cause a nuisance onto adjacent properties or alter any existing drainage course and shall not be discharged into the public sewer system.

## ARTICLE 6- INTERNATIONAL MECHANICAL CODE

4-601. ADOPTION. There is hereby adopted for the purpose of prescribing regulations for the erection, construction, enlargement, alteration, repair and maintenance of all mechanical systems in the City, that certain code known as the International Mechanical Code, published by the International Code Council, Inc., being particular the 2018 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which code not less than one copy has been and is now filed in the office of the building official and the same are hereby adopted and incorporated as if fully set out at length herein. This code is hereafter referred to as the "IMC" or "mechanical code".

4-602. DEFINITIONS. For the purposes of the International Mechanical Code, 2006 Edition, as adopted, the following words and phrases shall have the following meanings:

- a. The term "city" shall mean the City of Edgerton, Kansas.
- b. The terms "misdemeanor" and "unlawful act", unless otherwise specifically defined or provided for herein, shall mean Class A violation.

4-603. AMENDMENTS. The International Mechanical Code shall be amended with the following:

- a) Amend Section 101.1 of the IMC to read as follows:

101.1 Title

These regulations shall be known as the Mechanical Code of Edgerton, Kansas, hereinafter referred to as "this code".

- b) Amend the IMC by adding Section 102.12, to read as follows:

102.12 State Boiler Inspector

Where permits are issued and portions of the work require inspection and approval of boilers and pressure vessels by the state of Kansas, those portions of the work will comply with the state requirements in lieu of compliance with the technical provisions of this code. Contact the State

Boiler Inspector at the State Department of Human Resources for complete information regarding state requirements. State approval is generally required for all boilers that require permits.

Exceptions:

1. Boilers serving individual dwelling units and their accessory structures.
2. Boilers serving apartment houses with less than five (5) families.
3. Pressure vessels that do not exceed 15 cubic feet and 250 psi.

c) Amend Section 106.4.3 of the IMC to read as follows:

106.4.3 Expiration

Applications shall be considered inactive and/or abandoned thereby becoming null and void by expiration of the following:

1. The building or work authorized by such permit is not commenced within 180 days from the date of such permit, or
2. The building or work authorized by such permit has not progressed to the point of the next required inspection within 90 days of either the issuance of the permit, or from the date of the last inspection.

Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that the untimely progress has not exceeded one year. In order to renew action on a permit that has expired for a period exceeding one year, the permittee shall pay a new full permit fee.

The Building Official is authorized to grant, in writing, one (1) extension of time, for a period not to exceed 180 days. The extension shall be requested in writing and justifiable cause demonstrated.

d) Amend Section 106.5.2 of the IMC to read as follows:

106.5.2 Fee Schedule

On buildings, structures, electrical, gas, mechanical and plumbing systems, or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the fee schedule as established by the applicable governing authority.

The fee for each building permit shall be as set forth by resolution of the City Council. When permit fees are required, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be sixty-five percent (65%) of the building permit fee. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.1, an additional plan review fee may be charged.

e) Amend Section 108.4 of the IMC to read as follows:

108.4 Violation penalties

Violation of any provision of this code shall be an unlawful act. Each separate day or any portion thereof, during which any violation of this code occurs or continues, shall also be deemed to

constitute a separate offense, and shall be punishable as provided in Chapter IV Article 16 of the Edgerton Municipal Code.

- f) Amend Section 108.5 of the IMC to read as follows:

108.5 Stop work orders

Upon notice from the Building Official, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the Building Official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty upon conviction of a public offense, Class A violation, as provided in Chapter IV, Article 16 of the Edgerton Municipal Code.

- g) Amend Section 401.2 of the IMC to read as follows:

401.2 Ventilation required

Every occupied space shall be ventilated by natural means in accordance with Section 402 or by mechanical means in accordance with Section 403. Where the air infiltration rate in 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 water column (50 Pa) in accordance with Section R402.4.1.2 of the International Energy Conservation Code, the dwelling unit shall be ventilated by mechanical means in accordance with Section 403.

**ARTICLE 7 - INTERNATIONAL EXISTING BUILDING CODE**

4-701. ADOPTION. The International Existing Building Code, 2018, Edition, published by the International Code Council, including Appendix Chapters A and B is hereby adopted and incorporated by reference.

4-702. DEFINITIONS. For the purposes of the International Existing Building Code, 2018 Edition, as adopted, the following words and phrases shall have the following meanings:

- a. The term "city" shall mean the City of Edgerton, Kansas.
- b. The term "misdemeanor" and "unlawful act", unless otherwise specifically defined or provided for herein, shall mean Class A violation.
- c. The term "Code Official" shall in all instances mean the Building Code Official of the City of Edgerton, Kansas.
- d. The term "Board of Appeals" shall in all instances mean the Board of Code Review.

4-705. AMENDMENTS. The International Existing Building Code shall be amended with the following:

- a) Amend Section 101.1 of the IEBC to read as follows:

Section 101.1 Title

These provisions shall be known as the Existing Building Code of the City of Edgerton and shall be cited as such and will be referred to herein as "this code".

- b) Amend Section 105.5 of the IEBC to read as follows:



105.5 Expiration

Applications shall be considered inactive and/or abandoned thereby becoming null and void by expiration of the following:

1. The building or work authorized by such permit is not commenced within 180 days from the date of such permit, or
2. The building or work authorized by such permit has not progressed to the point of the next required inspection within 90 days of either the issuance of the permit, or from the date of the last inspection.

Before such work can be recommended, a new permit shall be first obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that the untimely progress has not exceeded one year. In order to renew action on a permit that has expired for a period exceeding one year, the permittee shall pay a new full permit fee.

The Building Official is authorized to grant, in writing, one (1) extension of time, for a period not to exceed 180 days. The extension shall be requested in writing and justifiable cause demonstrated.

- c) Amend Section 108.2 of the IEBC to read as follows:

108.2 Schedule of permit fees

On buildings, structures, electrical, gas, mechanical and plumbing systems, or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the fee schedule as established by the applicable governing authority.

The fee for each building permit shall be as set forth by resolution of the City Council. When permit fees are required, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be sixty-five percent (65%) of the building permit fee. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.1, an additional plan review fee may be charged.

- d) Amend Section 113.4 of the IEBC by adding the following statement at the end of the paragraph:

Section 113.4 Violation penalties

Violation of any provision of this code shall be an unlawful act. Each separate day or any portion thereof, during which any violation of this code occurs or continues, shall also be deemed to constitute a separate offense, and shall be punishable as provided in Chapter IV, Article 16 of the Edgerton Municipal Code.

**ARTICLE 8- NATIONAL ELECTRIC CODE.**

4-801. ADOPTION. There is hereby adopted for the purpose of prescribing regulations governing conditions for the erection, construction, enlargement, alteration, repair and maintenance of electrical systems in the City, the code known as the National Electrical Code-NFPA 70, published by the National Fire Protection Association, being particular the 2017 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which code not less than one copy has been and is now filed in the

office of the building official and the same are hereby adopted and incorporated as if fully set out at length herein. This code is hereafter referred to as the “NEC” or “electrical code”.

4-802. DEFINITIONS. For the purposes of the National Electrical Code, 2017 Edition, as adopted, the following words and phrases shall have the following meanings:

- a) The term "authority having jurisdiction" shall in all instances mean the Building Code Official of the City of Edgerton.
- b) The term “city” shall mean the City of Edgerton, Kansas.
- c) The term "misdemeanor", unless otherwise specifically defined or provided for herein, shall mean Class A violation.

4-803 AMENDMENTS. The National Electric Code shall be amended as follows:

- a) Amend Section 80.2 of the National Electric Code to read as follows:

80.2 Definitions

*Authority Having Jurisdiction.* The organization, office, or individual responsible for approving, equipment, materials, and installation, or a procedure.

The Building Official is designated by the Authority Having Jurisdiction and is responsible for administering the requirements of this code.

- b) Amend Section 80.13 of the NEC to read as follows:

80.13 Authority (13)

Whenever any installation subject to inspection prior to use is covered or concealed without having first been inspected, the authority having jurisdiction shall be permitted to require that such work be exposed for inspection. The authority having jurisdiction shall be notified when the installation is ready for inspections and shall conduct the inspection in a timely manner.

- c) The NEC shall be amended by omitting Section 80.15 *Electrical Board* in its entirety.

- d) Amend Section 80.19(F)(3) of the NEC to read as follows:

80.19(F)(3) Inspections and Approvals

When any portion of the electrical installation within the jurisdiction of an Electrical Inspector is to be hidden from view by the permanent placement of the building, the person, firm, or corporation installing the equipment shall notify the Electrical Inspector, and such equipment shall not be concealed until it has been approved by the Electrical Inspector.

- e) The NEC shall be amended by adding Section 80.19(E) to read as follows:

80.19(E) Fees/Expiration

On buildings, structures, electrical, gas, mechanical and plumbing systems, or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the fee schedule as established by the applicable governing authority.

The fee for each building permit shall be as set forth by resolution of the City Council. When permit fees are required, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be sixty-five percent (65%) of the building permit fee. When submittal documents are incomplete or changed so as to require additional plan

review or when the project involves deferred submittal items as defined in Section 107.3.4.1, an additional plan review fee may be charged.

Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official.

The Building Official may extend the time for action by the applicant for a period not exceeding 180 on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken.

No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

- f) The NEC shall be amended by adding a paragraph to Section 80.19(G)(7) to read as follows:

80.19(G)(7) Expiration

Applications shall be considered inactive and/or abandoned thereby becoming null and void by expiration of the following:

1. The building or work authorized by such permit is not commenced within 180 days from the date of such permit, or
2. The building or work authorized by such permit has not progressed to the point of the next required inspection within 90 days of either the issuance of the permit, or from the date of the last inspection.

Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that the untimely progress has not exceeded one year. In order to renew action on a permit that has expired for a period exceeding one year, the permittee shall pay a new full permit fee.

The Building Official is authorized to grant, in writing, one (1) extension of time, for a period not to exceed 180 days. The extension shall be requested in writing and justifiable cause demonstrated.

- g) Amend Section 80.23(B)(3) of the NEC by adding the following paragraph:

80.23(B)(3) Penalties

Violation of any provision of this code shall be an unlawful act. Each separate day or any portion thereof, during which any violation of this code occurs or continues, shall also be deemed to constitute a separate offense, and shall be punishable as provided in Chapter IV, Article 16 of the Edgerton Municipal Code.

- h) Amend the NEC by omitting Section 80.25(C) *Notification* in its entirety.
- i) Amend the NEC by omitting Section 80.25(D) *Other Territories* in its entirety.
- j) Amend the NEC by omitting Section 80.27 *Inspector's Qualifications* in its entirety.
- k) Amend Section 80.29 of the NEC to read as follows:

80.29 Liability for Damages

Article 80 shall not be construed to affect the responsibility or liability of any party owning, designed, operating, controlling, or installing any electric equipment for damages to persons or property caused by a defect therein, nor shall the City or any of its employees be held as assuming any such liability by reason of the inspection, reinspection, or other examination authorized.

- l) Amend the NEC by omitting Section 80.33 *Repeal of Conflicting Acts* in its entirety.
- m) Amend the NEC by omitting Section 80.25 *Effective Date* in its entirety.
- n) Amend Section 210.12(A) of the NEC to read as follows:

210.12(A) Dwelling Units

All 120-volt, single phase, 15- and 20-ampere branch circuits supplying outlets installed in dwelling unit family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sunrooms, recreation rooms, closets, hallways, or similar rooms or areas shall be protected by a listed arc-fault circuit interrupter, combination type installed to provide protection of the branch circuit. For these purposes, a smoke alarm shall not be considered an outlet and shall not be included in the arc-fault circuit.

Exceptions no. 1, 2, and 3 apply.

Add exception 4 to read:

This Section will not apply where existing dwelling unit premises wiring circuits make the application of this Section impracticable, as determined by the Building Official.

- o) Amend Section 250.52 of the NEC by adding the following paragraph:

250.52 Electrodes

Where none of the electrodes specified in Section 250.52 is available, two or more of the electrodes specified in 250.52(5) shall be used. They shall be connected in the manner specified in Section 250.53 to a minimum of two separate grounding electrode conductors.

- p) Amend Section 547.5(E) of the NEC to read as follows:

547.5(E) Physical Protection

All electrical wiring and equipment subject to physical damage shall be protected. All electrical wiring and equipment subject to physical damage by livestock shall be protected to a minimum height of 8 feet.

**ARTICLE 9-INTERNATIONAL FIRE CODE.**

4-901. ADOPTION. There is hereby adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion that certain code known as the International Fire Code, published by the International Code Council, Inc., including Appendices A, B, C,

D, H and I, being particular the 2018 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which code not less than one copy has been and is now filed in the office of the building code official and the same are hereby adopted and incorporated as if fully set out at length herein. This code is hereafter referred to as the "IFC" or "fire code".

4-902. DEFINITIONS. For the purposes of the International Fire Code, 2018 edition, as adopted, the following words and phrases shall have the following meanings:

- a) The term "building code official" shall mean the Building Code Official of the City of Edgerton, Kansas.
  - b) The term "fire chief" shall mean the Fire Chief of Fire District #1.
  - c) The term "fire code official" shall mean the Fire Marshal as appointed by the Fire Chief of Fire District #1.
  - d) The term "city" shall mean the City of Edgerton, Kansas.
  - e) The term "misdemeanor" or "unlawful act", unless otherwise specifically defined or provided herein shall mean, Class A violation.
  - f) In those instances where the fire flow requirements and subdivision guidelines contained within this code refer to a "hydrant", it is intended that the hydrant be located in close proximity to the residence. If water is available from a non-conventional source, such as a pond or stream, the and Fire Code Official and the Building Code Official may make a determination that the non-conventional source provides substantially equivalent fire-flow to the residence.
  - g) The term "isolated building site" shall mean any parcel of land which is not within a platted subdivision of two or more lots or is located on at least ten (10) acres. If the building site is the only lot within a subdivision and on at least ten (10) acres, then, for the purposes of fire-flow guidelines, such site shall be considered an isolated building site.
  - h) The term "unplatted subdivision" shall mean the division of a lot, tract or parcel of land according to the city's adopted "lot-split" procedures. Unplatted subdivisions may also be lots, tracts or parcels of land that were of record in the register of Deeds Office as of March 1, 1982.
  - i) The term "access road" shall be defined as a road not less than 20 feet in width with not less than 13 feet 6 inches of unobstructed vertical clearance and built and maintained to support the imposed loads to allow passage of fire apparatus in all weather conditions.
  - j) The term "approved or certified automatic sprinkler system", "approved automatic fire-extinguishing system", or "approved or certified fire alarm and detection system" shall mean one that has been designed by a fire protection engineer who is licensed in the State of Kansas, and installed by a contractor with National Institute for Certification in Engineering Technologies (NICET), Level III or IV technicians in the applicable discipline (automatic sprinkler systems or fire alarm systems).
  - k) The term "alternate water source" shall mean a source for fire flow derived from a river, lake, canal, bay, stream, pond, well, cistern, or other similar source of water that is available as suction supply for fire department use and meeting all requirements set forth by the Fire Code Official and the Building Code Official.
- These are guidelines which are intended to apply to most situations.

Minor accommodations and adjustments may be made by the Building Code Official on a case-by-case basis after consulting with the Fire Code Official for good cause shown so long as there is no significant increase in the potential for a fire hazard.

4-903. AMENDMENTS. The International Fire Code shall be amended as follows:

- a) Amend Section 101.1 of the IFC as follows:

101.1 Title

These regulations shall be known as the Fire Code of the City of Edgerton, Kansas, hereinafter referred to as the "IFC" or "this code".

- b) Amend Section 102, *Applicability* of the IFC by adding a new Section 102.13 to read as follows:

102.13 Home Daycares

Home Daycares that meet the requirement of the Johnson County, Kansas Home Daycare Handbook 2019 edition shall be viewed as meeting the equivalent of the requirements of the IFC.

- c) Amend Section 103.2 of the IFC to read as follows:

103.2 Appointment

The Fire Code Official shall be appointed by the Fire Chief of Fire District #1 of Johnson County; and the Fire Code Official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before Fire District #1 of Johnson County.

- d) Amend Section 104.11.2 of the IFC to read as follows:

104.11.2 Obstructing Operations

No person shall obstruct the operations of the fire district in connection with extinguishment or control of any fire, or actions relative to other emergencies, or disobey any lawful command of the Fire Chief or Fire Code Official of the fire district who may be in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the fire district. Any person who obstructs the operations of the fire district in connection with extinguishing any fire, or other emergency, or disobeys any lawful command of the applicable Fire Chief or Fire Code Official of the fire district who may be in charge at such a scene, or any part thereof, or any police officer assisting the fire district, shall be guilty of an unlawful act.

- e) Amend Section 105.1 of the IFC to read as follows:

105.1 General

Permits shall be in accordance with Section 105. Where permits are required elsewhere in this code, the Fire Code Official shall be permitted to waive the requirements for issuance of a permit provided public safety and welfare is maintained. Operational permits are specifically required for the following:

1. Explosives. (105.6.14)
2. Open burning. (105.6.32)

- f) Amend Section 105.6.14 of the IFC to read as follows:

105.6.14 Explosives, Fireworks and Blasting

An operational permit is required for the manufacture, storage, handling, sale or use of any quantity of explosives, explosive material, fireworks, or pyrotechnic special effects within the scope of Chapter 56 of this Code.

Exception: Storage in Group R-3 occupancies of smokeless propellant, black powder, and small arms primers for personal use, not for resale and in accordance with Section 5606 of this Code.

- g) Amend Section 105.6.32 of the IFC to read as follows:

105.6.32 Open burning

OPEN BURNING UNLAWFUL. It shall be unlawful for any person, firm, corporation, or other entity, including their agents or employees, to burn, permit or cause to be burned any garbage or refuse or any other heavy smoke producing or combustible materials out of doors at any location within the city limits. (Ord. 853, 2009; Ord. 588, 1989; Ord. 524, 1983)

SAME; EXCEPTIONS. It shall be lawful to open burn or burn in any other lawful burning receptacle by permit, tree limbs of less than four feet in length and ten inches in circumference, grass clippings and leaves. All burning herein permitted shall occur no earlier than thirty minutes after sunrise and no more than thirty minutes before sunset. All fires permitted hereunder shall, at all times, be in the presence of an adult who shall undertake to supervise the same. All materials permitted to be burned herein shall not contain any material not otherwise permitted to be burned including, but not limited to, heavy smoke producing material or animal carcasses. (Ord. 853, 2009; Ord. 588, 1989)

SAME; METEOROLOGICAL CONDITIONS. No fire or burning herein shall be permitted during inclement or foggy weather conditions or on days with a heavy cloud cover. Heavy cloud cover, as used herein, shall mean an overcast sky with a ceiling of less than 2,000 feet. In addition, burning shall be restricted to periods when wind surface speeds are more than five miles per hour but less than 15 miles per hour. (Ord. 853, 2009; Ord. 588, 1989)

PERSONS RESPONSIBLE. It shall be prima facie evidence that the person, or persons, having the right of possession to the property on which any burning, whether lawful or unlawful, occurs has caused or permitted the same; provided the evidence may be rebutted by clear and convincing proof that the burning was caused by another person and that the existence of the fire, or burning, was unknown to the person in possession of the property. (Ord. 853, 2009; Ord. 588, 1989) Previous Code 7-207, Same: Incinerators repealed by Ord. 835; see Ord. 588, 1989 and Ord. 524, 1983)

PENALTY. Any person who shall violate any of the provisions of the code incorporated by reference of this article or any other provision of this article, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no variance has been granted or appeal taken or who shall fail to comply with such an order as affirmed or modified by the governing body of the city, or by a court of competent jurisdiction, within any prescribed time for doing so, shall severally for each and every such violation and noncompliance respectively, be punished by a fine of not less than \$25 nor more than \$500. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such responsible persons shall be required to correct or remedy such violations or defects within the time prescribed by the court levying such fine, and when not otherwise specified, each 10 days that prohibited conditions are maintained or remitted to exist shall constitute a separate offence. The imposition of any penalty hereunder shall not be held to prevent the removal of prohibited condition. (Ord. 853, 2009; Ord. 588, 1989; Ord 524, 1983)

h) Amend the IFC by omitting Section 105.7 *Required construction permits*.

i) Amend Section 106.2 of the IFC to read as follows:

106.2 Schedule of permit fees/expiration

On buildings, structures, electrical, gas, mechanical and plumbing systems, or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the fee schedule as established by the applicable governing authority.

The fee for each building permit shall be as set forth by resolution of the City Council. When permit fees are required, a plan review fee shall be paid at the time of submitting the submittal

documents for plan review. Said plan review fee shall be sixty-five percent (65%) of the building permit fee. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.1, an additional plan review fee may be charged.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.1, an additional plan review fee may be charged.

Applications shall be considered inactive and/or abandoned thereby becoming null and void by expiration of the following:

1. The building or work authorized by such permit is not commenced within 180 days from the date of such permit, or
2. The building or work authorized by such permit has not progressed to the point of the next required inspection within 90 days of either the issuance of the permit, or from the date of the last inspection.

Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that the untimely progress has not exceeded one year. In order to renew action on a permit that has expired for a period exceeding one year, the permittee shall pay a new full permit fee.

The Building Official is authorized to grant, in writing, one (1) extension of time, for a period not to exceed 180 days. The extension shall be requested in writing and justifiable cause be demonstrated.

j) Amend the IFC by omitting Section 108 *Board of Appeals* in its entirety.

k) Amend Section 109 of the IFC as follows:

109 Board of Appeals

The Board of Appeals shall mean the Board of Code Review as established in Article 17 of this Chapter. The Board of Code Review shall hear and decide appeals of orders, decisions, or determinations made by the Building Official relative to the application and interpretation of this code.

l) Amend Section 110.4 of the IFC as follows:

110.4 Violation Penalties

It shall be unlawful for any person, firm, or corporation to violate any of the provisions of this code or fail to comply therewith, or to violate or fail to comply with any order made thereunder, or to build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder. Violation of any provision of this code shall be a public offense, a Class A violation punishable upon conviction as provided in Chapter IV, Article 16 of the Edgerton Municipal Code. Each separate day or any portion thereof, during which any violation of this code occurs or continues, shall be deemed to constitute a separate offense, and shall be punishable as herein provided. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

m) Amend Section 112.4 of the IFC as follows:



112.4 Failure to Comply

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this code. Violation of any provision of this code shall be a public offense, a Class A violation, punishable upon conviction as provided in Chapter IV, Article 16 of the Edgerton Municipal Code.

Each separate day or any portion thereof, during which any violation of this code occurs or continues, shall be deemed to constitute a separate offense, and shall be punishable as herein provided.

- n) Amend Section 307.1 of the IFC to read as follows:

307.1 General

A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with Sections 307.1 through 307.5 of this Code. In addition to the requirements of this section, open burning when allowed within the jurisdiction, shall be in accordance with Section 4-904 (g) of this Code.

- o) Amend Section 308.1.4 to read as follows:

308.1.4 Open-flame cooking devices

Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within 10 feet of combustible construction.

Exceptions:

1. One- and two-family dwellings as well as townhomes.
2. Other than one- and two-family dwellings and townhomes, where buildings, balconies, and decks are protected by an automatic fire sprinkler system, only gas fueled cooking devices are permitted.
3. When permitted, LP-gas fueled grills shall use a fuel cylinder weighing 20 pounds or less.

- p) Amend the IFC by adding Section 310.7.1 to read as follows:

310.7.1 Smoking receptacles required

Owners of commercial and multi-family properties, where smoking is permitted, shall be responsible for providing approved receptacles for discarding smoking material in locations approved by the Fire Code Official.

- q) Amend the IFC by adding Section 312.1.1 to read as follows:

312.1.1 Protection of utility equipment

Where equipment is providing electricity or fuel gas and located in an area subject to vehicle impact, vehicle impact protection shall be provided in accordance with Section 312.

- r) Amend the IFC by adding Section 315.8 to read as follows:

315.8 Indoor pallet storage

The indoor storage of idle combustible pallets shall not be allowed to accumulate to a condition in which it creates a fire hazard. Where required by the Fire Code Official, the storage of idle combustible pallets creating the fire hazard shall be removed from the building.

- s) Amend Table 315.7.6(1) of the IFC to read as follows:

Table 315.7.6(1) – under the heading “Wood Pallet Separation Distance”

“51-200 Pallets” the 5 foot separation distance reflected in the table is in error and should be revised to read 15 feet.

- t) Amend the IFC by omitting Section 319 *Mobile Food Preparation Vehicles* in its entirety.
- u) Amend Section 503.1 of the IFC to read as follows:

503.1 Where required

Fire apparatus access roads shall be provided and maintained in accordance with Section 503.1.1 through 503.1.3 and Appendix D.

- v) Amend Section 503.3 of the IFC to read as follows:

503.3 Marking

Where required by the Fire Code Official, approved signs and painted curb, or pavement if a curb is absent, or other approved notices or markings shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility. The curb or pavement, if a curb is absent, shall be painted red with white 3 inch letters indicating NO PARKING – FIRE LANE. Lettering shall occur every 25 feet of the fire lane. Signs used to indicate fire lanes shall meet the requirements of Section D103.6 of the IFC.

- w) Amend Section 503.4 of the IFC to read as follows:

503.4 Obstruction of fire apparatus access roads

Fire apparatus access roads shall not be obstructed in any manner including the parking of vehicles. The Fire Code Official is authorized to have towed, at the owner’s expense, any vehicle obstructing the fire apparatus access road. The minimum widths and clearances established in Sections 503.2.1 and 503.2.2 shall be maintained at all times.

- x) Amend Section 503.6 of the IFC to read as follows:

503.6 Security Gates

The installation of security gates across a fire apparatus access road shall first be approved by the Fire Code Official in writing prior to installation. Where security gates are installed, they shall have an approved primary means of emergency operation with a manual secondary means of emergency operation in the event of failure of the primary emergency operation. The security gates and emergency operations shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL325. Gates intended for automatic operation shall be designed, constructed, and installed to comply with the requirements of ASTM F2200.

- y) Amend the IFC by adding Section 504.4 to read as follows:

504.4 Roof access sign

Where required by the Fire Code Official, a sign on or near each rooms serving as access to the roof shall be provided. The sign shall be approved by the Fire Code Official.

- z) Amend Section 505.1 of the IFC to read as follows:

505.1 Address identification

New and existing buildings shall have approved address numbers, building numbers, or approved building identification placed in a position on the building or on any structure, mailbox, sign, or monument on the property that is securely fixed to the ground to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of six inches (6 in.) high with a minimum stroke width of 0.5 inch for commercial buildings. Numbers shall be a minimum height of four inches (4 in.) for one- and two-family dwellings and townhomes. When required by the Fire Code Official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from a public way, a monument, pole, or other sign or means as approved by the Fire Code Official shall be used to identify the structure. Address identification shall be maintained.

Exception:

Characters shall be permitted to be a minimum of four inches (4 in.) high when the address is posted in an approved manner within 25 feet of the road which it is addressed on.

505.1.1 Secondary address numbers

Multi-tenant retail shopping centers in which tenant spaces have secondary entry doors from an exterior façade of the building and have paved vehicle access adjacent to such doors shall have approved numbers or addresses placed on or adjacent to each door. Secondary address numbers shall meet the same requirements of Section 505.1.

Exceptions:

1. If more than one entry door is installed on a façade, only one door needs to be marked (entry doors defined as overhead or cargo doors and normal passage doors).
2. Further exceptions may be permitted by the Fire Code Official.

505.1.2 Additional Identification

Where identification of additional exits would be of benefit to emergency response personnel, a sequential numbering system may be required by the Fire Code Official whereby the interior and exterior surfaces of each exit is marked in an approved manner.

- aa) Amend Section 506.1 of the IFC to read as follows:

506.1 Where required

Where access to or within a structure or an area is restricted because of secured opening or where immediate access is necessary for lifesaving or fire-fighting purposes, a key box shall be installed in an approved location as required by the Fire Chief or designated Fire Code Official. The key box shall be an approved type listed in accordance with UL 1037 and shall contain keys or access cards to gain necessary access as required by the Fire Chief or designated Fire Code Official for new or existing buildings.

- bb) Amend Section 506.1.2 to read as follows:

506.1.2 Key boxes for fire service elevator keys

Key boxes provided for fire service elevator keys shall comply with Section 506.1 and all of the following:

1. The key box shall be compatible with an existing rapid entry key box system in use in the jurisdiction and approved by the Fire Code Official.
2. The front cover shall be permanently labeled with the words “Fire Department Use Only – Elevator Keys”, when required by the Fire Code Official.
3. The key box shall be mounted at each elevator bank at the lobby nearest to the lowest level of fire department access.
4. The key box shall be mounted at an approved location by the Fire Code Official.
5. Contents of the key box are limited to fire service elevator keys. Additional elevator access tools, keys and information pertinent to emergency planning or elevator access shall be permitted where authorized by the Fire Code Official.
6. In buildings with two or more elevator banks, a single key box shall be permitted to be used where such elevator banks are separated by not more than 30 feet. Additional key boxes shall be provided for each individual elevator or elevator bank separated by more than 30 feet.

Exception: A single key box shall be permitted to be located adjacent to a fire command center or the nonstandard fire service elevator key shall be permitted to be secured in a key box used for other purposes and located in accordance with Section 506.1.

cc) Amend Section 506.2 of the IFC to read as follows:

506.2 Key Box Maintenance

The operator of the building shall immediately notify the Fire Code Official of Fire District #1 and provide the new key when a lock is changed or re-keyed. The key to such lock shall be secured in the key box. The key box shall be maintained in working order by the operator/owner/occupant of the building.

dd) Amend Section 507.5.1.1 of the IFC to read as follows:

507.5.1.1 Hydrant for Fire Sprinkler and Standpipe Systems

Buildings equipped with a fire sprinkler or standpipe system that is installed in accordance with Section 903 or 905 shall have a fire hydrant within 100 feet of the fire department connections.

ee) Amend Section 507.5.2.1 of the IFC to read as follows:

507.5.2.1 Line and Hydrant tests:

Private hydrants and supply piping shall be tested as specified in NFPA 24. Hydrants shall comply with AWWA standards adopted by The City and maintained to AWWA-M17 standard.

507.5.2.1.1 Hydrants – Color

Private hydrants shall be painted and highly visible. Private fire hydrants shall be painted red. Public fire hydrants shall be painted yellow or an approved color by the Fire Code Official.

ff) Amend the IFC by adding Section 509.3 to read as follows:

509.3 Protection of fire equipment

Where fire protection equipment is located in an area subject to vehicle impact, vehicle impact protection shall be provided in accordance with Section 312.

**gg)** Amend Section 901.6 of the IFC to read as follows:

901.6 Inspection, Testing and Maintenance

Fire detection, alarm and extinguishing systems shall be maintained in an operative condition at all times and shall be replaced or repaired where defective. Non-required fire protection systems and equipment shall be inspected, tested, and maintained, or removed.

The inspection, testing and maintenance of fire protection systems and equipment shall be performed by a fire protection engineer who is licensed in the State of Kansas, or a contractor with the National Institute for Certification in Engineering Technologies (NICET), Level II technicians in the applicable discipline (automatic sprinkler systems, fire alarm systems or inspection and testing of water-based systems), licensed to do so by the Kansas State Fire Marshal, and approved by the Fire Code Official.

**hh)** Amend Section 901.7 of the IFC to read as follows:

901.7 Systems out of service

Where a required fire protection system is out of service, the fire department and the Fire Code Official shall be notified immediately and, where required by the Fire Code Official, the building shall be either evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shutdown until the fire protection system has been returned to service.

Where utilized, fire watches shall be provided with not less than one approved means for notification of the fire department and their only duty shall be to perform constant patrols of the protected premises and keep watch from fires.

Proper documentation shall be completed for fire watch including the dates, times, and individuals performing the fire watch as well as the system(s) out of service during the fire watch. This documentation shall be submitted to the fire district when required.

**ii)** Amend Section 903.2.10 of the IFC to read as follows:

903.2.10 Group S-2 enclosed parking garages

An automatic sprinkler system shall be provided throughout buildings classified as enclosed parking garages in accordance with Section 406.6 of the International Building Code, where either of the following conditions exists:

1. Where the fire area of the enclosed parking garage exceeds 12,000 square feet (1115 m<sup>2</sup>)
2. Where the enclosed parking garage is located beneath other groups.

**jj)** Amend the IFC by adding Section 903.3.1.2.4 to read as follows:

903.3.1.2.4 Attached garages

Fire sprinkler protection shall be provided in all attached garages.

**kk)** Amend Section 903.3.1.2.1 of the IFC to read as follows:

903.3.1.2.1 Balconies and decks

Sprinkler protection shall be provided for exterior balconies, decks and ground floor patios of dwelling units and sleeping units. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch to 6 inches below the structural members and a maximum distance of 14 inches below the deck of the exterior balconies and decks that are constructed of open wood joist construction.

- ll) Amend the IFC by adding Section 903.3.1.3.1 to read as follows:

903.3.1.3.1 Attached garages

Fire sprinkler protection shall be provided in attached garages.

- mm) Amend the IFC by adding Section 903.3.5.3 to read as follows:

903.3.5.3 Main control valves

Water supply lines for automatic sprinkler systems shall be provided with a control valve located on the riser. The valve shall be capable of isolating the underground fire service main from the automatic sprinkler system.

- nn) Amend Section 903.4.2 of the IFC to read as follows:

903.4.2 Alarms

An approved audio/visual device shall be connected to each automatic sprinkler system. Such sprinkler system water-flow alarm devices shall be activated by water flow equipment to the flow of a single sprinkler of the smallest orifice size installed in the system.

Alarm devices shall be provided on the exterior of the building directly above the fire department connection or in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

- oo) Amend the IFC by adding Section 903.4.2.1 to read as follows:

903.4.2.1 Occupant notification in sprinklered buildings

Where an automatic fire sprinkler system is installed in a building that does not have a fire alarm system, occupant notification shall be provided. Occupant notification shall be provided in accordance with Section 907.5.

Exception: Occupant notification may be provided by an alternative method when approved by the Fire Code Official.

- pp) Amend the IFC by adding Section 903.5.3.1 to read as follows:

903.5.3.1 Main control valve access

The main control valve shall be accessible. To be considered accessible, a clear space 3 feet wide by 3 feet deep by 7 feet high shall be provided in front of the valve. Access to the clear space shall be provided by an unobstructed aisle not less than 3 feet wide and 7 feet high. The valve shall be operable from floor level.

- qq) Amend the IFC by adding Section 912.3.1 to read as follows:

912.3.1 Fire department connection for water supply

All connections to supply fire sprinkler systems and/or standpipe systems shall be fitted with an approved four-inch (4 in.) Storz quick coupling connector unless otherwise approved by the Fire Code Official.

rr) Amend Section 1023.9.1 of the IFC to read as follows:

1023.9.1 Signage requirements

Stairway identification signs shall comply with all of the following requirements:

1. The signs shall be a minimum size of 18 inches by 12 inches.
2. Stairways should be identified using a method approved by the Fire Code Official. The letters designating the identification of the interior exit stairway and ramp shall be not less than 1 ½ inches in height.
3. The number designating the floor level shall be not less than 5 inches in height and located in the center of the sign.
4. Other lettering and numbers shall be not less than 1 inch in height.
5. Characters and their background shall have a non-glare finish. Characters shall contrast with their background, with either light characters on a dark background or dark characters on a light background.
6. Where signs required by Section 1023.9 are installed in the interior exit stairways and ramps of buildings subject to Section 1025, the signs shall be made of the same materials as required by Section 1025.4.
7. Signs shall be color coded or have colored borders as approved by the Fire Code Official.

ss) Amend the IFC by adding Section 1023.9.2 to read as follows:

1023.9.2 Color coding

The color coding for stairway identification signs shall be as follows:

1. Red – Primary exit enclosure with roof access
2. Yellow – Secondary stairwell
3. Blue – Third stairwell
4. White – Fourth stairwell
5. Green – Fifth stairwell

tt) Amend the IFC by adding Section 2001.4 to read as follows:

2001.4 Other requirements

Where other fire safety requirements for aviation facilities have been adopted by the City of Edgerton, those regulations, in addition to the requirements of this code, shall apply. Where conflicts may arise, the most restrictive requirement shall apply.

uu) Amend the IFC by adding Section 3310.1 to read as follows:

3310.1 Required access

Approved vehicle access for firefighting and emergency responses shall be provided to all construction or demolition sites. Vehicle access shall be provided to within 50 feet of temporary or permanent fire department connections. Vehicle access shall be provided by either temporary or permanent roads, capable of supporting vehicle loading under all weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available.

vv) Amend Section 5601.3 of the IFC to read as follows:

5601.3 Fireworks

The possession, storage, handling, and use of fireworks shall be in accordance with Chapter IV, Article 20 of the Edgerton Municipal Code.

**ww)** Amend Section 5607.1 of the IFC to read as follows:

5607.1 General

Blasting operations shall be conducted only by approved, competent operators licensed to conduct this operation by the appropriate licensing entity and that are familiar with the required safety precautions and the hazards involved and in accordance with the provisions of NFPA 495. Blasting operations shall be in accordance with Chapter IV, Article 20 of the Edgerton Municipal Code.

**xx)** Amend Section 5607.4 of the IFC to read as follows:

5607.4 Restricted hours

Surface blasting operations shall only be conducted during daylight hours in the times established by Chapter IV, Article 19 of the Edgerton Municipal Code.

**yy)** Amend the IFC by adding Section C102.1 to read as follows:

C102.1 Additional required fire hydrants

The Fire Code Official is authorized to modify the location, number, and distribution of fire hydrants based on site-specific constraints and hazards.

**zz)** Amend the IFC by adding Section C103.4 to read as follows:

C103.4 Hydrant spacing for Fire Department Connections

A fire hydrant shall be located within 100 feet of all fire department connections.

Exception: The distance shall be permitted to exceed 100 feet where approved by the Fire Code Official.

**aaa)** Amend the IFC by adding Section D103.4.1 to read as follows:

D103.4.1 Islands

Fire apparatus access roads and turnarounds that contain interior islands shall have dimensions that are approved by the Fire Code Official prior to their installation.

**bbb)** Amend the IFC by adding Section D103.4.2 to read as follows:

D103.4.2 Alternate designs

Turnarounds that are proposed to have an alternate design other than the criteria described in Section D103 shall first be approved by the Fire Code Official prior to their installation.

**ccc)** Amend Appendix J of the IFC by deleting in its entirety and adding a new Appendix J to read as follows:

Appendix J – Building Information Signs



J101.1 Scope. New buildings shall have a building information sign(s) that comply with Sections J101.1 through J101.2 when the building is constructed with truss materials in the floor(s) or the roof. These requirements shall not apply to buildings that were not constructed with truss materials.

J101.1.1 Sign Location The building information sign shall be placed near the utility service meters. Additional signage shall be installed near the main entrance when required by the Fire Code Official.

J101.1.2 Sign Features. The building information sign shall consist of all of the following:

1. Reflective background.
2. Durable material.
3. Alphabetical letters shall be capitalized.
4. Permanently affixed to the building or structure in an approved manner.

J101.1.3 Sign shape and color. The building information sign shall be an 8-inch tall Maltese cross red in color with 2-inch tall white text.

J101.2 Sign text. The text of the sign shall represent the truss construction that has been installed within the building. The text shall be in capital alphabetic letters in the center of the Maltese cross as indicated below:

1. Truss Roof – R
2. Truss Floor – F
3. Truss Roof and Floor – RF

## **ARTICLE 10-INTERNATIONAL ENERGY CONSERVATION CODE.**

4-1001. ADOPTION. There is hereby adopted the International Energy Conservation Code 2018, published by the International Code Council, for regulating the energy efficiency of building envelopes and the installation of energy efficient mechanical, lighting and power systems in the City of Edgerton, providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such International Energy Conservation Code, 2018 edition, on file in the office of the building official are hereby referred to as the IECC, adopted and made a part hereof as if fully set out in this chapter, subject only to the express amendments and deletions provided herein.

4-1002. DEFINITIONS. For the purposes of the International Energy Conservation Code, 2012 Edition, as adopted, the following words and phrases shall have the following meanings:

- a) The term "code official" shall mean the Building Code Official.

4-1003. AMENDMENTS. The International Energy Conservation Code shall be amended as follows:

- a) Amend Sections C101.1 and R101.1 of the IECC to read as follows:

### C101.1 Title

These regulations shall be known as the Energy Conservation Code of the City of Edgerton, hereinafter referred to as "the IECC" or "this code".

### R101.1 Title

These regulations shall be known as the Energy Conservation Code of the City of Edgerton, hereinafter referred to as "the IECC" or "this code".

- b) Amend the IECC by adding a new Section C101.4.2 of the IECC to read as follows:

### C101.4.2 Additions, Alterations, Renovations and Repairs

Additions, alterations, renovations and repairs to existing buildings, building systems or portions thereof shall perform to the provisions of this code as they relate to new construction without

requiring the unaltered portions of the existing building or building system to comply with this code. Additions, alterations, renovations, or repairs shall not create an unsafe or hazardous condition or overload existing building systems. An addition shall be deemed to comply with this code if the addition alone complies or if the existing building and addition comply with this code as a single building.

Exception: The following need not comply provided the energy use of the building is not increased:

1. Storm windows installed over existing fenestration.
2. Glass only replacements in an existing sash and frame.
3. Existing ceiling, wall or floor cavities exposed during construction provided that these cavities are filled with insulation.

c) Amend Sections C104.2 and R104.2 of the IECC to read as follows:

*C104.2 & R104.2 Schedule of Permit Fees/Expiration*

On buildings, structures, electrical, gas, mechanical and plumbing systems, or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the fee schedule as established by the applicable governing authority.

The fee for each building permit shall be as set forth by resolution of the City Council. When permit fees are required, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be sixty-five percent (65%) of the building permit fee. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.1, an additional plan review fee may be charged.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.1, an additional plan review fee may be charged.

Applications shall be considered inactive and/or abandoned thereby becoming null and void by expiration of the following:

1. The building or work authorized by such permit is not commenced within 180 days of the date of such permit, or
2. The building or work authorized by such permit has not progressed to the point of the next required inspection within 90 days of either the issuance of the permit, or from the date of the last inspection.

Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that the untimely progress has not exceeded one year. In order to renew action on a permit that has expired for a period exceeding one year, the permittee shall pay a new full permit fee.

The Building Code Official is authorized to grant, in writing, one (1) extension of time, for a period not to exceed 180 days. The extension shall be requested in writing and justifiable cause

demonstrated.

- d) Amend the IECC by omitting Sections C109 *Board of Appeals* and R109 *Board of Appeals* in their entirety.
- e) Amend the IECC by adding Sections C110 and R110 to read as follows:

*C110 & R110 Violation Penalties*

Violation of any provision of this code shall be an unlawful act. Each separate day or any portion thereof, during which any violation of this code occurs or continues, shall also be deemed to constitute a separate offense, and shall be punishable as provided in Chapter IV, Article 16 of the Edgerton Municipal Code.

- f) Amend Table C402.1.3 of the IECC as follows:

*Table C402.1.3 Opaque Thermal Envelope Requirements*

**Roofs**

<b>Component</b>	<b>All other</b>	<b>Group R</b>
Insulation entirely above deck	R-20 ci	R-20ci
Metal building roofs w/ R-5 thermal blocks (a,b)	R-19 + R-11 LS	R-19 + R-11 LS
Attic and other	R-38	R-38

**Walls Above Grade**

<b>Component</b>	<b>All Other</b>	<b>Group R</b>
Mass	R-9.5 ci	R-11.4 ci
Metal Building	R-13 + R-13 ci	R-13 + R-13 ci
Metal Framed	R-13 + R-7.5 ci	R-13 + R-7.5 ci
Wood Framed and Other	R-13	R-13

**Walls Below Grade**

<b>Component</b>	<b>All other</b>	<b>Group R</b>
Below Grade Wall (d)	R-7.5 ci	R-7.5 ci

**Floors**

<b>Component</b>	<b>All other</b>	<b>Group R</b>
Mass	R-10 ci	R-10.4 ci
Joist/Framing	R-30	R-30

**Slab-on-Grade Floors**

<b>Component</b>	<b>All other</b>	<b>Group R</b>
Unheated slabs	R-10 for 24 inches below	R-10 for 24 inches below

Heated slabs	R-15 for 24 inches below	R-15 for 24 inches below
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### Opaque Doors

Component	All other	Group R
Swinging	U-0.61	U-0.61
Roll-up or Sliding	U-0.61	U-0.61

ci = continuous insulation

LS = Liner System – a continuous membrane installed below the purlins and uninterrupted by framing members. Uncompressed, un-faced insulation rests on top of the membrane between the purlins.

- a. Assembly descriptions can be found in ANSI/ASHRAE/IESNA Appendix A.
  - b. Where using R-value compliance method, a thermal space block shall be provided, otherwise, use the U-factor compliance method in Table C402.1.2.
  - c. Where heated slabs are below grade, below grade walls shall comply with the exterior insulation requirements for heated slabs.
- g)** Amend the IECC by omitting Section C406 *Additional Efficiency Package Options*.
- h)** Amend the IECC by omitting Section C408 *Maintenance Information and System Commissioning*.
- i)** Amend Table R402.1.2 of the IECC to read as follows:

*R402.1.2 Insulation and Fenestration Requirements by Component (a)*

Climate zone: 4

Fenestration U- factor (b): 0.32

Skylight U-factor (b): 0.55

Glazed Fenestration SHGC (b): 0.40

Ceiling R-value: 49

Wood frame wall R-value: 13

Mass wall R-value (i): 8/13

Floor R-value: 19

Basement wall R-value(c): 10/13

Slab R-value and Depth: NR (d)

Crawl space R-value(c): 10/13

(a) R values are minimums. U-factors and SHGC are maximums.

(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 on the interior of the basement walls.

(d) NR shall mean no requirement

(e) Mass walls shall be in accordance with Section N1102.2.5. The second R-value applies where more than half the insulation is on the interior of the mass wall.

- j)** Amend Section R402.4.1.2 of the IECC to read as follows:

*R402.4.1.2 Testing*

When required by the Code Official, the building or dwelling unit shall be tested and verified by an approved third party as having an air leakage rate of not exceeding five (5) air changes per

hour. A written report of the results of the test shall be signed by the party conducting the test and provided to the Code Official.

- k) Amend Section R402.4.2 of the IECC to read as follows:

R402.4.2 Fireplaces

New wood-burning fireplaces shall have tight-fitting flue dampers or doors and outdoor combustion air.

- l) Amend the IECC by omitting Section R402.4.4 *Rooms containing fuel burning appliances*.

- m) Amend the IECC by omitting Section R403.3.3 *Duct testing*.

- n) Amend the IECC by omitting Section R403.3.2.1 *Sealed air handler*.

- o) Amend the IECC by omitting Section R403.3.5 *Building cavities*.

- p) Amend the IECC by omitting Section R403.3.5.1.1 *Circulation systems*.

- q) Amend the IECC by omitting Section R404 *Electrical power and lighting systems*.

- r) Amend Table R406.4 of the IECC to read as follows:

Table R406.4 Energy Rating Index

Climate zone: 4

Energy rating index: 80

## ARTICLE 11. DANGEROUS AND UNSAFE BUILDINGS

4-1101. PURPOSE. The governing body of the City of Edgerton has found that there exist within the corporate limits of the city structures which are unfit for human use or habitation because of dilapidation, defects increasing the hazards of fire or accidents, structural defects or other conditions which render such structures unsafe, unsanitary or otherwise inimical to the general welfare of the city, or conditions which provide a general blight upon the neighborhood or surrounding properties. It is hereby deemed necessary by the governing body to require or cause the repair, closing or demolition or removal of such structures as provided in this article. (K.S.A. 12-1751; Code 1984)

4-1102. DEFINITIONS. For the purpose of this article, the following words and terms shall mean: (a) Structure shall include any building, wall, superstructure or other structure which requires location on the ground, or is attached to something having a location on the ground. (b) Public Officer means the city building inspector or his or her authorized representative. (K.S.A. 12-1750; Code 1984)

4-1103. PUBLIC OFFICER; DUTIES. The public officer is hereby authorized to exercise such powers as may be necessary to carry out the purposes of this article. Including the following: (a) Inspect any structure which appears to be unsafe, dangerous or unfit for human habitation; (b) Have authority to enter upon premises at reasonable hours for the purpose of making such inspections. Entry shall be made so as to cause the least possible inconvenience to any person in possession of the structure. If entry is denied, the public officer may seek an order for this purpose from a court of competent jurisdiction; (c) Report all structures which he or she believes to be dangerous, unsafe or unfit for human habitation to the governing body; (d) Receive petitions as provided in this article. (Code 1984)

4-1104. PROCEDURE; PETITION. Whenever a petition is filed with the public officer by at least five residents charging that any structure is dangerous, unsafe or unfit for human habitation, or whenever it appears to the public officer on his or her own motion that any structure is dangerous, unsafe or unfit for human habitation, he or she shall, if his or her preliminary investigation discloses a basis for such charges, report such findings to the governing body. (Code 1984)

4-1105. SAME; NOTICE. The governing body upon receiving a report as provided in section 4-404, shall be resolution fix a time and place at which the owner, the owner's agent, any lienholder of records and any occupant of the structure may appear and show cause why the structure should not be condemned and ordered repaired or demolished. (K.S. A. 12-1752; Code 1984)

4-1106. SAME; PUBLICATION. (a) The resolution shall be published once each week for two consecutive weeks on the same day of each week. At least 30 days shall elapse between the last publication and the date set for the hearing. (b) A copy of the resolution shall be mailed by certified mail within three days after its first publication to each owner, agent, lienholder and occupant at the last known place of residence and shall be marked "deliver to addressee only." (K.S.A. 12-1752; Code 1984)

4-1107. SAME; HEARING, ORDER. (a) If, after notice and hearing, the governing body determines that the structures under consideration is dangerous, unsafe or unfit for human use or habitation, it shall state in writing its findings of fact in support of such determination and shall cause to be served upon the owner or agent an order directing such owner to either repair or demolish or remove the structure.

(b) If the repair, alteration, or improvement of the structure can be made at a cost which shall not exceed 50 percent of the fair market value of the structure, the owner of the property shall, within the time specified in the order, repair, alter or improve the structure to render it safe and fit for human use or habitation, or shall vacate and close the structure until such time as he or she has complied with the order.

(c) If the repair, alteration or improvement of the structure cannot be made at a cost of 50 percent or less of its fair market value, the owner shall, within the time specified in the order, remove or demolish the structure. (Code 1984)

4-1108. DUTY OF OWNER. Whenever any structure within the city shall be found to be dangerous, unsafe or unfit for human use or habitation, it shall be the duty and obligation of the owner of the property to render the same secure and safe or to remove the same. (Code 1984)

4-1109. SAME; FAILURE TO COMPLY. (a) If, within the time specified in the order, the owner fails to comply with the order to repair, alter, improve or vacate the structure, the public officer may cause the structure to be repaired, altered, improved, or to be vacated and closed.

(b) If, within the time specified in the order, the owner fails to comply with the order to remove or demolish the structure, the public officer may cause the structure to be removed and demolished. (Code 1984)

4-1110. SAME; MAKE SITE SAFE. Upon removal of any structure, the owner shall fill any basement or other excavation located upon the premises and take any other action necessary to leave the premises in a safe condition. If the owner fails to take such action, the public officer may proceed to make the site safe. (Code 1984)

4-1111. ASSESSMENT OF COSTS. (a) The cost to the city of any repairs, alteration, improvements, vacating, removal or demolition by the public officer, including making the site safe, shall be reported to the city clerk.

(b) The city clerk may sell any salvage from the structure and apply the proceeds or any necessary portion thereof to pay the cost of removing the structure and making the site safe. Any proceeds in excess of that

required to recover the costs shall be paid to the owner of the premises upon which the structure was located.

(c) If the proceeds of the sale of salvage is insufficient to recover the cost, or if there is no salvage, the city clerk shall, at the time of certifying other city taxes, certify the unpaid portion of the costs to the county clerk who shall extend the same on the tax roll of the county. (K.S.A. 12-1756; Code 1984)

4-1112. IMMEDIATE HAZARD. When in the opinion of the governing body any structure is in such condition as to constitute an immediate hazard requiring immediate action to protect the public, the governing body may direct the public officer to erect barricades or cause the property to be vacated, taken down, repaired, shored or otherwise made safe without delay. Such action may be taken without prior notice to or hearing of the owners, agents, lienholders and occupants. The cost of any action under this section shall be assessed against the property as provided in section 4-411. (Code 1984)

4-1113. APPEALS FROM ORDER. Any person affected by an order issued by the governing body under this article may, within 30 days following service of the order, petition the district court of the county in which the structure is located for an injunction restraining the public officer from carrying out the provisions of the order pending final disposition of the case. (Code 1984)

4-1114. UNFIT DWELLING AND CONNECTION TO CITY WATER. Any structure located within the city limits of the City of Edgerton which is not connected to City water and paying at least the monthly minimum charge as described in the City fee resolution shall be deemed per se unfit for human habitation and use and subject to the petition procedure described in 4-404 et seq. (Ord. 2090, 2021)

## **ARTICLE 12. CONTRACTOR LICENSING**

4-1201. COUNTY LICENSE REQUIRED. (a) All persons undertaking work which requires a building permit as provided in Section 4-109, or seeking to obtain that permit from the City, are required to have a currently valid Johnson County, Kansas contractor's license. That County license shall have been issued by the County in accordance with the provisions of the Johnson County Contractors Licensing program and the Contractor Licensing Regulations adopted by the Board of County Commissioners by Resolution 058-01 on August 9, 2001, and any regulations subsequently adopted by the Contractor Licensing Review Board as authorized by said County Licensing Regulations, as said Resolution and regulations may be amended from time to time by said Boards.

(b) The following shall be exempt from the licensing requirement of Section 4- 701 (a) herein:

- (1) Installation, repair or replacement of fences or decks.
- (2) Installation, repair or replacement of driveways or other flatwork.
- (3) Industrial Permittees who supervise their employees for Mechanical, Electrical and Plumbing installations and who assume charge of the repair, improvement, movement, putting up, tearing down, and maintenance of these systems, for use by such owner and which systems will not be for sale or rent, and the control of access to said systems are controlled by the owner so that only employees and nonpublic invitees are allowed access to them, and such employees shall possess the necessary qualifications, training, experience, and technical knowledge to properly maintain, repair and install these systems.
- (4) The Building Inspector may waive the provisions of this section where it can be established that no license exists for the installations, alteration, or repair of a certain type of work requiring a permit, or due to other unique circumstances.
- (5) Construction, repair or replacement of structures used for Residential Purposes. (Ord. 1015, 2016; Ord. 554, 1986) (Ord. 1015 repealed previous Article 7)

### ARTICLE 13. OIL AND GAS WELLS

4-1300(a). FINDINGS. The city of Edgerton hereby finds and declares as a matter of public policy, that the extraction of the oil and gas resources from lands within the city's corporate boundaries as a temporary activity is required in the interest of the energy and resource needs of the city, state, region and nation, but that uncontrolled drilling and production would be detrimental to the public health, safety, comfort, convenience, prosperity, and general welfare. (Ord. 544, 1985)

4-1300(b).PURPOSE. The purposes of this article are to establish uniform and reasonable limitations, safeguards, and controls as necessary:

- (a) To assist the local, state, regional and national demand for oil and gas resources.
- (b) To aid those owners of land in the economic utilization of the land until growth and development progresses into the area.
- (c) To protect existing residential and commercial from incompatible activities.
- (d) To provide for the orderly growth and development of lands consistent with the Edgerton, Kansas, comprehensive plan.
- (e) To minimize any risks to the public health, safety, comfort, convenience, and prosperity, and general welfare.
- (f) To avoid undue liability for the city, its residents, and businesses. (g) To maintain the city's character and economic vitality. (h) To insure that oil and gas development do not hinder the growth potential of the city. (Ord. 544, 1985)

4-1301. WELL DEFINED. A well or wells for the purpose of this article shall mean any well drilled, or to be drilled, or used, for the production of petroleum, natural gas or this disposal of waste liquids or gases produced therefrom. (Ord. 544, 1985)

4-1302. PERMIT. It shall be unlawful for any person, firm, corporation to drill or commence operations for the drilling of a well for oil and/or gas purposes at any place within the city limits of the city of Edgerton without first having obtained from the governing body of the city, a permit for the commencement of such operations, and for the drilling of such well. (Ord. 544, 1985)

4-1303. PERMIT FEE. The fee for a permit to conduct oil or gas well drilling operations within the city limits shall be \$150 per well. (Ord. 544, 1985)

4-1304. LICENSE. Every person, firm or corporation, authorized to conduct oil or gas well operations in this city, shall obtain a license to operate each well drilled. The fee for each well shall be \$25 annually.

The applicant for such permit or license, shall, at the time of making application therefore, deposit with the city clerk the above stated fees. In the event the permit or license is granted by the governing body said fees shall be retained by the city, but if such permit or license is denied, the fee shall be returned to the applicant. (Ord. 544, 1985)

4-1305. PERMIT AND LICENSE PROCEDURE; EVIDENCE TO BE PRESENTED BY APPLICANT.

- (a) No permit or license shall be granted by the governing body until the applicant therefore shall have submitted satisfactory evidence as follows: Applications:



(1) The applicant shall file an application for oil and/or gas well drilling on forms furnished by the city. The application shall include and be accompanied by the following:

(A) The names, addresses and phone numbers of the applicant, the operator and owner.

(B) The location map showing the lease and its relationship to existing subdivisions, community facilities, public ground and commercial areas.

(C) A site plan of the drilling area or some lesser area identified by the applicant showing all structures within three hundred (300) feet of the drilling area or the lesser area including:

- (1) The location, use and width of all easements and rights of way;
- (2) The location of any waterway;
- (3) The location of lots, streets, alleys, easements and rights of way;
- (4) Written consent of the landowner on which the well is proposed to be located;
- (5) Statement of Assurance for compliance with all federal, state and local laws;
- (6) Proof of compliance with K.S.A. Chapter 55-128;
- (7) A statement of safety for operations and equipment;
- (8) Such other information which the city deems essential to be a determination regarding the issuance of a license and which information request is consistent with the intent purpose of this chapter;
- (9) A certificate of insurance in conformity with section 4-815;
- (10) Cash or corporate surety bonds(s) in conformity with section 4-816;
- (11) The intended exploratory well locations(s) in conformity with section 4-805;
- (12) The permit/license fee in conformity with section 4:803 and 804;
- (13) A written drilling plan providing adequate protection to all persons who might be concerned with such drilling operations, including a reasonable and adequate plan for the handling of sludge, base sediment and salt water that may be produced in connection with the drilling and operation of the well together with facilities for the handling of production to the end that it may not be necessary to store oil in any populated area;
- (14) A written assurance that drilling rigs employed in the drilling of oil or gas wells within the city are equipped with blow out preventers at all times that they are operating. (Ord. 544, 1985)

4-1306. APPLICATION ACCEPTANCE. The application shall be considered officially filed after it has been examined by the city and found to contain the information required by this article for proper review. Lack of complete information shall be deemed sufficient cause for refusing acceptance. (Ord. 544, 1985)

4-1307. APPLICATION REVIEW PROCESS. The city shall transmit for review and comment, copies of the proposed drilling or production wells and appurtenances, accompanied by the pertinent information to the governing body, or other appropriate agencies. All objections, recommendations, or comments shall be filed within five (5) working days after the submittal date unless an extension is requested and granted by the city. (Ord. 544, 1985)

4-1308. APPROVAL/DENIAL. After acceptance of the application by the city the governing body shall address the application at a regular or special meeting of the city council. The application shall be approved or denied during said meeting. Should any deficiencies be discovered or additional information be required the governing body may table the application until next regularly scheduled or special meeting of the city council. When a permit or license is denied the denial shall be placed in writing and delivered to the applicant by hand or regular United States mail. Approval of any permit and/or license is limited to the well(s) on which the required information is provided and approved.

Approval of any permit and/or license shall not be construed nor is intended to imply that associated activities or industries, such as refineries, dehydrating or absorption plants, are permissible.

Approval of any permit and/or license shall not be construed nor is intended to imply that storage of equipment is allowed.

Denial of any permit and/or license shall prohibit any drilling or production related activities from being initiated or carried out. (Ord. 544, 1985)

#### 4-1309. REQUIREMENTS AND INSPECTIONS.

(1) Completion Report – Within ten (10) days after completion of the well, the permittee or licensee shall file a report indicating the status of the well as being oil, gas, dry, injection, or disposal with the city on a form furnished by the city.

(2) Inspections –Required – The city shall in addition to responding to complaints about the wells perform the following inspection to determine conformance with the approved plans and conditions and requirements of this article, and to determine whether additional requirements are necessary to protect the public health or safety;

(a) An inspection during drilling operations;

(b) An inspection after the well is completed and the production equipment, including wellhead, pipes, tanks, dikes, fencing, are being or have been installed but before production has commenced;

(c) An annual inspection; and

(d) An inspection following abandonment of the well.

(3) Authorization to Enter – The city is authorized and directed to enter lands on which licenses for oil and/or gas have been granted for the purpose of carrying out inspections, routine or non-routine, and to perform any work or act required by this article. Such entry shall be for inspection or performance of work, except in case of emergency, or if the consent of the permittee has otherwise been obtained. (Ord. 544, 1985)

4-1310. FIRE PREVENTION AND PROTECTION. The licensee shall maintain a fire prevention plan which conforms to local, state and federal regulations governing the drilling for oil or gas and for the temporary storage of oil in tank batteries. Said plan shall be designed to control and eliminate any fire or risk of fire as promptly as possible. (Ord. 544, 1985)

4-1311. PUMPING; FENCES. All producing oil wells within the city shall be equipped with electric pumping equipment and all producing wells that are located in said city, shall have such pumping equipment enclosed or fenced, the fencing to be placed outside the dike, not less than six (6) feet in height and provided with gates equipped with locks which shall be locked when not attended. Said fencing shall be sufficient to prevent persons who might be injured thereby from gaining access to such pumping equipment. Gas wells shall be enclosed or fenced to prevent persons from gaining access to them. (Ord. 544, 1985)

4-1312. STORAGE OF OIL. It shall be unlawful for any persons to place or maintain any tank or tank battery for the temporary storage of oil within 200 feet of any existing structure other than oil related structures. All such tanks or tank batteries shall be protected by dikes sufficient in height to prevent oil from escaping in the event of the leaking or bursting of said tanks and the dikes shall have at least one foot free board above the maximum tank volume capacity. In the event of any leakage or bursting of the tank or tank batteries, and upon notification by the city, the operator will be responsible for clean-up of area within ten (10) days. (Ord. 544, 1985)

4-1313. HOURS OF DRILLING. It shall be unlawful for any person to operate any oil or gas well drilling machinery in the city between the hours of 7:00 p.m. and 7:00 a.m., without the consent of adjoining residents whose residences are within 1,000 feet. (Ord. 544, 1985)

4-1314. USE OF CITY STREETS. (1) It shall be unlawful for any licensee or permittee to use city residential streets not designated for truck traffic to enter or gain access to drilling sites without having submitted to the city the proposed route to be used

The city shall examine the proposed route(s) to determine safety, load limit or possible damage which may occur. (2) Should access to drilling site(s) from city streets be necessary, permittee and licensee shall, at no cost to the city, use every effort, including the laying of a sufficient gravel accessway from the edge of the street or roadway to the drilling site(s), to prevent mud or debris from being deposited on city streets by vehicles or equipment employed by the permittee, licensee, contractors or subcontractors engaged in the drilling operations. (Ord. 544, 1985)

4-1315. INSURANCE OF OPERATOR. No such permit or license shall be granted by the governing body and no oil or gas well shall be drilled or operated within the city until the permittee and licensee shall be filed with the city clerk of said city a certification of insurance, naming the city as a co-insured, insuring the operator against bodily injury to persons in an amount not less than \$500,000.00 for each person and \$500,000.00 for each accident and insuring the operator against damages to property in an amount not less than \$500,00.00 for each accident and further insuring said operator against bodily injury from motor vehicle and trucking operations in an amount not less than \$500,000.00 for each person and \$500,000.00 for each accident and against property damage by reason of motor vehicle and trucking operators in an amount not less than \$500,000.00 for each accident.

Evidence of such insurance shall be kept on file with the city clerk of said city continuously so long as any such well or wells are being drilled or operated within the city. (Ord. 544, 1985)

4-1316. BOND OR DEPOSIT REQUIRED. A good and sufficient surety bond, signed by the applicant for a drilling permit and operating license hereunder and by a corporate surety authorized to do business in the state, or a cash deposit in such amount as deemed sufficient by the city council, but in no event less than \$2,000 shall be tendered to the council and approved by the city clerk prior to the issuance of a permit pursuant to the terms of this article, conditioned upon faithful compliance with the terms and conditions of this article, and further conditioned upon saving and holding the city free and harmless from any damage resulting to the city as a result of drilling, pumping, repairing or other operations by the permittee or licensee, the laying of pipelines, the setting of tanks or as a result of moving machinery and equipment over any street in the city; provided, that the permittee, licensee or their assigns shall pay the annual premium due upon the surety bond within ten (10) days before expiration of each year and file a receipt therefore in the office of the city clerk. (Ord. 544, 1985)

4-1317. GOVERNING BODY MAY MAKE ADDITIONAL REQUIREMENTS. At the time of the granting of any permit or license under the provisions of this article, the governing body may make additional requirements as it may deem necessary for the protection and safety of persons and property in the territory likely to be affected by the drilling or operation of the well. (Ord. 544, 1985)

4-1318. DRILLING LOCATIONS. Drilling for oil or gas within the city limits shall occur only on land containing at least three acres at the time of application for a permit. In no case shall drilling occur within 165 feet of any property line. (Ord. 544, 1985)

4-1319. WASTE FLUID DISPOSAL. It shall be unlawful for any person, firm, or corporation permitted or licensed under this article to maintain a drilling operation within the city to dispose of waste fluids or saltwater from the drilling operation into natural or manmade waterways or the sanitary sewer system of

the city. All drilling wastes shall be removed from the site storage facilities within ten (10) days of completion of the well. (Ord. 544, 1985)

4-1320. ABANDONMENT. To insure that all lands used for drilling and production is restored to a condition which will not inhibit or adversely affect the health, safety and welfare of the community, the following requirements shall be applicable and except as provided, are in addition to K.S.A. 55-128c thru 55-132a; and further K.A.R. (Kansas Administrative Regulations) 82-2-301 thru 82-2-807, and any amendments thereto.

(a) Removal – All drilling equipment incidental to well's production shall be removed from a lease within ten (10) days after cessation of drilling activity for which a permit was sought and approved under this chapter. All production related equipment shall be removed from a lease within fifteen (15) days after production of a well has ceased, unless such equipment is actively in use for production activities of the lease or is being installed with due diligence for use on the lease.

(b) Plugging – Any well which is to be abandoned shall be plugged by cementing the well from the bottom to a depth of six (6) feet below grade after the oil well casing is removed or cut to six (6) feet below grade. The city shall receive at least 24 hours prior notice of the time and place any well is to be plugged.

(c) Restoration – All land which is disturbed during drilling or production shall be returned as near as practicable to original grade and stabilized as soon as practical to prevent soil erosion and any reserve pit shall be drained and backfilled, prior to being stabilized.

(d) Time – Any and all wells shall be in production or abandoned within one hundred eighty (180) days from the time drilling commences.

(e) All plugged wells or test holes shall be accurately located by survey on a plat of survey prepared by a registered surveyor and shall be turned into the city no later than 90 days after capping and/or abandonment. (Ord. 544, 1985)

4-1321. WELLS IN PRODUCTION OR WELLS BEING DRILLED. Any well actually producing or any well where actual drilling activities have began upon adoption and approval of this article shall be exempt from the original permit fee, however, annual licensing and all other requirements and regulations shall apply. (Ord. 544, 1985)

4-1322. CITY DRILLING ACTIVITIES. The city of Edgerton and any firm, corporation or operator drilling on behalf of the city on city owned property shall be exempt from all fees; however, all other requirements and regulations shall apply. (Ord. 544, 1985)

4-1323. REVOCATION. The violation of or breach of any of the terms or conditions of this article, or the ceasing to exist of any of the conditions precedent listed in this article, or the breach of any of the terms or conditions of any permit/license issued pursuant hereto, shall be grounds for the revocation of any permit/license issued hereunder. Such revocation shall take place only upon hearing by the governing body, of which hearing the permittee/licensee shall be given at least ten (10) days written notice by mail or personal delivery. Mailing of such notice to the last known mailing address of a permittee/licensee shall satisfy the requirements of notice made in this section. (Ord. 544, 1985)

4-1324. SAVING CLAUSE. If any section, subsection, sentence, clause or other part of this article shall be held to be invalid or inoperative for any reason, such invalidity shall not be deemed to affect the remaining provisions of this article. (Ord. 544, 1985)

4-1325. PENALTY. Any person, firm or corporation hereafter drilling or commencing operations for the drilling of any oil or gas well in violation of the provisions of this article, shall upon conviction hereof, be fined any amount of not less than \$100 and not to exceed \$500 or imprisonment not to exceed 30 days or

by both such fine and imprisonment. Each day during or on which a violation occurs or continues shall constitute a separate offense. (Ord. 544, 1985)

#### **ARTICLE 14. FIRE INSURANCE PROCEEDS FUND**

4-1401. SCOPE AND APPLICATION. The city hereby authorized to utilize the procedures established by K.S.A. 40-3901 et seq., whereby no insurance company shall pay a claim of a named insured for loss or damage to any building or other structure located within the city, arising out of any fire or explosion, where the amount recoverable for the loss or damage to the building or other structure under all policies is in excess of 75 percent of the face value of the policy covering such building or other insured structure, unless there is compliance with the procedures set out in this article. (Ord. 641, 1994)

4-1402. LIEN CREATED. The governing body of the city hereby creates an lien in favor of the city on the proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure located within the city, caused by or arising out of a fire or explosion, where the amount recoverable for all the loss of damage to the building or other structure under all policies is in excess of 75 percent of the face value of the policy(s) covering such building or other insured structure. The lien arises upon any unpaid tax, special ad valorem levy, or any other charge imposed upon real property, whether or not Edgerton City Code 4-22 2021 evidenced by written instrument, or such tax, levy, assessment, expense or other charge that has remained undischarged for at least one year prior to the filing of a proof of loss. (Ord. 641, 1994)

4-1403. SAME; ENCUMBRANCES. Prior to final settlement on any claim covered by section 4-902, the insurer or insurers shall contact the county treasurer, Johnson County, Kansas, to determine whether any such encumbrances are presently in existence. If the same are found to exist, the insurer or insurers shall execute and transmit in an amount equal to that owing under the encumbrances a draft payable to the county treasurer, Johnson County, Kansas. (Ord. 641, 1994) 4-904. SAME; PRO RATA BASIS. Such transfer of proceed shall be on a pro rata basis by all insurance companies insuring the building or other structure. (Ord. 641, 1994)

4-1405. PROCEDURE.

(a) When final settlement on a covered claim has been agreed to or arrived at between the named insured or insureds and the company or companies, and the final settlement exceeds 75 percent of the face value of the policy covering any building or other insured structure, and when all amounts due the holder of the first real estate mortgage against the building or other structure, pursuant to the terms of the policy and endorsements thereto, shall have been paid, the insurance company or companies shall execute a draft payable to the city treasurer in an amount equal to the sum of \$5,000 or 10 percent of the covered claim payment, whichever is less, unless the chief building inspector of the city has issued a certificate to the insurance company or companies that the insured has removed the damaged building or other structure, as well as all associated debris, or repaired, rebuilt, or otherwise made the premises safe and secure.

(b) Such transfer of funds shall be on a pro rata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer to the city shall be disbursed in accordance with the policy terms.

(c) Upon the transfer of the funds as required by subsection (a) of this section, the insurance company shall provide the city with the name and address of the named insured or insureds, the total insurance coverage applicable to said building or other structure, and the amount of the final settlement agreed to or arrived at between the insurance company or companies and the insured or insureds, whereupon the chief building inspector shall contact the named insured or insureds by registered mail, notifying them that said insurance proceeds have been received by the city and apprise them of the procedures to be followed under this article. (Ord. 641, 1994)

4-1406. FUND CREATED; DEPOSIT OF MONEYS. The city treasurer is hereby authorized and shall create a fund to be known as the "Fire Insurance Proceeds Fund." All moneys received by the city treasurer as provided for by this article shall be placed in said fund and deposited in an interest-bearing account. (Ord. 641, 1994)

4-1407. BUILDING INSPECTOR; INVESTIGATION, REMOVAL OF STRUCTURE.

(a) Upon receipt of moneys as provided for by this article, the city treasurer shall immediately notify the chief building inspector of said receipt, and transmit all documentation received from the insurance company or companies to the chief building inspector.

(b) Within 20 days of the receipt of said moneys, the chief building inspector shall determine, after prior investigation, whether the city shall instigate proceedings under the provisions of K.S.A. 12-1750 et seq., as amended.

(c) Prior to the expiration of the 20 days established by subsection (b) of this section, the chief building inspector shall notify the city treasurer whether he or she intend to initiate proceedings under K.S.A. 12-1750 et seq., as amended.

(d) If the chief building inspector has determined that proceedings under K.S.A. 12-1750 et seq., as amended shall be initiated, he or she will do so immediately but no later than 30 days after receipt of the moneys by the city treasurer.

(e) Upon notification to the city treasurer by the chief building inspector that no proceedings shall be initiated under K.S.A. 12-1750 et seq., as amended, the city treasurer shall return all such moneys received, plus accrued interest to the insured or insureds as identified in the communication from the insurance company or companies. Such return shall be accomplished within 30 days of the receipt of the moneys from the insurance company or companies. (Ord. 641, 1994)

4-1408. REMOVAL OF STRUCTURE; EXCESS MONEYS. If the chief building inspector has proceeded under the provisions of K.S.A. 12-1750 et seq., as amended, all moneys in excess of that which is ultimately necessary to comply with the provisions for the removal of the building or structure, less salvage value, if any, shall be paid to the insured. (Ord. 641, 1994)

4-1409. SAME; DISPOSITION OF FUNDS. If the chief building inspector, with regard to a building or other structure damaged by fire or explosion, determines that it is necessary to act under K.S.A. 12-1756, any proceeds received by the city treasurer under the authority of section 5(a) relating to that building or other structure shall be used to reimburse the city for any expenses incurred by the city in proceeding under K.S.A. 12-1756. Upon reimbursement from the insurance proceeds, the chief building inspector shall immediately effect the release of the lien resulting therefrom. Should the expenses incurred by the city exceed the insurance proceeds paid over to the city treasurer under section 5(a), the chief building inspector shall publish a new lien as authorized by K.S.A. 12-1756, in an amount equal to such excess expenses incurred. (Ord. 651, 1994)

4-1410. EFFECT UPON INSURANCE POLICIES. This article shall not make the city a party to any insurance contract, nor is the insurer liable to any party for any Edgerton City Code 4-24 2021 amount in excess of the proceeds otherwise payable under its insurance policy. (Ord. 641, 1994)

4-1411. INSURERS; LIABILITY. Insurers complying with this article or attempting in good faith to comply with this article shall be immune from civil and criminal liability and such action shall not be deemed in violation of K.S.A. 40-2404 and any amendments thereto, including withholding payment of any insurance proceeds pursuant to this article, or leasing or disclosing any information pursuant to this article. (Ord. 641, 1994)

## ARTICLE 15. EXCISE TAX

4-1501.PURPOSE AND AUTHORITY. The excise tax levied by this article on the act of platting real property or building in the city has for its purpose the raising of general revenues to be used for City tax is derived from Charter Ordinance No. 14, Article 12, Section 5(b) of the Kansas Constitution and K.S.A. 12-137 and 12-138. (Ord. 781, 2005)

4-1502.LEVY AND PAYMENT OF TAX.

(a) A tax is hereby levied on the act of platting real property and building in the city. The tax rate shall be \$0.10 per square foot of land which is the subject of the plat or building permit.

(b) Every applicant platting property shall pay to the city, after governing body approval but prior to execution by the mayor and prior to recordation of any approved plat with the register of deeds, a tax equal to the area of the real property (square footage) included in the plat multiplied by the current tax rate, less any applicable credits. Every applicant for a building permit shall pay to the city, after city staff approval, but before receiving a building permit, a tax equal to the area of the real property (square footage) of the lot which is the subject of the building permit multiplied by the current tax rate, less any applicable credits. The area of real property shall be finally determined by city staff. If multiple plats shall be filed in phases, the fee shall be due prior to each individual plat being recorded. In the case of single family residential plats, the excise tax may be paid at the time of platting or, alternatively, may be paid prior to the City's issuance of each building permit. No building permit shall be issued until the excise tax has been paid to the city for the lot in question. After 75% of the lots of the plat in question have been issued building permits, the developer shall pay the excise tax on the balance of the lots remaining at the current tax rate prior to the issuance of any additional single family residential building permits.

Regardless of the multiplied tax total, no single-family residential building permit which is not part of subdivision plat, shall be obligated to pay more than \$1000.00. Edgerton City Code 4-25 2021

(c) No approved plat subject to this tax shall be recorded until the applicant has paid the tax in full except for those single family lots subject to the provisions of subsection (b) above.

(d) No building permit subject to this tax shall be issued until the applicant has paid the tax in full.

(e) All taxes collected shall be deposited by the city clerk in the city's general fund. (Ord. 781, 2005)

4-1503.PLEDGE OF REVENUES. All revenues received from the tax will be placed in the general fund but will be assigned their own line item or account as to segregate said funds from other City funds. Said excise tax funds shall be used for City expenditures or projects as determined by Resolution of the Governing Body. (Ord. 781, 2005)

4-1504.CREDITS/EXEMPTIONS. The excise tax paid on the final plat or building permit pursuant to this article shall be credited in full for:

(a) Payments previously made pursuant to this article for the same land as part of final plat.

(b) Any replat of platted land which does not increase the gross area of the property being replatted except for single-family development in which the previous plat was granted pursuant to the residential cap in subsection (b) above. In such cases, the applicant will pay for the square footage of the land which is the subject of the replat which does not include the land which contains the original homestead land. In the case of non-platted land or lot splits, that portion of land split from the original homestead tract shall be charged at a rate equal to the square footage multiplied by the current tax rate.

(c) Land permanently dedicated on a final plat to the city or other public, governmental body as public open space.

- (d) Developer construction of all or a portion of collector or arterial roads if approved by the governing body and reflected in the city's comprehensive plan, to the extent that such construction shall reduce the city's future costs to construct collector or arterial roads.
- (e) Land dedicated for public right of way for arterial and collector roads,
- (f) Developer construction of all or a portion of a collector or arterial road project. Such credit will not be given for minimum infrastructure improvements required of the developer by the city planning commission. Formation of a benefit district may be used for developer construction of a project meeting the definition described in this subsection (f). Application for a credit/exemption pursuant to this subsection (f) shall be waived unless made to, and approved by, the city governing body prior to the city planning commission's consideration of the applicant's final plat.
- (g) Land dedicated for public right of way for arterial and collector roads shall be exempt from excise tax.
- (h) No excise tax shall be required for an existing structure being included in a plat so long as such existing structure does not change in use or impact. Edgerton City Code 4-26 2021
- (i) No excise tax shall be required for a building permit for replacement, remodeling or expansion of an existing single family structure, or for an accessory structure located on property with a single family structure.
- (j) No excise tax shall be required for remodeling of a non-single family structure, or the building of a non-single family structure to replace an existing non-single family structure, but such remodeling or replacement structure must be contained in the same general footprint of the existing structure and such remodeling or replacement structure shall not increase the usable square footage of the existing structure as determined by city staff. If the remodeled or replacement structure increases the usable square footage of the existing structure, excise tax shall be assessed on a pro rata basis in accordance with the following formula:

Excise Tax Due = (Tax Rate) x (usable square footage of real property) x (increase in usable square footage / usable square footage of existing structure)

Validation of usable square footage may be determined from information submitted by the person or entity seeking the exemption or from applicable county records. If further validation of usable square footage is deemed necessary by city staff, the exemption may be conditioned on an interior inspection of the existing and replacement or remodeled structures. In the case of a structure being replaced, this exemption shall not apply if there is a passage of time of more than one year between the destruction of the structure being replaced and the issuance of an occupancy permit for the replacement structure, provided, however, that such one year time limitation may be extended by the Governing Body upon application by the landowner showing extenuating circumstances that prevented landowner from obtaining an occupancy permit for the replacement structure. Such extension is solely within the discretion of the Governing Body and in no event shall exceed one year. (Ord. 781, 2005)

4-1505.ADJUSTMENT TO TAX RATE. The governing body shall periodically review the tax rate at such time as it deems necessary or appropriate. (Ord. 781, 2005) 4-1006.APPEALS. Any person aggrieved by any decision of the city officer administering the provisions of this code may appeal such decision to the city governing body. The appeal must be filed in writing with the city clerk within 30 days of the final decision by city staff as to the applicability or amount of the excise tax to be applied. The governing body shall have the power to hear and decide appeals where it is alleged that there is an error in the interpretation, application, or calculation by the city officer enforcing the provisions of this excise code. (Ord. 781, 2005)

4-1506.APPEALS. Any person aggrieved by any decision of the city officer administering the provisions of this code may appeal such decision to the city governing body. The appeal must be filed in writing with the city clerk within 30 days of the final decision by city staff as to the applicability or amount of the excise tax to be applied. The governing body shall have the power to hear and decide appeals where it is



alleged that there is an error in the interpretation, application, or calculation by the city officer enforcing the provisions of this excise code. (Ord. 781, 2005)

## **ARTICLE 16 - ENFORCEMENT, VIOLATIONS AND PENALTIES**

4-1601. PROHIBITED ACTS AND CONDUCT. From and after the effective date of this Code, no person shall erect or occupy any building or structure, nor install, repair, replace, or make any improvement to a structure or its mechanical, electrical, or plumbing parts or system, nor commit any act, conduct or licensed trade work or practice, which are or may be subject to any provision of this Code of Regulations for Buildings and Construction, in the City of Edgerton , Kansas, except as permitted and in the manner provided by these Regulations, and any act or conduct which fails to comply with the provisions of these Regulations shall be and hereby is declared to be unlawful as a violation of Chapter 4.

4-1602. VIOLATIONS AND CLASSIFICATION OF OFFENSES:

1. The failure by any person to obtain a building permit or an occupancy permit, as required under or in violation of the provisions of the City Codes and Regulations, shall be a public offense designated as a Class A Violation under these Regulations.

2. The failure by any person to comply with any condition or requirement of a permit issued under the provisions of the City Codes and Regulations shall be a public offense designated as a Class A Violation under these Regulations.

3. The failure of any person to comply with any requirement, standard or condition contained within or as a part of the International Building Code, as adopted under Article 2 of this Code; or of The International Residential Code, as adopted under Article 3 of this Code; or of the International Fuel Gas Code, as adopted under Article 4 of this Code; or of the International Plumbing Code, as adopted under Article 5 of this Code; or of the International Mechanical Code, as adopted under Article 6 of this Code; or of the International Existing Building Code, as adopted under Article 7 of this Code; or of the National Electrical Code, as adopted under Article 8 of this Code; or of the International Fire Code, as adopted under Article 9 of this code, or of the International Energy Conservation Code, as adopted under Article 10 of this code, or of any other Article of this Code, shall be a public offense designated as a Class A violation under the City Codes and Regulations.

4-1603. PENALTIES AND FINES: Any person who violates any provision of or failing to comply with any mandatory requirements of this Code of Regulations for Buildings and Construction shall be punishable, upon conviction, by a fine of not more than \$500 or by imprisonment not to exceed six months, or by both such fine and imprisonment. Each person is guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code of Regulations is committed or permitted by any person.

## **ARTICLE 17 - BOARD OF CODE REVIEW**

4-1701. CREATION. There is hereby created and established a board to assist the Building Code Official and the Governing Body in their responsibilities and duties, which shall be known as the Board of Code Review, hereinafter referred to "BCR".

4-1702. DEFINITIONS.

4-1703. POWERS AND DUTIES.

a. The BCR shall:

1. Provide advice and counsel and shall render interpretations or opinions to the Building Code Official, upon such person's request, regarding the provisions of the various codes, standards, and other publications adopted by the City pursuant to this Code of Regulations.
2. Review and provide comment to the Governing Body concerning the contents of any newly published edition of any code, standard, or other publication adopted or proposed to be adopted by the City pursuant to this Code of Regulations; recommending to the Governing Body the advisability of adopting same, with or without any deletions, additions or amendments thereto proposed by the BCR.
3. Perform any additional duties that the Governing Body prescribes and, in all cases, shall be subject to the jurisdiction and control of the Governing Body.

b. The BCR shall be limited in its authority to that of an advisory board and neither its advice, counsel or opinions shall be binding upon or control the actions of the Building Code Official or the Governing Body.

#### 4-1704. MEMBERSHIP.

a. The BCR shall consist of members who are qualified by their experience and training to advise upon matters pertaining to the various codes, standards, and other publications adopted by the City pursuant to this Code of Regulations. Toward that end, membership in the BCR shall be comprised of individuals from the following crafts and professions:

1. Architecture
2. Builders
3. Electricians
4. Engineering
5. Plumbing
6. Fire Protection
7. Mechanical

b. Membership in the BCR shall be limited to seven (7) in number. Members appointed to the BCR shall serve at the will and pleasure of the Governing Body and shall serve until their successors are appointed. Vacancies shall be filled by appointment by the Governing Body for the unexpired term. Members appointed to the BCR shall be residents of Johnson County, Kansas, and shall not be individuals who currently hold elected office within the boundaries of the City; nor shall they be appointed or hired employees of the City or its agencies, departments or commissions; nor shall they be appointees by the Governing Body to any other position, board or commission that performs services for and on behalf of the Governing Body.

- a. The initial appointments to the BCR shall be made for one (1), two (2), or three (3) year terms; two appointments each to one (1) and two (2) year terms, and three appointments to three (3) year terms.  
Thereafter, all appointments shall be made for three (3) year terms, provided all vacancies shall be filled for the unexpired term.

d. The Building Code Official shall be an ex officio nonvoting member of the BCR and shall act as the secretary for the BCR. The Building Code Official, or his or her designate, shall keep a proper record of all the proceedings of the BCR.

e. Members of the BCR shall serve without compensation for their services but may receive such traveling expenses and training as the Governing Body authorizes, which shall be paid from any funds available for such purpose.

f. After the effective date of this Code of Regulations, the appointed members of the BCR shall initially meet at such time and place as fixed by the Building Code Official, and the members appointed shall select one of their number as chairperson and ones as vice-chairperson who shall serve one (1) year terms in that capacity until their source has been selected. A chairperson or vice-chairperson may serve one (1) or more consecutive terms in that capacity.

#### 4-1705. REVIEW AND PROCEEDINGS AND PROCEDURES.

a. In addition to any other duties and responsibilities exercised by the Board of Code Review under the provisions of this Article, the BCR shall be authorized to hear and determine any written request filed by any person for review and reconsideration of any decision of the Building Code Official which is discretionary in nature or which involves an interpretation of any code, standard, or other requirement adopted under this Code.

1. Any person seeking review of a decision or interpretation of the Building Code Official shall, within ten (10) days of the decision or interpretation, file a written request for review or reconsideration, on a form approved by the BCR, specifying the nature of the decision and the relief requested.

2. Upon receipt of any written request for review, the BCR shall give notice to the applicant and the Building Code Official of the time and place, not more than fourteen (14) days thereafter, when the BCR shall meet to review and consider the request.

3. The BCR shall, after hearing the request, issue its opinion in writing to the applicant and the Building Code Official.

4. The Building Code Official may concur in the opinion rendered by the BCR or may submit the matter to the Governing Body for final review and decision.

b. On any action proposed by the Building Code Official under the International Property Maintenance Code, as adopted, for the posting, repair, vacation, demolition, rehabilitation, destruction, or removal of any building or structure, the property owner may, within ten (10) days of receipt of notice of the proposed action, request, in writing, a review and reconsideration of the decision of the Building Code Official, and the BCR shall provide a review hearing to the applicant prior to any further action being taken by the Building Code Official.

c. Except as set forth in (b) the Board of Code Review shall not have any authority over nor review any matter related to a citation, a prosecution or enforcement action issued by the Building Code Official for any alleged violation of the Code or any code or standard adopted by this Code, and all such actions shall be heard and reviewed by an appropriate court of competent jurisdiction.

d. Within thirty (30) days of their initial meeting, or as soon as thereafter as reasonable and practicable, the BCR shall propose and adopt, subject to the approval of the Governing Body, rules and procedures for the performance of its duties and the conduct of its responsibilities.

4-1706. BOARD OF CODE APPEALS. After the effective date of this Code of Regulations, the Board of Code Appeals is hereby dissolved and its duties, responsibilities, and authority surrendered.

### **ARTICLE 18 - LAND DISTURBANCE REGULATIONS**

4-1801. GENERAL. The purpose of this Regulation is to require certain construction related procedures and practices that will minimize Erosion and prevent Sediment from entering the City's Storm Sewer System during Land-Disturbing Activities.

4-1802. DEFINITIONS. The terms or phrases used in this Regulation shall have the meanings ascribed to them in the Design Manual. The terms and phrases set forth below are not defined in the Design Manual and are, therefore, defined as follows:

- a. "City" means the of the City of Edgerton, Kansas.
- b. "County" means Johnson County, Kansas.
- c. "Design Manual" means those provisions incorporated by reference by this Ordinance from the document captioned "Division 5100 Erosion and Sediment Control" approved and adopted on August 13, 2003, and "Division II Construction and Material Specifications Section 2150 Erosion and Sediment Control" approved and adopted on May 21, 2008, published by the Kansas City Metropolitan Chapter American Public Works Association.
- d. Superintendent" means the Public Works Superintendent or the Superintendent's authorized representative.
- e. "Erosion" means the process by which the ground surface is worn away by the action of the wind, water, ice, gravity, or artificial means.
- f. "Land Disturbing Activity" means any activity that changes the physical conditions of land form, vegetation and hydrology, creates bare soil, or otherwise may cause Erosion or Sedimentation. Such activities include, but are not limited to, clearing, removal of vegetation, stripping, grading, grubbing, excavating, filling, logging and storing of materials.
- g. "LD Permit" means the permit issued by the Superintendent which authorizes the LD Permit Holder to proceed with the Land Disturbing Activities.
- h. "LD Permit Holder" means the Person who is issued an LD Permit.
- i. "Perennial Vegetation" means grass or other appropriate natural growing vegetation that provides substantial land cover, erosion protection and soil stability and that is capable of sustained and healthy growth over multiple years under the constraints of shade, temperature, and moisture that will be prevalent on the site. For the purposes of this regulation, annual grasses that do not regenerate after winter, ornamental plants or shrubs that do not offer effective erosion and sediment protection, and plants that are not suitable for the expected growing conditions on the site shall not be considered perennial vegetation.
- j. "Person" means any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, and any other legal entity. Code of Regulations for Buildings and Construction, 2010 Edition (2015) Page 43
- k. "Qualified Erosion Control Specialist" means a person qualified to perform inspections of Erosion and Sediment Control measures.

Qualified personnel include a Professional Engineer licensed in the State of Kansas or anyone who has obtained one of the following certifications: CCIS through Stormwater USA, LLC; CISEC through CISEC, Inc; or CESSWI through EnviroCert International, Inc. or equivalent qualifications approved in writing by the Superintendent as part of an approved Stormwater Pollution Prevention Plan or Erosion and Sediment Control Plan.

- l. "Regulation" means this Erosion and Sediment Control Regulation (2010 Edition) for the City of Edgerton, Kansas.
- m. "Sediment" means any solid material, organic, or inorganic, that has been deposited in water, is in suspension in water, is being transported or has been removed from its site of origin by wind, water, ice or gravity as result of soil erosion. Sedimentation is the process by which eroded material is transported and deposited by the action of wind, water, ice or gravity.
- n. "Site" means the real property upon which the Land-Disturbing Activity is taking place.
- o. "Stormwater Pollution Prevention Plan" is a plan required by the Kansas Department of Health and Environment (KDHE). The purpose of the Stormwater Pollution Prevention Plan is to help identify the sources of pollution that affect the quality of storm water discharges from a site and to describe and ensure the implementation of practices to reduce pollutants in storm water discharges and includes the

Erosion and Sediment Control Plan as well as plans to prevent pollution from other construction site sources such as, but not limited to, concrete washout, litter, and sanitary waste.

p. "Storm Sewer System" means any conveyance or system of conveyances for stormwater, including roads with drainage systems, public streets, private streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains, as well as any system that meets the definition of a Municipal Separate Storm Sewer System or "MS4" as defined by the Environmental Protection Agency in 40 CFR 122.26.

q. "Stop Work Order" means an order issued which requires that some or all construction activity on the site be stopped.

#### 4-1803. PERMIT REQUIRED.

a. Unless exempt, no Person shall undertake any Land-Disturbing Activity without first obtaining a LD Permit from the City.

b. No Person required to obtain a LD Permit shall fail to make application for such permit, fail to pay required fees, fail to comply with the City's Design Manual, or violate any of the requirements of this Regulation.

c. The following shall be exempt from obtaining a LD Permit:

1. Work to correct or remedy emergencies, including situations that pose an immediate danger to life or property, provided, however, if the City Engineer determines that the situation was not an emergency then an LD Permit may be required.
2. A site-specific grading plan that complies with the Design Manual and any other applicable City regulations.
3. A site-specific plan that complies with the Design Manual to provide for the control of pollutants related to the Land-Disturbing Activities that might cause an adverse impact to water quality, including, but not limited to, discarded building materials, concrete truck washout, fuel, hydraulic fluids, chemicals, litter, and sanitary wastes;
4. Contact information for the applicant, the site's owner, and the retained Qualified Erosion Control Specialist who will perform the routine inspections.
5. Description of area to be disturbed.
6. Proposed schedule of work and contemplated duration of Land-Disturbing Activities on the Site.
7. Proposed method of providing performance surety as required by this regulation; and
8. Any LD Permit fee as authorized by this regulation.
9. A copy of approved KDHE General Permit showing that the Storm Water Pollution Prevention Plan meets the State of Kansas requirements.
10. Upon an applicant's request, the City Engineer may modify these requirements to consider any unusual circumstances or factors affecting the work to be performed.

c. The LD Permit application, Stormwater Pollution Prevention Plan, and all other technical LD Permit requirements shall be prepared under the supervision of, and sealed by, a Professional Engineer or Landscape Architect licensed in the State of Kansas who has received a minimum of eight hours classroom instruction in Erosion and Sediment Control taught by a Certified Professional in Erosion and Sediment Control, certified by CPESC, Inc., or equivalent qualifications approved in writing by the City Engineer as part of an approved Stormwater Pollution Prevention Plan or Erosion and Sediment Control Plan.

d. It shall be the duty of the Permit Holder to ensure that Land-Disturbing Activities authorized by the LD Permit be undertaken according to the approved plans and proposed schedule of work defined in the LD Permit application. Modifications to the approved plan or proposed schedule of work that are not in compliance with the LD Permit must be resubmitted for approval. Minor modifications of the approved plan or proposed schedule of work may be authorized by the City Engineer without formal review provided those modifications are consistent with the Design Manual and standard industry practice. Failure to adhere to the schedule or complete the work in accordance with the LD Permit shall be i) a

violation of this regulation, ii) subject the LD Permit Holder to additional fees defined in this regulation, and iii) may result in the revocation of the LD Permit and the issuance of a Stop Work Order.

e. Every LD Permit shall have an expiration date established by the City Engineer which takes into consideration the nature, scope, and any necessary phasing of the work to be undertaken. Requests for LD Permit extension must be made to the City Engineer prior to the expiration of the LD Permit and are subject to approval by the City Engineer. Prior to the expiration of the LD Permit, the LD Permit Holder shall obtain a satisfactory final City inspection and approval of the work undertaken pursuant to the LD Permit to determine whether the work complies with the Stormwater Pollution Prevention Plan. Upon such satisfactory inspection and approval, the LD Permit shall be deemed “closed” when the conditions set forth in Section Five are met.

#### 4-1805. MAINTENANCE AND INSPECTIONS.

a. Maintenance of Control Measures. All Erosion and Sediment control measures set forth in the Stormwater Pollution Prevention Plan shall be maintained in good order all times both during and after construction.

b. Routine Inspections. It shall be the duty of the LD Permit Holder to provide routine inspections of the Land Disturbing Activities and maintain effective Erosion and Sediment Control measures throughout the duration of the LD Permit. Inspections shall be performed by a Qualified Erosion Control Specialist at least once each week and within twenty-four hours following each rainfall event of one-half an inch or more within any twenty-four-hour period. A log of all inspections shall be kept during Land Disturbing Activities as a part of the Stormwater Pollution Prevention Plan. Any deficiencies shall be noted in a report of the inspection and the LD Permit Holder shall correct such deficiencies within a reasonable time period not to exceed three days unless extended by the Superintendent for good cause shown.

c. The LD Permit Holder shall keep a copy of the most current Stormwater Pollution Prevention Plan at the Site until the LD Permit is closed.

4-1806. PERFORMANCE SURETY. Performance under every LD Permit shall be secured by an agreement between the City and the owner of the Site to provide for the installation of the Erosion and Sediment Control measures required by this Regulation and the Design Manual.

The agreement shall provide, inter alia, for an owner-provided performance surety that may be in the form of a letter of credit, performance bond, cash escrow, or other method which provides adequate assurances to the City that the construction of the Erosion and Sediment Control measures required by this Regulation and the Design Manual are installed in a timely and workmanlike manner and maintained throughout the duration of the project.

4-1807. LAND-DISTURBANCES LESS THAN ONE ACRE. For Land-Disturbance projects that do not require a LD Permit, the Site owner is not required to submit a site-specific Stormwater Pollution Prevention Plan, or pay a fee, but must comply with the guidelines in the document “Erosion and Sediment Control Standards for Building Construction that Disturbs Less Than One Acre for the City of Edgerton, Kansas” provided by the City of Edgerton.

Franchised and public utility providers disturbing less than one acre shall obtain a general, annual permit in-lieu of obtaining a Site-specific permit. The general land disturbance permits for utility providers can be renewed annually and shall include the effective erosion control standards and construction methods that are to be implemented on the utility’s projects, conforming to the Design Manual. The fee and performance surety, if any, for a general permit will be as shown in Section 10.

4-1808. RIGHT OF ENTRY, TIME REQUIREMENT, FEES. Whenever the Superintendent has cause to believe that there exists in or upon any premises any condition which constitutes a violation of this

Regulation, the Superintendent is authorized to enter the premises at reasonable times to inspect or to perform the duties imposed by this regulation.

Where Land-Disturbing Activity appears to have temporarily or permanently ceased on a portion of a Site for fourteen (14) consecutive days, all disturbed area shall be protected from Erosion by stabilizing the area with mulch or other similarly effective soil-stabilizing BMPs. Where implementation of stabilization measures is precluded by weather, snow cover, or other reason beyond the LD Permit Holder's control, the Superintendent may allow the LD Permit Holder to delay the implementation of such stabilization measures for a reasonable period.

Prior to the issuance of LD Permit for projects that disturb one acre or greater, each applicant shall pay a fee in the amount of \$250.00 to the City of Edgerton, Kansas. Franchised and public utility providers shall pay a fee in the amount of \$100 to the City of Edgerton, Kansas to obtain a general Land Disturbance Permit. The City Administrator may adjust the Fee Schedule annually and shall make such Fee Schedule available to the public.

Fees paid for a LD Permit that is subsequently revoked by the Superintendent are not refundable. A Person undertaking work for a City improvement project shall not be required to pay a fee.

4-1809. COMPLIANCE AND USE. The Site described in a LD Permit shall be maintained at all times in compliance with the provisions of the Stormwater Pollution Prevention Plan.

4-1810. STOP WORK ORDER AUTHORIZED. In addition to the enforcement provisions of this Regulation, the Superintendent may issue a Stop Work Order if the Superintendent determines that work authorized by a LD Permit is in violation of this Regulation or the Stormwater Pollution Prevention Plan or if any one or more of the following conditions exist:

- a. Inspection by the Superintendent reveals the Site defined by the LD Permit is not in substantial compliance with the Stormwater Pollution Prevention Plan, as determined by the Superintendent; or
- b. Failure to comply with a written order from the Superintendent to bring the Site into compliance with the LD Permit, correct a violation of this Regulation, or restore a disturbed area within the time limits defined by the Superintendent; or
- c. Failure to pay any required fee; or
- d. Failure to submit reports in accordance with the Design Manual.

If a Stop Work Order is issued by the Superintendent, the Superintendent shall order and direct the Site owner, or the Site owner's agent, and any party in possession of the Site, including the contractor performing work at the Site, to immediately suspend work.

A Stop Work Order shall be in writing, shall state the conditions under which the work may be resumed, and may be served upon a Person to whom it is directed by any reasonable method including by personal delivery, by posting at the Site, or mailing a copy of the same to the address identified within the LD Permit application for the LD Permit Holder, Site owner, or any party in possession of such property. If the Superintendent issues a Stop Work Order, all Persons shall cease all work on the Site, except work necessary to remedy the cause of the Stop Work Order as expressly authorized by the Superintendent.

It shall be a violation of this Regulation for a Person to undertake, allow, consent, or permit another to undertake work upon a Site subject to a Stop Work Order.

If the cause of a Stop Work Order is not cured within a reasonable period, the LD Permit may be revoked by the Superintendent and thereafter no Person shall continue any work described in the LD Permit without first obtaining a new LD Permit and paying a new LD Permit fee as required by this Regulation.

## ARTICLE 19 - BLASTING REGULATIONS

### 4-1901. GENERAL

a. Use of explosives for blasting shall be permitted after all appropriate applications and permits have been approved. Blasting shall be done only by those experienced in the handling of explosives, and in accordance with the recommendations of the Associated General Blaster's Manual of Accident Prevention (AGCMAP) in Construction and OSHA regulations. In locations where flying rock may be present, additional overburden shall be ready for use and/or in place before denotation. All trenching operations utilizing explosives shall be suitably backfilled to prevent any fly rock endangerment to persons or property. The use of these procedures does not relieve the blaster of responsibility for damage to life and property.

b. The City of Edgerton will be known as the "authority having jurisdiction" regarding the storage, handling, use, and control of explosives used in construction projects. The Building Code Official with assistance from the Fire Code Official will issue all blasting permits. Control of the public road right-of-way remains with the City of Edgerton Public Works Department. Requirements of the International Fire Code, Chapter 33, regarding explosives and blasting agents shall be considered part of these regulations. The Fire Code Official and the Building Code Official may enforce other national standards such as Explosives and Blasting Procedures, Explosives Training Manual, Blasters Handbook, and the Safety Practices Manual. All explosives and related material shall be in conformity with the requirements of the authority having jurisdiction, and the specifications contained herewith, whichever is more stringent. Blasting will not be permitted within eighty feet (80') of any building structure.

All blasting operations shall be conducted under the direction of a Kansas certified blaster. Evidence of blaster certification shall be carried by blasters or shall be on file at City Hall during blasting operations. A blaster and at least one other person shall be present at the firing of a blast. Persons responsible for blasting operations at a blasting site shall, as a minimum, conform to the criteria as outlined. The blaster shall be responsible for all damage caused by blasting operations and shall be responsible for responding to all complaints. Suitable methods shall be employed to confine all materials lifted by blasting within the limits of the excavation or trench. All rock which cannot be handled and compacted as earth, shall be kept separate from other excavated materials and shall not be mixed with backfill or embankment materials except as specified or directed by the Fire Code Official and the Building Code Official.

All blasting shall be in conformity with the requirements having jurisdiction over the right-of-way, and the specifications contained herewith, under the International Fire Code and Codes office, whichever is more stringent.

A blast design shall be submitted to the Fire Code Official and the Building Code Official for review prior to any blasting operations. The blast design shall contain sketches of the drill patterns, delay periods, and decking and shall indicate the type and amount of explosives to be used, critical dimensions, and the location and general description of structures to be protected, as well as an outline of design factors to be used, which protect the public and meet the applicable air blast and ground vibration standards, as set forth in Section 9. The blast design shall be prepared and signed by a certified blaster. The Fire Code Official and the Building Code Official may request changes to the design submitted.



4-1902. PREBLASTING SURVEY. At least ten (10) days before any blasting, the surveyor shall notify, in writing, all residents or owners of dwellings and other structures located within six-hundred (600) feet of the blasting area of the intent to conduct a pre-blasting survey. The Fire Code Official and the Building Code Official may modify the 600 feet distance for good cause. Notification shall be by certified mail with a copy by regular mail.

The surveyor shall conduct a pre-blasting survey of dwellings and structures and prepare a written report of the survey. The surveyor, if requested by the Fire Code Official and the Building Code Official, shall perform an updated survey of any additions, modifications, or renovations to dwellings or structures. The surveyor shall determine the condition of the dwelling or structure and shall document any existing damage or other physical factors that could be affected by the blasting. Unless prevented by the owner or occupant of the property, the surveyor shall examine the interior as well as the exterior structure and shall document any damage by means of photographic or video-recording methods. Structures such as pipelines, cables, transmission lines, cisterns, wells and other water systems, may warrant special attention; however, the assessment of these structures can be limited to surface conditions and other readily available data. Upon written request to the Fire Code Official and the Building Code Official by the City, the interior of any existing sanitary sewer-line shall be surveyed by means of a permanently recorded closed-circuit video camera prior to blasting operations and after blasting has been concluded in the area of the existing sewer-line. The person who conducted the survey shall sign the written report of the survey. Copies of the report shall be promptly provided to the Fire Code Official and the Building Code Official. The surveyor shall complete all surveys before any blasting. A disinterested third party, regularly engaged in performing preblast surveys, shall conduct all surveys. The pre-blast survey shall not commence until the survey method has been reviewed and approved by the Fire Code Official and the Building Code Official.

4-1903. PUBLIC NOTIFICATION. Before blasting is started, the blaster shall inform all residents within a radius of 1500 feet of the blasting location by means of printed information sheets. The notification shall be delivered by registered mail, with a copy by regular mail or by hand delivery with a signature from the owner or occupant to evidence receipt. At a minimum, the information sheets shall include the blaster's name and contact information, approximate dates and times of blasting, source and scope of blast monitoring, explanation of warnings, and control area parameters.

4-1904. WARNING SYSTEM. The blaster shall provide suitable warning by siren or whistle prior to all blasts.

4-1905. OVER-BLASTING. The requirements presented herein shall not relieve the blaster from responsibility to avoid disturbing earth or rock beyond indicated and specified lines and levels.

4-1906. NOTIFICATION. The blaster shall notify the owner or operator of all gas, water, and petroleum pipelines in any area where blasting will occur. A representative of the pipeline owner shall be allowed to be present to observe preparations and blasting.

4-1907. BLASTING SCHEDULE. The blaster shall conduct blasting operations between 8:30 a.m. and 4:30 p.m. as approved by the Fire Code Official and the Building Code Official and announced in the blasting schedule. The Fire Code Official and the Building Code Official may direct that blasting only occur during a certain hour or hours.

4-1908. BLASTING SIGNS, WARNINGS, AND ACCESS CONTROL. Blasting signs shall meet the specifications of this section. The blaster shall:

a. Conspicuously place signs reading "Blasting Area" along the edge of any blasting area that comes within 100 feet of any public or private road and at the point where any other road provides access to the

blasting area; also, conspicuously place signs reading "Blasting Area - Turn Off Two-Way Radios" along the edge of any blasting area that comes within five-hundred (500) feet of any road and one-thousand (1,000) feet on either end of the blasting area; and,

b. Place conspicuous signs that state "Warning! Explosives In Use" at all entrances to the permit area from any road.

The signs must clearly list and describe the meaning of the audible blast warning and "all-clear" signals that are in use, and must explain the marking of blasting areas and charged holes awaiting firing within the permit area; and, shall give warnings and "all-clear" signals of different character or pattern that are audible within a range of one thousand (1,000) feet from the point of the blast. Each person within the permit area and each person who resides or regularly works within one-thousand (1,000) feet of the permit area shall be notified of the meaning of the signals. Access within the blasting area shall be controlled to prevent presence of livestock or unauthorized persons during blasting. Access to and travel within the blasting area shall not be resumed until the blaster has reasonably determined that no hazards, such as imminent slides or undetonated charges, exist.

4-1909. CONTROL OF ADVERSE EFFECTS. Blasting shall be conducted in a manner to prevent injury to persons, damage to public or private property, adverse impacts on any underground mine, and change in the course, channel, or availability of surface or ground water outside the permit area. a. Air blast. Air blast shall not exceed the maximum limits listed below at the location of any building outside the permit area, except as provided in this section.

Lower frequency limit of measuring system, in Hz (+3 dB)	Maximum level, in dB
0.1 Hz or lower--flat response <sup>1</sup>	134 peak.
2 Hz or lower--flat response	133 peak
6 Hz or lower--flat response	129 peak
C-weighted--slow response <sup>1</sup>	105 peak dBC.

1. Only when approved by the Fire Code Official and the Building Code Official.

If necessary to prevent damage, the Fire Code Official and the Building Code Official can specify lower maximum allowable air blast levels than those of listed in this section for use in the vicinity of a specific blasting operation. The blaster shall conduct monitoring to ensure compliance with the air blast standards. The measuring systems shall have an upper-end flat frequency response of at least 200 Hz.

b. Ground Vibration. The maximum ground vibration for protected structures listed in this section shall be established in accordance with the maximum peak-particle-velocity limits, the scaled-distance equation, the blasting level chart, or by the Fire Code Official and the Building Code Official. All structures in the vicinity of the blasting area, such as water towers, pipelines and other utilities, tunnels, dams, impoundments, and underground mines, shall be protected from damage by the establishment of a maximum allowable limit on the ground vibration, 1.0 inches per second. The Fire Code Official and the Building Code Official may specify a more restrictive limit in the interest of the public safety, or the Fire Code Official and the Building Code Official may approve a higher limit if the blaster can demonstrate that damage will not occur to buildings or structures.

The maximum ground vibration shall not exceed the following limits at the location of any building.

Distance	Maximum Allowable	Scaled Peak
Distance (D) from the blasting site in feet.	Particle velocity (Vmax) for ground vibration in	Factor to be applied without seismic

	inches/second <sup>1</sup>	monitoring <sup>2</sup>
0-300	1.00	50
301-5000	1.00	55
5001 and beyond	0.75	6

1. Ground vibration shall be measured as the particle velocity,  
Particle velocity shall be recorded in three mutually perpendicular directions.  
The maximum allowable peak particle velocity shall apply to each of the three measurements.
2. Applicable to the scaled-distance equation.

A seismographic record shall be provided for each blast at locations designated by the Building Code Official. A blaster may use the scaled-distance equation,  $W = (D/D_s)^3$ , to determine the allowable charge weight of explosives to be detonated in any 8-millisecond period, without seismic monitoring; where  $W$ =the maximum weight of explosives, in pounds;  $D$ =the distance, in feet, from the blasting site to the nearest protected structure; and  $D_s$ =the scaled-distance factor, which may initially be approved by a licensed engineer using the values for scaled-distance factor listed. The blaster may use the ground-vibration limits in Figure 1 of this section to determine the maximum allowable ground vibration.

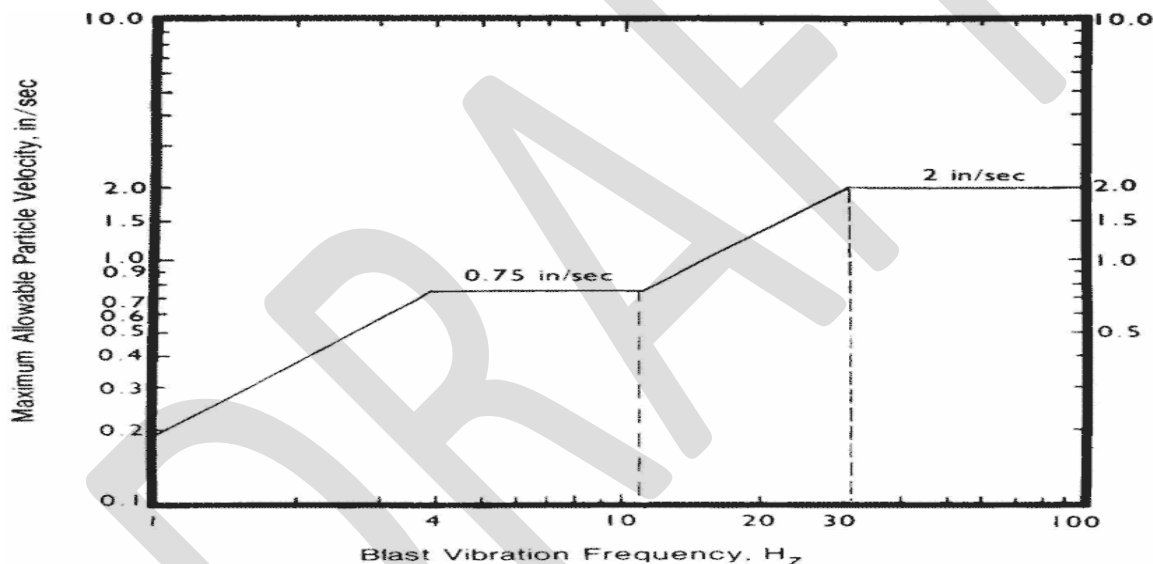


Figure 1. Alternative blasting level criteria.  
(Source: Modified from figure B-1, Bureau of Mines RI8507)

Figure 1

If the Figure 1 limits are used, a seismographic record including both particle velocity and vibration-frequency levels shall be provided for each blast. The Fire Code Official and the Building Code Official shall approve the method for the analysis of the predominant frequency contained in the blasting records before application of this alternative-blasting criterion. The Fire Code Official and the Building Code Official can reduce the maximum allowable ground vibration beyond the limits otherwise provided for in this section, if determined necessary to provide damage protection.

The blaster shall conduct seismic monitoring of all blasts at locations approved by the Fire Code Official and the Building Code Official.

4-1910. RECORDS OF BLASTING OPERATIONS. The blaster shall retain a record of all blasts for at least three (3) years. Upon request, copies of these records shall be made available to the Fire Code Official and the Building Code Official and/or public for inspection within twenty-four (24) hours. Such records shall contain the following data:

- a. Name of the blaster conducting the blast;
- b. Location, date, and time of the blast;
- c. Name, signature, and certification number of the blaster conducting the blast;
- d. Identification, direction, and distance, in feet, from the nearest blast hole to the nearest dwelling, public building, school, church, community or institutional building outside the permit area, except those described herein;
- e. Whether conditions, including those which may cause possible adverse blasting effects;
- f. Type of material blasted;
- f. Type of material blasted;
- g. Sketches of the blast pattern including number of holes, burden, spacing, decks, and delay pattern;
- h. Diameter and depth of holes;
- i. Types of explosives used;
- j. Total weight of explosives used per hole;
- k. The maximum weight of explosives detonated in an 8-millisecond period;
- l. Initiation system;
- m. Type and length of stemming;
- n. Mats or other protections used;
- o. Seismographic and air blast records, shall include:
  1. Type of instrument, sensitivity, and calibration signal or certification of annual calibration;
  2. Exact location of instrument and the date, time and distance from the blast;
  3. Name of the person and firm taking the reading;
  4. Name of the person and firm analyzing the seismographic record; and
  5. The vibration and/or air blast level recorded.

4-1911 BLASTER. The blaster shall be trained and be knowledgeable in the applications of all sections of the adopted blasting codes. The blaster shall be responsible for:

- a. Explosives, including:
  1. Selection of the type of explosive to be used;
  2. Determination of the properties of explosives that will produce desired results at an acceptable level of risk;
  3. Handling, transportation, and storage.
- b. Blast designs, including:
  1. Geologic and topographic considerations;
  2. Design of a blast hole, with critical dimensions;
  3. Pattern design, field layout, and timing of blast holes;
  4. Field applications.
- c. Loading blast holes, including priming and boosting;
- d. Initiation systems and blasting machines;
- e. Blasting vibrations, air blast, and flyrock, including:
  1. Monitoring techniques;
  2. Methods to control adverse effects;
- f. Secondary blasting applications;
- g. Current federal and state rules applicable to the use of explosives;
- h. Blast records;
- i. Schedules;
- j. Pre-blasting surveys, including:

1. Availability;
  2. Coverage;
  3. Use of in blast design.
- k. Blast-plan requirements;
1. Certification and training;
- m. Signs, warning signals, and site control;
- l. Certification and training;
- m. Signs, warning signals, and site control;
- n. Unpredictable hazards, including:
1. Lightning;
  2. Stray currents;
  3. Radio waves; and,
  4. Misfires

The appropriate licensing authority shall license the blaster. The blaster shall be responsible for obtaining all necessary permits required for blasting operations.

4-1912. ENFORCEMENT, VIOLATIONS, AND PENALTIES. It shall be unlawful for any person, firm, or corporation to violate any of the provisions of this code or fail to comply therewith, or to violate or fail to comply with any order made thereunder, or to build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder. Violation of any provision of this code shall be a public offense, a Class A violation, punishable upon conviction as provided in Chapter 4, Article 16 of this Code. Each separate day or any portion thereof, during which any violation of this code occurs or continues, shall be deemed to constitute a separate offense, and shall be punishable as herein provided. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

## **ARTICLE 20. FIREWORKS**

4-2001. FIREWORKS DEFINED. For purposes of this article, the term fireworks shall mean those items as defined by the rules and regulations of the Kansas state fire marshal, and shall include but not be limited to: firecrackers, torpedoes, sparklers, Roman candles, sky rockets, pin wheels, cap or toy pistols (except such pistols or any like device designed to discharge paper caps containing not more than .25 grains of explosive mixture), canes, bombs, cannons or other like devices and all classes of fireworks that may be shot into the air or propelled over the ground by explosive discharges or any device using blank cartridges. (Ord. 862, 2009; Ord. 853, 2009; Ord. 837, 2008; Ord. 487, 1980)

4-2002. FIREWORKS PROHIBITED. (a) It shall be unlawful for any person to keep, store, sell, display for sale, fire, discharge or explode any fireworks. No person shall allow or permit fireworks to be used or exploded on his or her premises or premises under his or her control. (b) Nothing in this article shall be construed as applying to: (1) Toy paper caps containing not more than .25 of a grain of explosive composition per cap; (2) The manufacture, storage, sale or authorized use of signals necessary for the safe operation of railroads or other classes of public or private transportation; (3) The military or naval forces of the United States or of this state while in the performance of official duty; (4) Law enforcement officers while in the performance of official duty; or (5) The sale or use of blank cartridges for ceremonial, theatrical or athletic events. (Ord. 862, 2009; Ord. 853, 2009; Ord. 837, 2008; Ord. 487, 1980)

4-2003. SAME: EXCEPTIONS. (a) The governing body of the city may, in its discretion, grant permission at any time for the public display of fireworks by responsible individuals or organizations

when such display or displays shall be of such a character and so located, discharged and fired as shall not be a fire hazard or endanger persons or surrounding property.

(b) It shall be unlawful for any person, firm or corporation to give any public display of fireworks without having first obtained a permit thereof.

(c) Provided that the foregoing prohibition in Subsection (a) of Section 7-302 shall not apply to the keeping, storage or discharge of fireworks, as authorized under Kansas state law, on the 3rd day of July of each year, between the hours of 10:00 o'clock a.m. and 10:00 o'clock p.m., and on the 4th day of July of each year between the hours of 10:00 o'clock a.m. and midnight. Notwithstanding, the foregoing, it shall be unlawful for any person to discharge, fire off, or explode any bottle rocket, as defined in K.S.A. 31-507, within the city limits of the City of Edgerton, Kansas, at any time. The Mayor, after consultation with the City Council, the Fire Chief, and such other persons as he/she deems appropriate, may, in his/her discretion, suspend the discharge of any fireworks when, in his/her opinion, the discharge poses an unreasonable risk to the safety of the public due to fire as a result of climate or other nature conditions. To the extent practical, such suspension of permitted discharge of fireworks shall be published in the official city newspaper prior to the suspension going into effect. The following prohibitions shall apply to the discharge of fireworks as permitted by this subsection:

(1) Except if specifically authorized as a public fireworks display pursuant to Sections 7-304 and 7-305 hereof, no person shall ignite or discharge any fireworks within one thousand (1,000) feet of any medical building, home for the aged, City public building, or school building containing classrooms.

(2) No person shall ignite or discharge any fireworks into, under, on, or from a car or vehicle, whether it is moving or standing still.

(3) No person shall ignite or discharge any fireworks within one hundred fifty (150) feet of any retail stand, premises, or facility where fireworks are stored, or within one hundred fifty (150) feet of any gasoline pump or building in which gasoline or volatile liquids are sold in quantities in excess of one gallon.

(4) No person shall throw or place any fireworks in any assembly or gathering of persons.

(5) No person shall throw, place, ignite, or discharge any fireworks on any public property, including, but not limited to, parks, sidewalks, streets, or alleys.

(6) No person shall ignite or discharge any fireworks in any building

(d) Provided that the foregoing prohibition in Subsection (a) of Section 7-302 shall not apply to the temporary retail sale of fireworks during the hours of 8:00 o'clock a.m. and 12:00 o'clock midnight on June 27th through July 4th of each year and in accordance with regulations promulgated by the Kansas State Fire Marshal and the following requirements:

(1) On or before April 1st, or if April 1st is on a Saturday or Sunday, then the Friday immediately before April 1st, an application for sales (via the City's approved form) has been submitted to the City Clerk together with a non-refundable \$500 application fee

(2) If application is made by an individual, applicants must have a physical mailing address within the City of Edgerton Zip Code (i.e. a Post Office box is not sufficient) and be at least eighteen (18) years of age. If application is made by a business, the person or persons submitting the application must be at least eighteen (18) years of age and have at least a 50-percent (50%) ownership interest in an established business located within the City of Edgerton Zip Code.

(3) A sketch drawing of the location where the temporary sales will occur, with the signature of the owner of the location on the sketch indicating they approve of such sales from the designated location, shall be submitted with the application.

(4) Provided all requirements as established herein and on the permit are complied with after an inspection by the City Building Inspector and Fire Chief of Fire District No. 1 of Johnson County, a permit for the retail sale of fireworks shall be issued to the applicant.

(5) A permit must be obtained for each location where sales will occur.

(6) Proposed locations for sale must be located on land zoned for commercial uses.

(7) The City Governing Body may consider reimbursing the permit fee to the applicant if profits from such sales are given to a legally designated Not for Profit Corporation.

(8) If the application is approved, the City Building Inspector and City Fire Chief must inspect the sale premises, and any structures to be used for the sales, to ensure compliance with all requirements stated herein, and any other requirements reasonably imposed by the Inspector and Chief to insure the health and safety of residents in, on, or around the premises.

(9) All permit holders shall conspicuously display at the location for sales the foregoing Subsection (c) of this Section pertaining to the discharge of fireworks.

(10) If such sales will be made from temporary structure or premises, the structure and any other temporary materials, debris or litter remaining at the site shall be removed on or before July 7th. A bond or cashier's check made payable to the City, in the amount of one thousand dollars (\$1,000) shall be submitted no later than June 1st, which bond or cashier's check shall serve as an assurance that the permit holder complies with the removal requirement.

(11) Any approved permit will be conditioned on the applicant filing with the City Clerk a certificate of liability insurance covering such sales approved by the City Attorney stating that the applicant has a liability insurance policy in the minimum amount of \$100,000 for one person and \$500,000 for injury to or death of more than one person, and \$100,000 coverage for damage to property. The certificate of insurance shall name the city as an additional named insured.

(12) Sales of any bottle rocket, as define in K.S.A. 31-507, is prohibited at any time.

(13) No sales shall be allowed to children who are 8 years of age or younger unless they are accompanied by someone who is at least 18 years of age. (Ord. 2002, 2019; Ord. 862, 2009; Ord. 853, 2009; Ord. 837, 2008; Ord. 487, 1980)

4-2004. PERMIT FOR PUBLIC FIREWORKS DISPLAY REQUIRED. (a) It shall be unlawful for any person to give or provide a fireworks display for the public or for organized groups without first obtaining a permit to do so by making application at least 30 days in advance of the desired display and paying an application fee in the amount of \$100, which shall be refunded in the event the application is denied. Approval of the permit shall be by the governing body. No permit shall be approved unless the applicant shows proof that they hold a valid Display Operator's License from the Kansas State Fire Marshal and furnishes a certificate of public liability insurance for the display in a minimum amount of \$1 million, written by an insurance carrier licensed to do business in Kansas, conditioned as being non-cancelable except by giving 10 days advance written notice to the city clerk. In the event of cancellation of the insurance prior to the display, the permit shall automatically be revoked and void. The application for the permit shall clearly state:

- (1) The name of the applicant.
- (2) The group for which the display is planned.
- (3) The location of the display.
- (4) The date and time of the display.
- (5) The nature or kind of fireworks to be used.
- (6) The name of the person, firm or corporation that will make the actual discharge of the fireworks.
- (7) Anticipated need for police, fire or other municipal services.

(b) No permit shall be issued if the location, nature of the fireworks or other relevant factor is such as to create an undue hazard or risk of harm or damage to persons or property. (Ord. 862, 2009; Ord. 853, 2009; Ord. 837, 2008; Ord. 487, 1980)

4-2005. PUBLIC EXHIBITIONS; CONDUCT OF PUBLIC DISPLAY. (a) A public display of fireworks shall be permitted only when the actual point at which the fireworks are to be fired is at least 200 feet from the nearest permanent building, public street, or railroad or other means of travel, or 50 feet from the nearest above-ground telephone or telegraph one, tree, or other overhead obstruction.

(b) No fireworks shall be discharged, ignited or exploded at any point in the city within 1,000 feet of any health care facility.

(c) The audience at a public display of fireworks shall be restrained behind lines at least 100 feet from the point at which the fireworks are discharged, and only persons in active charge of the display shall be allowed inside these lines.

(d) All fireworks that fire a projectile shall be so set up that the projectile will go into the air as nearly as possible at an angle of not more than 15 degrees from vertical and directed away from the spectators; provided, that where such fireworks are to be fired beside a lake or other large body of water they may be directed in such a manner that the falling residue from the deflagration will fall into such body of water.

(e) Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe as directed by the fire chief for the particular type of fireworks remaining.

(f) No fireworks display shall be held during any windstorm in which the wind reaches a velocity of more than 20 miles per hour. In such cases, the city clerk may authorize the display at a future date suitable to the group holding the display. The person in actual charge of the firing of fireworks in a public display shall hold a valid license from the Kansas State Fire Marshal for conducting the display, and shall be able-bodied and of at least 21 years of age and competent for the task. There shall be at all times at least two operators of the display constantly on duty during the discharge. (Ord. 862, 2009; Ord. 853, 2009; Ord. 837, 2008)

4-2006. DISCHARGE ON STREETS AND PUBLIC PROPERTY PROHIBITED. It shall be unlawful for any person to discharge, ignite or fire any fireworks upon any public street, alley or avenue or in any park or public place within the city. (Ord. 862, 2009; Ord. 853, 2009; Ord. 837, 2008)

4-2007. THROWING PROHIBITED. It shall be unlawful for any person to throw, cast or propel fireworks of any kind in the direction of or into the path of any animal, person or group of persons, or from, in the direction of or into any vehicle of any kind. (Ord. 862, 2009; Ord. 853, 2009; Ord. 837, 2008)

4-2008. SALE OF FIREWORKS; WHERE PROHIBITED. It shall be unlawful for fireworks to be stored, sold or displayed for sale in a place of business where paint, oils, varnishes, turpentine or gasoline or other flammable substances are kept, unless such fireworks are in a separate and distinct section or department of the premises. (Ord. 862, 2009; Ord. 853, 2009; Ord. 837, 2008)

4-2009. RETAIL DISPLAY OF FIREWORKS. (a) All retailers are forbidden to expose fireworks where the sun shines through glass on the merchandise displayed, except where such fireworks are in the original package.

(b) All fireworks displayed for sale must remain in original packages, except where an attendant is on constant duty at all times where such fireworks are on display; provided, that fireworks in open stock may be kept in show cases or counters out of the reach of the public without an attendant being on duty.

(c) Signs reading "Fireworks for Sale--No Smoking Allowed" shall be displayed in the section of a store or premises set aside for the sale of fireworks. (Ord. 862, 2009; Ord. 853, 2009; Ord. 837, 2008)

4-2010. FIRE EXTINGUISHERS REQUIRED. (a) Two functioning and approved fire extinguishers must be provided and kept in close proximity to the stock of fireworks in all permanent buildings where fireworks are stored, sold or displayed for sale.

(b) Small stands, temporarily erected to be used as a place for storing and selling fireworks only, shall have one such fire extinguisher, or in lieu of the fire extinguisher, a pressurized water hose with nozzle end within five feet of the fireworks stand.

(c) At a public display of fireworks, at least two fire extinguishers of a type approved by the State Fire Marshal shall be at as widely separated points as possible within the actual area in which the discharging is being done. (Ord. 862, 2009; Ord. 853, 2009; Ord. 837, 2008)



4-2011. PENALTIES. Any person that violates any provision of this Article, or any adult permitting a minor to violate any provision of this Article, may be prosecuted in municipal court and shall be subject to a fine not to exceed \$500 or imprisonment for a period not to exceed 30 days or a combination of such fine and imprisonment for each separate violation of this Article.

In addition to such fines and imprisonment, any permit issued pursuant to this Article may be immediately revoked by the Governing Body. (Ord. 862, 2009; Ord. 853, 2009; Ord. 837, 2008; Ord. 487, 1980)

## **ARTICLE 21 – FIRE PROTECTION**

4-2101 EXCLUSIVE RIGHT-OF-WAY. All fire apparatus and equipment is hereby given and granted the exclusive right-of-way over and through all streets, avenues, alleys and public thoroughfares in the city while enroute to fires or in response to any alarm or fire, and no person or persons shall in any manner obstruct or hinder such apparatus.

4-2102 DRIVING OVER FIRE HOSE. It shall be unlawful for any person to drive any automobile, truck, locomotive, railroad car or any other vehicle over any fire hose laid in any street, avenue, alley, bridge or vacant lot. Provided, that this section shall not apply to any apparatus or vehicle belonging to the fire department.

4-2103 OBSTRUCTING FIRE HYDRANT. No person shall place or cause to be placed upon or about any fire hydrant any rubbish, building material, fence or other obstruction of any character whatsoever, in any manner to obstruct, hinder, or delay the fire department in the performance of its duties in case of fire. Nor shall any person hitch or cause to be hitched to any fire hydrant, any animal or animals, nor fasten to same any guy rope or brace, nor back or stand any wagon, truck, automobile or other vehicle within 15 feet either direction of any such hydrant.

4-2104 FALSE FIRE ALARMS. It shall be unlawful for any person or persons to make or sound or cause to be made or sounded or by any other means any false alarm of fire without reasonable cause.

4-2105 USE OF FIRE EQUIPMENT. No person or persons shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully and without proper authority remove, take away, keep or conceal any tool, appliance or other article used in any way by the fire department.

## **ARTICLE 22 - ADMINISTRATION**

4-2201. ADMINISTRATIVE RESPONSIBILITY: The City Administrator shall have the primary responsibility for the administration and enforcement of this Code of Regulations for Buildings and Construction, through the designated Building Official and Fire Chief. The City Administrator, pursuant to his/her authority, may delegate any of the administrative duties or responsibilities to any other City official as he may deem advisable and may implement any administrative procedures which are reasonably required for the effective administration of the Code and which are consistent with the provisions of the Code.

4-2202. ADMINISTRATIVE ACTIONS AND DECISIONS: It is the intent of this Code to establish the minimum requirements and standards for buildings and construction occurring within the City of Edgerton in order to protect the public health and safety through the administration of uniformly adopted and accepted code provisions. All administrative actions and decisions, to the extent possible required or authorized under this Code shall be made solely in accordance with the specific standards enumerated in the separate articles and codes adopted and in accordance with interpretations made or rendered under the uniform codes. Whenever, in the course of administration of this Code, it is necessary or advisable to

make an administrative decision or to take an administrative action for which specific standards are not provided, then the decision or action shall be made according to the purpose and intent of this Code as determined through the Board of Code Review.

4-2203. INTERPRETATION OF TERMS OR WORDS: All terms and words used in this Code and not specifically defined shall be interpreted and given meaning according to their common understanding and to provide reasonable application of the purpose and intent of the Regulations. Whenever the context requires, unless otherwise specifically defined, in the application of these Regulations, then the terms and phrases used shall be interpreted in the following manner:

- a. Words appearing in the singular number shall include the plural, and those appearing in the plural shall include the singular.
- b. Words used in the present tense shall include the past tense and future tense, and words used in the future tense shall include the present and past tense.
- c. Words appearing in the masculine gender shall include the feminine and neuter genders.
- d. The term "person" does and shall include the terms "firm," "partnership," "corporation," "association," "governmental body," and all other legal entities, as well as an individual.
- e. The word "shall" is mandatory, while the word "may" is permissive.
- f. The term or the term "City" shall mean City of Edgerton , Kansas, and the term Governing Body shall mean the Governing Body of the City of Edgerton , Kansas.
- g. The phrases "these Regulations" and "this Code" shall refer to the Code of Regulations for Buildings and Construction.

4-2204. VESTED INTERESTS. Nothing contained in this Code shall be deemed or construed to grant any vested interest to any person beyond the express limited terms of any permit, and these Regulations are expressly declared to be subject to amendment, change or modification as may be deemed necessary for the public health, safety, or welfare. Further, neither this Code nor any specific provision, decision, or action taken under the Code shall be construed or deemed as a warranty or representation of City of Edgerton or its employees that any building or construction practice is acceptable or of a proper or workmanlike quality, and the provisions of this Code do not waive any immunity or defense of the City under the provisions of the Kansas Tort Claims Act nor assume any responsibility or liability for any building, construction or construction practice approved or accepted under this Code.

4-2205. COMPATIBILITY WITH OTHER REGULATIONS. Nothing contained in this Code shall be deemed to alter or to modify the application of the City of Edgerton Unified Development Code, including the zoning and subdivision regulations, to any particular use of land, and all permits issued pursuant to this Code shall be subject to all appropriate and compatible zoning regulations applicable to the land upon which the activity is to be conducted, including, but not limited to, the erection, location and use of the buildings and structures. Further, any land use or activity that is permitted, allowed, or authorized by any particular zoning classification or conditional use permit granted for a particular tract of land shall not be subject to nor affected by this Code. Moreover, nothing contained in this Code shall be deemed to alter or to modify any other provision of any Federal or State law or Regulation or any Code, Ordinance or Resolution of the City which may apply to any specific act or activity also regulated by this Code, and the Code shall, to the extent necessary, be interpreted and applied in conjunction with any other Code, Regulation or law which may also be applicable.

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## City Council Action Item

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**Council Meeting Date:** April 25, 2024

**Department:** Community Development

**Agenda Item: Consider Ordinance No. 2160 Repealing Chapter VII – Fire Of The Municipal Code Of The City Of Edgerton, Kansas And Repealing All Ordinances Or Parts Of Ordinances In Conflict Therewith.**

**Background/Description of Item:**

The City is undergoing the process of updating the adopted Building Code suite from the 2006 International Code Council (ICC) suite to the 2018 ICC suite. The proposed building code update was included on this agenda as item 14 on the Business Agenda. With the adoption of the 2018 ICC suite, staff consolidated the items found in Chapter VII (Fire) of the Municipal Code into Chapter IV (Buildings, Construction and Fire) so that all City requirements for items pertaining to fire (fire prevention, fire protection, and fireworks) are all housed in the same chapter.

So as to not include duplicative language in the Municipal Code, staff is recommending that Chapter VII of the Municipal Code be repealed.

The enclosed draft Ordinance has not yet been reviewed by the City Attorney. Staff recommends approval of the Ordinance pending any revisions by the City Attorney following review.

**Related Ordinance(s) or Statue(s):** Edgerton Municipal Code, Chapters IV and VII; Ordinance 891, Code of Regulations for Buildings and Construction for the City of Edgerton, Kansas

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**Funding Source:** N/A

**Budget Allocated:** N/A

**Finance Director Approval:** N/A

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**Recommendation: Approve Ordinance No. 2160 Repealing Chapter VII – Fire Of The Municipal Code Of The City Of Edgerton, Kansas And Repealing All Ordinances Or Parts Of Ordinances In Conflict Therewith.**

**Enclosed:** DRAFT Ordinance 2160

**Prepared by:** Zachary Moore, Development Services Director

**ORDINANCE NO. 2160**

**AN ORDINANCE REPEALING CHAPTER 7 OF THE MUNICIPAL CODE OF THE CITY OF EDGERTON, KANSAS.**

**WHEREAS**, the City desires to update its building standards by adopting the 2018 Editions of the International Building Code, International Residential Code, International Fuel Gas Code, International Plumbing Code, International Mechanical Code, International Existing Building Code, International Fire Code, International Energy Conservation Code, and 2017 National Electrical Code - NFPA 70 (with amendments) and consolidating all code bodies and regulations for buildings and construction into Chapter IV.

**WHEREAS**, Articles 2, 3, 4, 5, 6, 7, 8, 9, and 10 of Chapter IV of the City Code of the City of Edgerton, Kansas adopt the 2018 editions of the International Building Codes with amendments; and

**WHEREAS**, regulations pertaining to fire protection, fire prevention, and fireworks that were previously located in Chapter VII of the Municipal Code of the City of Edgerton are now located in Chapter IV of the Municipal Code.

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EDGERTON KANSAS:**

**SECTION ONE:** Chapter VII of the Municipal Code of the City of Edgerton is hereby deleted in its entirety and reserved for future use.

**SECTION TWO:** This Ordinance is adopted under the authority of K.S.A. 12-3009 and K.S.A. 12-3010.

**SECTION THREE:** REPEAL OF CONFLICTING ORDINANCES. Any Code provisions of the Code of the City of Edgerton, Kansas, or any Ordinances that are in conflict therewith are hereby repealed in their entirety.

**SECTION FOUR:** EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its passage, approval, and publication once in the City's official newspaper.

ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE \_\_\_ DAY OF \_\_\_\_\_ 2024.

**CITY OF EDGERTON, KANSAS**

By: \_\_\_\_\_  
Donald Roberts,

Mayor

ATTEST:

\_\_\_\_\_  
Chris Clinton, Deputy City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Lee W. Hendricks, City Attorney

DRAFT

## City Council Action Item

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**Council Meeting Date:** April 25, 2024

**Department:** Community Development

**Agenda Item: Consider Ordinance No. 2161 Repealing Ordinance 891 And The Code Of Regulations For Buildings And Construction For The City Of Edgerton, Kansas And Repealing All Ordinances Or Parts Of Ordinances In Conflict Therewith.**

**Background/Description of Item:**

The City is undergoing the process of updating the adopted Building Code suite from the 2006 International Code Council (ICC) suite to the 2018 ICC suite. The proposed building code update was included on this agenda as item 14 on the Business Agenda. With the adoption of the 2018 ICC suite, staff consolidated the items found the Code of Regulations for Buildings and Construction into Chapter IV (Buildings, Construction and Fire) so that all City requirements for items pertaining buildings and construction are all housed in the same chapter.

So as to not include duplicative language in adopted City Codes, staff is recommending that Ordinance 891, which adopted the Code of Regulations for Buildings and Construction be repealed.

The enclosed draft Ordinance has not yet been reviewed by the City Attorney. Staff recommends approval of the Ordinance pending any revisions by the City Attorney following review.

**Related Ordinance(s) or Statue(s):** Edgerton Municipal Code, Chapters IV and VII; Ordinance 891, Code of Regulations for Buildings and Construction for the City of Edgerton, Kansas

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**Funding Source:** N/A

**Budget Allocated:** N/A

**Finance Director Approval:** N/A

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**Recommendation: Approve Ordinance No. 2161 Repealing Ordinance 891 And The Code Of Regulations For Buildings And Construction For The City Of Edgerton, Kansas And Repealing All Ordinances Or Parts Of Ordinances In Conflict Therewith.**

**Enclosed:** DRAFT Ordinance 2161

**Prepared by:** Zachary Moore, Development Services Director



## ORDINANCE NO. 2161

### **AN ORDINANCE REPEALING ORDINANCE NO. 891 AND THE CODE OF REGULATIONS FOR BUILDINGS AND CONSTRUCTION OF THE CITY OF EDGERTON, KANSAS.**

**WHEREAS**, the City desires to update its building standards by adopting the 2018 Editions of the International Building Code, International Residential Code, International Fuel Gas Code, International Plumbing Code, International Mechanical Code, International Existing Building Code, International Fire Code, International Energy Conservation Code, and 2017 National Electrical Code - NFPA 70 (with amendments) and consolidating all code bodies and regulations for buildings and construction into Chapter IV.

**WHEREAS**, Articles 2, 3, 4, 5, 6, 7, 8, 9, and 10 of Chapter IV of the City Code of the City of Edgerton, Kansas adopt the 2018 editions of the International Building Codes with amendments; and

**WHEREAS**, regulations pertaining to various development requirements that were previously located in the Code of Regulations for Buildings and Construction have been included within Chapter IV of the Municipal Code of the City of Edgerton.

### **NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EDGERTON KANSAS:**

**SECTION ONE:** Ordinance 891 and The Code of Regulations for Buildings and Construction of the Code of the City of Edgerton, Kansas are hereby repealed in their entirety and incorporated into Chapter IV.

**SECTION TWO:** This Ordinance is adopted under the authority of K.S.A. 12-3009 and K.S.A. 12-3010.

**SECTION THREE:** Any Code provisions of the Code of the City of Edgerton, Kansas, or any Ordinances that are in conflict therewith are hereby repealed in their entirety.

**SECTION FOUR:** This Ordinance shall take effect and be in full force from and after its adoption and publication as provided by law.

ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE 25<sup>TH</sup> DAY OF APRIL 2024.

**CITY OF EDGERTON, KANSAS**

By: \_\_\_\_\_  
Donald Roberts, Mayor

ATTEST:

\_\_\_\_\_  
Chris Clinton, Deputy City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Lee W. Hendricks, City Attorney

DRAFT

## City Council Action Item

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**Council Meeting Date:** April 25, 2024

**Department:** Public Works

### **Agenda Item: Consider a Professional Services Agreement with Tetra Tech to Provide Design Services for the 2024 CDBG 2nd and Hulett Sanitary Sewer Rehabilitation Project**

**Background/Description of Item:**

On May 25, 2023 City Council approved the submission of an application to Johnson County for the 2nd and Hulett Sanitary Sewer Project for Community Development Block Grant (CDBG) funding.

In October of 2023 Johnson County notified staff of the proposed award of the partial funding request (\$91,512). The amount is based on estimated funding, as the County has yet to receive their allocation from U.S. Department of Housing and Urban Development (HUD). The program year starts at the new year, and costs can be incurred after that date. Final authorization is dependent on Congress approving the budget, at that time City Staff will coordinate with Johnson County appropriately.

CDBG has an option to request two years' worth of funding, which would remove eligibility in the following year for a funding application. The maximum funding for one year is \$100,000 and for two years is \$200,000. In years prior the City has requested the two year amount of funding. This saved both the City and the County from excessive and repeated processing efforts. However, this year the County awarded less than the one year maximum of \$100,000. In response to this drop in award, the City has reduced the scope of the project to allow for matching dollars to be split across multiple years.

The work proposed in this project is the same as the 2021 and 2023 CDBG projects which encompassed sanitary sewer rehabilitation work in multiple areas in Edgerton. The project reduces the amount of Inflow and Infiltration (I&I) from this area. I&I is the wastewater system receiving stormwater, then conveying it to the plant for treatment. In the City's Wastewater Master Plan, this area is identified an area of emphasis for I&I reduction within the City.

With the scope and intended goals of the project being identical to the 2021 project, City Staff reviewed the Request for Qualifications from the 2021 CDBG 7<sup>th</sup> and Nelson Project. Tetra Tech plans to utilize a project approach that minimizes design time by partnering with the contractor for field analysis efforts. Ultimately this approach lowered the cost of design in

2023, and the City anticipates that to continue in 2024, allowing the City to maximize system improvements. City Staff recommends Tetra Tech based on their experience providing services to municipalities both of similar size and larger populations, as well as experience with grant funding. The funding source for the project is identified as the Sewer Fund as well as the CDBG funding, by the CIP. Tetra Tech provided a lump sum fee of \$37,500 for design services and the budget for the project listed in the CIP is \$145,012. The draft scope and fee have been reviewed by City Staff. The draft contract has been approved by City Attorney as well as the City's Insurance Representative.

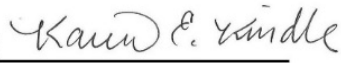
If approved, staff anticipates beginning the design of the project immediately with construction to be completed in 2024.

**Related Ordinance(s) or Statue(s):**

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**Funding Source:** Sewer Fund: \$53,500  
CDBG: \$91,512

**Budget Allocated:** \$145,012

x 

**Finance Director Approval:** Karen Kindle, Finance Director

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**Recommendation: Approve Professional Services Agreement with Tetra Tech for Provide Design Services for the 2024 CDBG 2<sup>nd</sup> and Hulett Sanitary Sewer Rehabilitation Project for \$37,500.**

**Enclosed:** Professional Services Agreement with Tetra Tech

**Prepared by:** Holly Robertson, P.E. CIP Project Manager

**PROFESSIONAL  
SERVICES  
AGREEMENT  
CONSULTANT-CLIENT**

**THIS PROFESSIONAL SERVICES AGREEMENT (this "Agreement")** is made and entered into as of the \_\_\_\_\_ day \_\_\_\_\_, \_\_\_\_\_ (the "Effective Date") by and between \_\_\_\_\_ Tetra Tech \_\_\_\_\_, party of the first part, (the CONSULTANT), and \_\_\_\_\_ City of Edgerton \_\_\_\_\_, party of the second part, (the CLIENT).

WHEREAS, the CLIENT is authorized and empowered to contract with the CONSULTANT for the purpose of obtaining Professional Services for the following improvement/services (hereinafter referred to as the "Project"):

2<sup>nd</sup> and Hulett Sanitary Sewer Project

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WHEREAS, the CONSULTANT is licensed in accordance with the laws of the State of Kansas and is qualified to perform the Professional Services desired by the CLIENT now therefore:

IT IS AGREED by and between the two parties aforesaid as follows:

The project consists of an estimated 2,200 linear feet of sanitary sewer for rehabilitation. Tetra Tech will perform limited field inspections to determine the method of rehabilitation and if necessary, replacement for sewers and manholes in the project area. Tetra Tech will prepare design plans and specifications for bidding.

## SECTION 1 – DEFINITIONS

As used in this Agreement, the following terms shall have the meanings ascribed herein unless otherwise stated or reasonably required by this contract, and other forms of any defined words shall have a meaning parallel thereto.

- 1.1 "Additional Services" means any Services requested by the CLIENT which are not covered by **Exhibit 1** of this Agreement.
- 1.2 "Agreement" means this contract and includes change orders issued in writing.
- 1.3 "CLIENT" or "Client" means the City of Edgerton.
- 1.4 "CONSULTANT" or "Consultant" means the company identified on page 1 and any additional parties they might employ (upon the approval of CLIENT) to perform pursuant to this contract.
- 1.5 "Contract Documents" means those documents so identified in the Agreement for this Project.. Terms defined in General Conditions shall have the same meaning when used in this Agreement unless otherwise specifically stated or in the case of a conflict in which case the definition used in this Agreement shall prevail in the interpretation of this Agreement.
- 1.6 "Engineering Documents" or "Architectural Documents" or "Survey Documents" means plans, specifications, reports, drawings, tracings, designs, calculations, computer models, sketches, notes, memorandums or correspondence related to the work described in Exhibit 1 attached hereto.
- 1.7 "Consulting Services" or "Engineering Services" or "Architectural Services" or "Survey Services" means the professional services, labor, materials, supplies, testing and other acts or duties required of the CONSULTANT under this Agreement, together with Additional Services as CLIENT may request and evidenced by a supplemental agreement pursuant to the terms of this Agreement.
- 1.8 "Services" is a description of the required work as shown in **Exhibit 1**.

## SECTION 2 – RESPONSIBILITIES OF CONSULTANT

- 2.1 SCOPE OF SERVICES: The CONSULTANT shall furnish and perform the various Professional Services of the Project to which this Agreement applies, as specifically provided in **Exhibit 1** for the completion of the Project.
- 2.2 GENERAL DUTIES AND RESPONSIBILITIES
  - 2.2.1. **Personnel:** The CONSULTANT shall assign qualified personnel to perform professional Services concerning the Project. At the time of execution of this Agreement, the parties anticipate that the following individual will perform as the principal point of contact on this Project.

Name: Bridget Harper  
Address: 415 Oak Street  
Kansas City, MO 64016  
Phone: (816) 412-1748

- 2.2.2. **Standard of Care:** In the performance of professional Services, CONSULTANT will use that level of care and skill ordinarily exercised by reputable members of CONSULTANT's profession currently practicing in the same locality under similar conditions.
- 2.2.3. **Independent Contractor:** The CONSULTANT is an independent contractor and as such is not an employee of the Client.
- 2.2.4. **Insurance:** CONSULTANT will maintain insurance for this Agreement, as specifically provided in **Exhibit 2**.
- 2.2.5. **Subcontracting of Service:** The CONSULTANT shall not subcontract or assign any of the Services to be performed under this Agreement without first obtaining the approval of the Client regarding the Services to be subcontracted or assigned and the firm or person proposed to perform the Services. Neither the CLIENT nor the CONSULTANT shall assign any rights or duties under this Agreement without the prior consent of the other party.
- 2.2.6. **Endorsement:** When applicable, the CONSULTANT shall sign and seal final plans, specifications, estimates and data furnished by the CONSULTANT according to Kansas Statutes and Rules and Regulations.
- 2.2.7. **Force Majeure:** Should performance of Services by CONSULTANT be affected by causes beyond its reasonable control, Force Majeure results. Force Majeure includes, but is not restricted to, acts of God; acts of a legislative, administrative or judicial entity; fires; floods; labor disturbances; epidemics; and unusually severe weather. CONSULTANT will be granted a reasonable time extension and the parties will negotiate an equitable adjustment to the price of any affected Work Order, where appropriate, based upon the effect of the Force Majeure on performance by CONSULTANT.
- 2.2.8. **Inspection of Documents:** The CONSULTANT shall maintain Project records for inspection by the CLIENT during the contract period and for five (5) years from the date of final payment.

## **SECTION 3 – CLIENT RESPONSIBILITIES**

### **3.1 GENERAL DUTIES AND RESPONSIBILITIES**

- 3.1.1. **Communication:** The CLIENT shall provide to the Consultant information and criteria regarding the CLIENT's requirement for the Project; examine and respond in a timely manner to the Consultant's submissions and give notice to the Consultant whenever the CLIENT observes or otherwise becomes aware of any defect in the Services. The CLIENT represents that all information they provide is accurate. CONSULTANT'S review and use of the information will be to the standard of care and any delays or additional costs due to inaccurate information will be the responsibility of the CLIENT.
- 3.1.2. **Access:** The CLIENT will provide access agreements for the Consultant to enter public and private property when necessary.
- 3.1.3. **Duties:** The CLIENT shall furnish and perform the various duties and Services in all phases of the Project which are outlined and designated in Exhibit 1 as the CLIENT's responsibility.
- 3.1.4. **Program and Budget:** The CLIENT shall provide full information stating the CLIENT's objectives, schedule, budget with reasonable contingencies and necessary design criteria so that CONSULTANT is able to fully understand the project requirements.

- 3.1.5. **Testing:** Any additional tests required to supplement the Scope of Services or tests required by law shall be furnished by the CLIENT.
- 3.1.6. **Legal, Insurance, Audit:** The CLIENT shall furnish all legal, accounting and insurance counseling Services as may be necessary at any time for the Project. The CLIENT shall furnish all bond forms required for the Project.
- 3.1.7. **Project Representative:** The CLIENT will assign the person indicated below to represent the CLIENT in coordinating this Project with the CONSULTANT, with authority to transmit instructions and define policies and decisions of the CLIENT.

Name: Holly Robertson  
Address: 404 East Nelson Street  
Edgerton, KS 66021  
Phone: (913) 893-6231

## SECTION 4 – PAYMENT

### 4.1 COMPENSATION

- 4.1.1. **Fee and Expense:** The CLIENT agrees to pay the CONSULTANT a fee based on the actual hours expended on the Project at the rates indicated in the attached Fee Schedule; Exhibit 3 and the actual reimbursable expenses permitted under this Agreement and incurred on the Project. This fee is based on the scope of Services outlined in Exhibit 1 of this Agreement. Payment is due within thirty (30) days of billing by the CONSULTANT and any late payment will incur an interest charge of one (1) percent per month.
- 4.1.2. **Hourly Rate:** Any Additional Services which are not set forth in this Agreement will be charged on the basis of the hourly rate schedule attached hereto as Exhibit 3. No Additional Services or costs shall be incurred without proper written authorization of the CLIENT.
- 4.1.3. **Reimbursable Expenses:** Reimbursable expenses shall be charged following approval by CLIENT. Reimbursable expenses include, but are not limited to, expenses of transportation in connection with the Project; expenses in connection with authorized out-of-town travel; expenses of printing and reproductions; postage; expenses of renderings and models requested by the CLIENT and other costs as authorized by the CLIENT.
- 4.1.4. **Billing:** CONSULTANT shall bill the CLIENT monthly for services and reimbursable expenses according to **Exhibit 3**. The bill submitted by CONSULTANT shall itemize the services and reimbursable expenses for which payment is requested, notwithstanding any claim for interest or penalty claimed in a CONSULTANT's invoice. The CLIENT agrees to pay within thirty (30) days of billing by the CONSULTANT and any late payment will incur an interest charge of one and (1) percent per month.
- 4.1.5. **Change in Scope:** For modifications in authorized scope of services or project scope and/or modifications of drawings and/or specifications previously accepted by the CLIENT, when requested by the CLIENT and through no fault of the CONSULTANT, the CONSULTANT shall be compensated for time and expense required to incorporate such modifications at CONSULTANT's standard hourly rates per Exhibit 3. CONSULTANT shall correct or revise errors or deficiencies in its designs, drawings or specifications without additional compensation when due to CONSULTANT's negligence, error or omission.



- 4.1.6. **Supplemental Agreement:** This Agreement may be amended to provide for additions, deletions and revisions in the Services or to modify the terms and conditions thereof by written amendment signed by both parties. The contract price and contract time may only be changed by a written supplemental agreement approved by the CLIENT, unless it is the result of an emergency situation, in which case the CLIENT may give verbal, e-mail or facsimile approval which shall be the same as written and approved supplemental agreement.

## SECTION 5 – MUTUAL PROVISIONS

### 5.1 TERMINATION

- 5.1.1. **Notice:** The CLIENT reserves the right to terminate this Agreement for either cause or for its convenience and without cause or default on the part of the CONSULTANT, by providing written notice of such termination to the CONSULTANT. Such notice will be with Twenty Four (24) hours' notice.

The CONSULTANT reserves the right to terminate this Agreement based on any material breach by the CLIENT, but only upon giving notice to CLIENT of the alleged breach and providing CLIENT thirty (30) days to cure such alleged breach.

Upon receipt of such notice from CLIENT, the CONSULTANT shall, at CLIENT's option as contained in the notice; Immediately cease all Services and meet with CLIENT to determine what Services shall be required of the CONSULTANT in order to bring the Project to a reasonable termination in accordance with the request of the CLIENT. The CONSULTANT shall also provide to the CLIENT digital and/or mylar copies of drawings and documents completed or partially completed at the date of termination. The CONSULTANT is entitled to terminate this agreement by providing thirty (30) days written notice.

- 5.1.2. **Compensation for Convenience Termination:** If CLIENT shall terminate for its convenience, as herein provided, CLIENT shall compensate CONSULTANT for all Services completed to date prior to receipt of the termination notice.
- 5.1.3. **Compensation for Default Termination:** If the CLIENT shall terminate for cause or default on the part of the CONSULTANT, the CLIENT shall compensate the CONSULTANT for the reasonable cost of Services completed to date of its receipt of the termination notice. Compensation shall not include anticipatory profit or consequential damages, neither of which will be allowed.
- 5.1.4. **Incomplete Documents:** Neither the CONSULTANT, nor its subconsultant, shall be responsible for errors or omissions in documents which are incomplete as a result of an early termination under this section, the CONSULTANT having been deprived of the opportunity to complete such documents and certify them as ready for construction and/or complete.

### 5.2 DISPUTE RESOLUTION

- 5.2.1. If a claim, dispute or controversy arises out of or relates to the interpretation, application, enforcement or performance of Services under this Agreement, CONSULTANT and CLIENT agree first to try in good faith to settle the dispute by negotiations between senior management of CONSULTANT and CLIENT. If such negotiations are unsuccessful, CONSULTANT and CLIENT agree to attempt to settle the dispute by good faith mediation. If the dispute cannot be settled through mediation, and unless otherwise mutually agreed, the dispute shall be settled by litigation in an appropriate court in Kansas. Except as

otherwise provided herein, each party shall be responsible for its own legal costs and attorneys' fees.

### 5.3 OWNERSHIP OF INSTRUMENTS OF SERVICE

5.3.1. Reports, drawings, plans or other documents (or copies) furnished to CONSULTANT by the CLIENT shall, at CLIENT's written request, be returned upon completion of the Services hereunder. Reports, drawings, plans, documents, software, field notes and work product (or copies thereof) in any form prepared or furnished by CONSULTANT under this Agreement are instruments of service. Exclusive ownership, copyright and title to all instruments of service remain with CONSULTANT. CLIENT is hereby granted a License to Use instruments of service with use limited to use on this project. The instruments of service are not intended or represented to be suitable for reuse by CLIENT or others on extensions of the work or on any other project.

### 5.4 INDEMNIFY AND HOLD HARMLESS

5.4.1. CLIENT shall indemnify and hold CONSULTANT, its officers and employees harmless from and against any claim, judgment, demand or cause of action to the extent caused by: (i) CLIENT's breach of this Agreement; (ii) the negligent acts or omissions of CLIENT or its employees, contractors or agents.

5.4.2. CONSULTANT shall indemnify and hold CLIENT and its employees and officials from loss to the extent caused by: (i) CONSULTANT'S breach of this Agreement; (ii) incurred as a result of the negligence, errors or omissions of the CONSULTANT, its officers or employees in performance of Services pursuant to this Agreement.

### 5.5 ENTIRE AGREEMENT

5.5.1. This Agreement constitutes the entire agreement between the parties and supersedes all prior agreements, whether oral or written, covering the same subject matter. This Agreement may not be modified or amended except in writing mutually agreed to and accepted by both parties to this Agreement.

### 5.6 APPLICABLE LAW

5.6.1. This Agreement is entered into under and pursuant to, and is to be construed and enforceable in accordance with laws of the State of Kansas.

### 5.7 ASSIGNMENT OF AGREEMENT

5.7.1. This Agreement shall not be assigned or transferred by either the CONSULTANT or the CLIENT without the written consent of the other.

### 5.8 NO THIRD PARTY BENEFICIARIES

5.8.1. Nothing contained herein shall create a contractual relationship with, or any rights in favor of, any third party.

### 5.9 COMPLIANCE WITH LAWS

5.10.1 CONSULTANT shall abide by known applicable federal, state and local laws, ordinances and regulations applicable to this Project until the Consulting Services required by this Agreement are completed consistent with the Professional Standard of Care. CONSULTANT

shall secure occupational and professional licenses, permits, etc., from public and private sources necessary for the fulfillment of its obligations under this Agreement.

5.10 TITLES, SUBHEADS AND CAPITALIZATION

5.11.1 Titles and subheadings as used herein are provided only as a matter of convenience and shall have no legal bearing on the interpretation of any provision of the Agreement. Some terms are capitalized throughout the Agreement but the use of or failure to use capitals shall have no legal bearing on the interpretation of such terms.

5.11 SEVERABILITY CLAUSE

5.11.1. Should any provision of this Agreement be determined to be void, invalid or unenforceable or illegal for whatever reason, such provisions shall be null and void; provided, however that the remaining provisions of this Agreement shall be unaffected hereby and shall continue to be valid and enforceable.

5.12 FIELD REPRESENTATION

5.12.1. Unless otherwise expressly agreed to in writing, CONSULTANT shall not be responsible for the safety or direction of the means and methods at the contractor's project site or their employees or agents, and the presence of CONSULTANT at the project site will not relieve the contractor of its responsibilities for performing the work in accordance with applicable regulations, or in accordance with project plans and specifications. If necessary, CLIENT will advise any contractors that Consultant's Services are so limited. CONSULTANT will not assume the role of "prime contractor", "constructor", "controlling employer", "supervisor" or their equivalents, unless the scope of such Services are expressly agreed to in writing.

5.13 HAZARDOUS MATERIALS

5.13.1. The CONSULTANT and the CONSULTANT's subconsultants shall have no responsibility for the discovery, presence, handling, removal or disposal or exposure of persons to hazardous materials in any form at the Project site.

5.14 AFFIRMATIVE ACTION

5.14.1. The CONSULTANT agrees to comply with the provisions of K.S.A. 44-1030 in the Kansas Acts Against Discrimination.

5.15 SPECIAL PROVISIONS

5.15.1. Special Provisions may be attached and become a part of this agreement as **Exhibit 4**.

IN WITNESS WHEREOF, the parties have executed this Agreement in duplicate this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**CONSULTANT:**

**CLIENT:**

**TetraTech**  
**(Firm Name)**

**City of Edgerton,**  
**Kansas**

By: \_\_\_\_\_

By: \_\_\_\_\_

Printed Name: Bridget Harper

Printed Name: \_\_\_\_\_

Title: Project Manager

Title: \_\_\_\_\_

END OF CONSULTANT-CLIENT AGREEMENT

# **EXHIBIT 1 SCOPE OF SERVICES**

## **Exhibit 1 – Project Scope and Requirements**

**Client/Owner:** City of Edgerton  
**Project Description:** 2<sup>nd</sup> and Hulett Sanitary Sewer Project

### **Scope of the Project**

The project consists of sewer and manhole rehabilitation and replacement within the City of Edgerton. The project area, depicted in **Attachment A**, contains an estimated 2,200 linear feet of 8-inch sewer main and 12 manholes (Study Area). Tetra Tech will perform limited field inspections to determine the method of rehabilitation/replacement required for sewers and manholes in the area and prepare design plans and specifications for bidding.

### **Scope of Services**

#### 1.0 Project Management

##### 1.1 Project Administration

CONSULTANT shall coordinate the overall work of the project to include all field inspections, engineering analysis, and design. CONSULTANT shall provide monthly progress reports that will show the percent completion of each task, overall project percent completion, time expended, and budget expended.

##### 1.2 Progress meetings

CONSULTANT shall attend total of up to 3 meetings (all virtual via MS Teams) with the CITY. CONSULTANT shall prepare for the meeting by providing an agenda a minimum of 24 hours in advance and developing such supporting documents as will be needed to present the progress and findings of the project.

##### 1.3 Quality Control

CONSULTANT's Quality Control Program will be implemented on all phases of the project to provide an independent review of the work. Quality control reviews will include checks for conformance with regulatory agency requirements, completeness and correctness of evaluations, design accuracy, feasibility of implementing recommendations, and adherence to contract requirements.

#### 2.0 Public Involvement and Coordination

##### 2.1 Inspection Notification

CONSULTANT shall conduct a public notification program prior to the field inspections to minimize potential alarm over the presence of field personnel in backyards.

#### 3.0 Field Inspections

##### 3.1 Manhole Inspections

CONSULTANT will complete NASSCO MACP® Level 2 inspections for up to twelve (12) manholes in the study area. Inspections will be performed at all manholes except where conditions do not allow. These conditions include pipes flowing more than half full dangerous gas conditions, offset manholes, etc. CITY shall be notified by phone, and inwriting, within 24 hours from the date of an inspection if a severe defect or unsafe conditions observed. Visual Pipe (VisPipe) inspections will be completed through use of zoom camera to inspect condition of the first 10 feet of each incoming and outgoing pipe and to confirm pipe sizes and materials.

### 3.2 Survey

CONSULTANT will obtain the location and elevation of portions of the manhole. The manhole location will be taken as the center of the cover. Elevations will be obtained for the rim and the inverts of each incoming and outgoing pipe. Surveying accuracy shall be submeter for location and +/-5cm vertically for rim elevation in NAD83 State Plane Coordinates and NAVD88 North American Vertical Datum. Invert elevations will be obtained by measuring the distance from the rim to the invert using a survey leveling rod to obtain the depth and subtracting the depth from the rim elevation.

### 3.3 Acoustic Testing

CONSULTANT shall perform up to twelve (12) acoustic tests using the Sewer Line Rapid Assessment Tool (SL-RAT). Tests shall be performed for each sewer main in the study area to identify pipes that are partially blocked, which would require obstruction removal and/or point repair prior to CCTV inspection and CIPP lining. The test shall be performed by inserting the acoustic sensing equipment into consecutive upstream and downstream manholes and initiating the testing sequence. Test results consist of scoring ranging from 0 to 10, with lower scores indicative of a greater degree of blockage.

## 4.0 Data Analysis and Recommendations

### 4.1 Data Analysis

CONSULTANT to review results of manhole and SL-RAT® inspections along with any other pertinent data provided by the CITY to develop recommendations for sewer and manhole rehabilitation/replacement. CONSULTANT to develop rehabilitation schedules to be used on plan sheets. CONSULTANT will not be performing closed-circuit television (CCTV) inspection as part of contract as a result, the following assumptions will be made where no existing CCTV inspections are available:

- a. CONSULTANT will determine quantities and approximate locations of open cut point repairs based on the VisPipe inspection data and SL-RAT results.
- b. Buildings/Houses will be counted to estimate number of sewer lateral connections required for each main line scheduled for rehabilitation or replacement. Estimate number of laterals will be listed in rehabilitation schedules with notes for contractor to verify active status, size and exact location during construction.

### 4.2 Preliminary Plans

CONSULTANT to develop and submit preliminary plans including rehabilitation maps and schedules for manhole, mainline and private lateral connection rehabilitation within the City right of way or permanent sanitary sewer easements. One set of 11" X 17" Plans shall be submitted electronically in .pdf format.

### 4.3 Plan-in-Hand Walk Through

CONSULTANT and CITY shall perform a plan in hand walk through. The purpose of the walk through is to verify and analyze the accessibility of the preliminary recommendations and to identify any special conditions to be included in the contract documents. CONSULTANT shall document all special conditions, take photographs, and propose solutions and specifications for the CITY to review. Submit two hard copies and a PDF of the special conditions, photographs, and proposed solutions and specifications for CITY review.

## 5.0 Construction Documents

### 5.1 Final Plans

CONSULTANT to develop final plans including rehabilitation maps and schedules for manhole, mainline and private lateral connection rehabilitation within the City right of way or permanent sanitary sewer easements. Incorporate review comments from CITY's review preliminary

recommendations. CONSULTANT to provide one electronic (.pdf) set of 11" X 17" sealed plans and three (3) 11" X 17" hard copies.

## 5.2 Specifications

CONSULTANT shall be responsible for development of the Project Manual (specifications), including the standard "front end" documents and Divisions 1 through 16 (CSI format). CITY shall provide the Project Manual from last year's sewer rehabilitation project to CONSULTANT to use as a go-by. CONSULTANT to submit electronic version of sealed project manual (.pdf format) and three (3) hard copies.

## 5.3 Engineer's Opinion of Probable Construction Cost

CONSULTANT shall prepare and submit a construction cost estimate in .pdf format.

## 5.4 Work Tracking Spreadsheet

CONSULTANT will prepare and submit a work tracking spreadsheet in Microsoft Excel (.xlsx format) for CITY to use during construction phase. Spreadsheet will be based on the final rehabilitation schedules and color-coded legend will be provided to track design changes during construction. Spreadsheet may be used during pay application review and to complete record drawings and/or GIS updates at the end of the project. Example spreadsheet provided in **Attachment B**.

## 6.0 Bid Phase Services

### 6.1 Pre-Bid Conference

Prepare and present a pre-bid meeting, respond to questions regarding interpretation of contract drawings, specifications and technical issues, issue addenda, evaluate bids, and make recommendation of award. Project advertisement will have a duration of approximately 30 days. In coordination with City PM, prepare for and present a pre-bid meeting at a date, time and place provided by the CITY. CONSULTANT to prepare agenda and facilitate the meeting with assistance from CITY.

### 6.2 Bid Assistance

Assist the CITY with interpretation of the Contract Documents and develop addenda (up to three) as required during the bid advertisement period to clarify Contract Documents. CITY will post the addenda.

### 6.3 Bid Evaluation

Consult with and advise CITY as to the acceptability of the apparent successful bidder and the proposed major or specialty subcontractors. The review and evaluation shall include such factors as work previously completed for the CITY, work completed for others, contractor's proposed project manager and superintendent, financial resources, technical experience, responses from references and other relevant facts. CITY shall provide one copy of each bid as well as a bid tab to CONSULTANT for evaluation. Make written recommendation regarding the award of construction contract.

## Optional Services

Any work requested by the CITY that is not specifically stated in one of the Basic Scope of Services listed above shall be classified as Optional Services. DESIGN PROFESSIONAL's contract maximum upper limit for compensation includes an allowance amount for Optional Services not yet authorized by CITY that may be required throughout the course of the work. This allowance amount shall not be utilized unless specifically authorized in writing by the CITY to perform Optional Services. Optional Services shall not be performed, nor is the CONSULTANT approved to utilize any of the allowance amount, unless the CITY provides written authorization to CONSULTANT that includes the scope of work for each Optional Service to be performed and a maximum billing limit for compensation that has been mutually agreed upon. Optional Services shall include, but are not limited to:

- A. Additional Manhole inspections, GPS survey and SL-RAT outside of project boundary.
- B. Survey for identifying easement limits and assisting City with appraisal and/or acquisition of easements.
- C. Conducting topographic survey or horizontal control survey to establish the base for layout of property and lot lines for properties anticipated to require new easements or open-cut replacement of sewers, if required.
- D. Preparation of plan and profile construction drawings for open-cut replacement of sewers.
- E. Assistance with easement acquisition, including but not limited to obtaining Ownership Certifications (Ownership and Encumbrance reports) and preparing legal descriptions of easements and easement exhibits, if required.
- F. Meetings with local, State, or Federal agencies beyond those contemplated under the Basic Scope of Services.
- G. Appearances at public hearings or before special boards beyond those contemplated under the Basic Scope of Services.
- H. Field subsurface investigations, geotechnical investigations, environmental site assessments, or easement or right-of-way selection, preparation, negotiation, or acquisition work, requested or authorized by the CITY beyond those included in the Basic Scope of Services and any established allowances.
- I. Assistance with bid protests.
- J. Provide construction administration services to review submittals and assist with processing pay requests.
- K. Provide full or part-time construction inspection services
- L. Prepare record drawings and/or GIS updates after construction is complete.



## Attachment A – Project Area Map



## Attachment B – Sample Work Tracking Spreadsheet

Sheet Number	Asset Type	Pipe ID	US Manhole	DS Manhole	Surface Type	Diameter (in)	Manhole Depth (ft)	Manhole Area (SF)	Length of Repair/Replacement (ft)	Location from US MH (ft)	Lateral Address	Work Completed	Work Completed Date	Unit Price	Cost of Repair/Replacement	RPR Initials	Billed in Pay App	Comments
C-101	Sewer Main	015.014	015	014	Asphalt	8	-	-	150	-	-	8-Inch Main Sewer CIPP	12/1/2022	\$ 50	\$ 7,500	KND	PA2	Lining complete, 4 laterals reinstated
C-101	Sewer Lateral	015.014	015	014	Asphalt	4	-	-	1.5	25	101 E Morgan St	CIPP Full Wrap Long Liner	12/1/2022	\$ 1,200	\$ 1,200	KND	PA2	
C-101	Sewer Lateral	015.014	015	014	Asphalt	4	-	-	1.5	52	107 E Morgan St	CIPP Full Wrap Long Liner	12/1/2022	\$ 1,200	\$ 1,200	KND	PA2	Lateral location and address changed
C-101	Sewer Lateral	015.014	015	014	Asphalt	4	-	-	1.5	65	110 E McCarty St	CIPP Full Wrap Long Liner	12/1/2022	\$ 1,200	\$ 1,200	KND	PA2	Lateral location and address changed
C-101	Sewer Lateral	015.014	015	014	Asphalt	4	-	-	1.5	70	100 E 2nd St	CIPP Full Wrap Long Liner	12/1/2022	\$ 1,200	\$ 1,200	KND	PA2	
C-101	Sewer Lateral	015.014	015	014	Asphalt	4	-	-	1.5	80	104 E 2nd St	CIPP Full Wrap Long Liner	12/1/2022	\$ 1,200	\$ 1,200	KND		Lateral is not active
C-101	Sewer Manhole	015	NA	NA	Grass	48	8	101	-	-	-	Line Manhole - Cementitious		\$ 15	\$ 1,508			
C-101	Sewer Manhole	015	NA	NA	Grass	48	8	-	-	-	-	Replace Frame and Cover	11/1/2022	\$ 1,500	\$ 1,500	KND	PA1	
C-101	Sewer Manhole	014	NA	NA	Grass	48	9	113	-	-	-	Line Manhole - Cementitious		\$ 15	\$ 1,696			

**LEGEND**

- Work is incomplete
- Work is complete, quantity matches design
- Work is complete, quantity changed from original
- Work removed from scope

## **EXHIBIT 2**

### **CITY OF EDGERTON, KS INSURANCE REQUIREMENTS FOR DESIGN & CONSULTING SERVICES -**

Consultant shall procure and maintain at its sole cost and expense, the following insurance coverage for the duration of the project and for a period of at least two (2) years (five years for professional liability insurance) following termination of this agreement, with minimum acceptable limits as follows:

- (1) COMMERCIAL GENERAL LIABILITY
  - \$1,000,000 Per Occurrence
  - \$2,000,000 Aggregate

Coverage shall be written on ISO occurrence form CG 0001 or equivalent. Endorsements or policy provisions that limit contractual liability are not acceptable. It shall also name City, its officers, officials, employees, and agents as additional insureds on a primary basis, not contributing with any insurance maintained by the additional insured, using ISO additional insured endorsement CG 2010, or its equivalent, copies of which are required to be attached to the certificate of insurance.

- (2) WORKERS COMPENSATION - STATUTORY & EMPLOYERS LIABILITY
  - \$100,000 Each Accident
  - \$500,000 Policy Limit - Disease
  - \$100,000 Each Employee – Disease

Coverage shall apply to all workers and employees related to the work, including sole proprietors, partners, members of an LLC, and officers of a corporation, regardless of whether or not such persons come under the statutory requirements to carry this coverage. Firms domiciled outside the state of Kansas must have "other states" coverage in effect.

- (3) PROFESSIONAL LIABILITY / ERRORS & OMISSIONS
  - \$1,000,000 Per Claim
  - \$2,000,000 Aggregate

This coverage, shall apply to actual or alleged negligent wrongful acts, errors or omissions resulting in claim(s) for damages related to the work involving the operations of Consultant, and/or its sub-Consultant(s) if any are utilized in the completion of the work. If such policy is "claims-made" form, the retroactive date must be shown and must be before the date of the Agreement or the beginning of work set forth in the Agreement. This insurance must be maintained and evidence of insurance must be provided for at least Five (5) years after termination of this Agreement. If coverage is canceled or non-renewed and not replaced with another "claims-made" policy form with a Retroactive Date prior to the Agreement effective date, Consultant must purchase "extended reporting period" (tail) coverage for a minimum period representing at least Five (5) years after termination of this agreement.

**CITY OF EDGERTON, KS**  
**INSURANCE REQUIREMENTS FOR DESIGN & CONSULTING SERVICES – , CONT'D**

(4) WAIVER OF SUBROGATION

Consultant, and in addition, its insurers, through policy endorsement, and to the fullest extent permitted by law, waives all rights against City, its officers, officials, employees, and agents for recovery of damages to the extent that these damages are covered by commercial general liability, commercial umbrella liability, business auto liability or workers compensation and employers liability insurance maintained per the requirements stated above.

(5) CERTIFICATE OF INSURANCE

Prior to commencing the work, Consultant shall furnish an acceptable certificate(s) of insurance, identifying insurers that write Consultant's coverages, with minimum Best's Guide Rating of A- and Class VIII or better, and authorized to do business in the state of Kansas. Certificate will evidence the required coverage and endorsements stated above. Should any of the above described policies be cancelled or non-renewed, the City shall first be provided 30 days prior written notice, except 10 days for non-payment of premium. This cancellation provision shall be indicated on the certificate of insurance. City also reserves the right to obtain copies of Consultant's policies to validate coverage in effect if certificates are ambiguous. Annually, Consultant agrees to provide a new/replacement formal certificate of insurance five (5) days prior to the expiration date. If any portion of the work is to be subcontracted, Consultant shall require that the subcontracted Consultant(s) shall comply with the same indemnification agreement terms and be required to provide and maintain all insurance coverages and provisions as stated above, with a formal certificate of insurance acceptable to City evidencing same. Self-Insured retentions must be declared to and approved by City. If consultant is self-insured for any of the above coverages, such self-insurance must be approved by City, which may require written guarantees for payment of self insured

losses and related investigation, administration, and defense costs. And it must provide claims handling procedures acceptable to the City. Acceptance of any certificate that does not comply with the above requirements shall not operate as a waiver of Consultant's obligations hereunder. And the fact that insurance is obtained by Consultant shall not be deemed to release or diminish the liability of Consultant including, without limitation, liability under the indemnity provisions of this contract. Damages recoverable by City shall not be limited by the amount of the required insurance coverage. Consultant shall notify City in writing as soon as possible after any occurrence that could potentially lead to any lawsuit and/or after it receives notice or knowledge of any demand, claim, cause of action, lawsuit, or action arising out of the work performed under this contract.

## **EXHIBIT 3**

### **COST AND SCHEDULE**

#### **Payment**

The Client shall pay the Consultant the designated lump sum fee in amounts proportional to percentage of the project completed. The fee breakdown by task is as follows:

1.0 Project Management	\$ 4,000
2.0 Public Involvement and Coordination	\$ 2,750
3.0 Field Inspections	\$ 8,500
4.0 Data Analysis and Recommendations	\$10,500
5.0 Construction Documents	\$ 8,750
6.0 Bid Phase Services	\$ 3,000
<b>Total Fee</b>	<b>\$37,500</b>

#### **Schedule**

CONSULTANT shall complete field investigations within 60 days of Notice to Proceed (NTP). CONSULTANT shall submit Construction Documents within 120 days of NTP. Additional inspection, design, and construction milestones will be provided at the Project Kick-Off Meeting.

**EXHIBIT 4**  
**SPECIAL PROVISIONS**

**City of Edgerton - 1st Quarter 2024 Report**  
**General Fund (Unaudited)**

	<b>YTD Actual</b>	<b>2024 Budget</b>	<b>% Used</b>	<b>Remaining</b>
<b>Revenues:</b>				
Ad Valorem Tax	\$ 1,298,584	\$ 2,400,134	54.1%	\$ (1,101,550)
City TIF Increment	\$ (27,487)	\$ (50,698)	54.2%	\$ 23,211
Delinquent Tax	\$ 4,050	\$ -	n/a	\$ 4,050
Motor Vehicle Tax	\$ 13,889	\$ 46,871	29.6%	\$ (32,982)
Recreational Vehicle Tax	\$ 376	\$ 1,000	37.6%	\$ (624)
16/20M Vehicle Tax	\$ 142	\$ 323	44.1%	\$ (181)
Local Alcoholic Liquor Tax	\$ 1,840	\$ 8,500	21.6%	\$ (6,660)
Local Comp Use Tax	\$ 100,269	\$ 305,000	32.9%	\$ (204,731)
County Use Tax	\$ 37,464	\$ 155,000	24.2%	\$ (117,536)
Local Sales Tax	\$ 146,924	\$ 610,000	24.1%	\$ (463,076)
County Sales Tax	\$ 96,091	\$ 408,000	23.6%	\$ (311,909)
Franchise Tax	\$ 75,267	\$ 235,000	32.0%	\$ (159,733)
Licenses & Permits	\$ 4,902	\$ 414,850	1.2%	\$ (409,949)
Charges for Services	\$ 18,734	\$ 85,470	21.9%	\$ (66,736)
Fines & Forfeitures	\$ 38,758	\$ 80,000	48.4%	\$ (41,242)
Miscellaneous	\$ 6,955	\$ -	n/a	\$ 6,955
Investment Income	\$ 7,032	\$ 15,000	46.9%	\$ (7,968)
<b>Total Revenue</b>	<b>\$ 1,823,791</b>	<b>\$ 4,714,450</b>	<b>38.7%</b>	<b>\$ (2,890,659)</b>
<b>Expenditures:</b>				
General Government	\$ 255,065	\$ 1,221,435	20.9%	\$ 966,371
Law Enforcement	\$ 16,524	\$ 621,068	2.7%	\$ 604,544
Public Works	\$ 168,016	\$ 754,458	22.3%	\$ 586,442
Parks	\$ 51,026	\$ 372,387	13.7%	\$ 321,361
Facilities	\$ 20,333	\$ 137,914	14.7%	\$ 117,581
Fleet Maintenance	\$ 14,871	\$ 67,050	22.2%	\$ 52,179
Community Development	\$ 91,888	\$ 495,394	18.5%	\$ 403,506
Economic Development	\$ 92,453	\$ 580,900	15.9%	\$ 488,447
Information Technology	\$ 13,653	\$ 100,029	13.6%	\$ 86,376
Employee Benefits	\$ 155,931	\$ 630,401	24.7%	\$ 474,470
<b>Total Expenditures</b>	<b>\$ 879,761</b>	<b>\$ 4,981,037</b>	<b>17.7%</b>	<b>\$ 4,101,276</b>
<b>Sources Over(Under) Expenditures:</b>	<b>\$ 944,030</b>	<b>\$ (266,587)</b>		
<b>Other Financing Sources &amp; Uses</b>				
<b>Transfers from Other Funds:</b>				
Transfer from Capital Projects Fund	\$ -	\$ -	n/a	\$ -
Transfer from TIF Funds-City TIF Fee	\$ 281	\$ 1,107	25.4%	\$ 826
<b>Transfers to Other Funds:</b>				
Transfer to Equipment Reserve Fund-General	\$ -	\$ (125,000)	0.0%	\$ (125,000)
Transfer to Capital Projects Fund	\$ (115,625)	\$ -	n/a	\$ 115,625
<b>Total Other Financing Sources &amp; Uses</b>	<b>\$ (115,344)</b>	<b>\$ (123,893)</b>		
<b>Beginning Fund Balance</b>	<b>\$ 2,812,785</b>	<b>\$ 2,058,293</b>		
<b>Estimated Ending Fund Balance</b>	<b>\$ 3,641,471</b>	<b>\$ 1,667,813</b>		
<b>Unaudited Ending Fund Balance</b>	<b>\$ 3,641,471</b>	<b>\$ 1,667,813</b>		
<b>Reserve Required</b>				
17% of 2024 budgeted expenditures	\$ 846,776			
25% of 2024 budgeted expenditures	\$ 1,245,259			
<b>Budget Authority</b>				
2024 Budget Authority	\$ 6,773,849			
Remaining 2024 Budget Authority	\$ 6,009,432			
% of Budget Authority Used	11.3%			

**City of Edgerton - 1st Quarter 2024 Report**  
**Water Fund (Unaudited)**

	<b>YTD Actual</b>	<b>2024 Budget</b>	<b>% Used</b>	<b>Remaining</b>
<b>Revenues:</b>				
Charges for Services	\$ 134,271	\$ 511,187	26.3%	\$ (376,916)
Fines & Forfeitures	\$ 1,667	\$ 8,000	20.8%	\$ (6,333)
Miscellaneous	\$ -	\$ -	n/a	\$ -
Investment Income	\$ 429	\$ 2,500	17.1%	\$ (2,071)
<b>Total Revenue</b>	<b>\$ 136,366</b>	<b>\$ 521,687</b>	<b>26.1%</b>	<b>\$ (385,321)</b>
<b>Expenditures:</b>				
Fleet Maintenance	\$ 452	\$ 7,475	6.0%	\$ 7,023
Information Technology	\$ 11,013	\$ 52,309	21.1%	\$ 41,296
Production	\$ 68,240	\$ 175,000	39.0%	\$ 106,760
Distribution	\$ 3,218	\$ 67,030	4.8%	\$ 63,812
Administrative-Water	\$ 35,217	\$ 162,562	21.7%	\$ 127,345
Employee Benefits	\$ 9,612	\$ 40,184	23.9%	\$ 30,572
Debt Service	\$ 7,478	\$ 14,957	50.0%	\$ 7,479
<b>Total Expenditures</b>	<b>\$ 135,230</b>	<b>\$ 519,517</b>	<b>26.0%</b>	<b>\$ 384,288</b>
<b>Sources Over(Under) Expenditures:</b>	<b>\$ 1,137</b>	<b>\$ 2,170</b>		
<b>Transfer from Other Funds</b>				
Transfer from Capital Project Fund	\$ -	\$ -	n/a	\$ -
<b>Transfers to Other Funds:</b>				
Transfer to Equipment Reserve Fund-Water	\$ -	\$ (15,000)	0.0%	\$ (15,000)
Transfer to Capital Projects Fund	\$ -	\$ -	n/a	\$ -
<b>Total</b>	<b>\$ -</b>	<b>\$ (15,000)</b>		
<b>Beginning Fund Balance</b>	<b>\$ 210,244</b>	<b>\$ 192,147</b>		
<b>Estimated Ending Fund Balance</b>		<b>\$ 179,317</b>		
<b>Unaudited Ending Fund Balance</b>	<b>\$ 211,381</b>			
<b>Reserve Required</b>				
17% of 2024 budgeted expenditures	\$ 88,318			
25% of 2024 budgeted expenditures	\$ 129,879			
<b>Budget Authority</b>				
2024 Budget Authority	\$ 713,835			
Remaining 2024 Budget Authority	\$ 578,605			
% of Budget Authority Used	18.9%			

**City of Edgerton - 1st Quarter 2024 Report**  
**Sewer Fund (Unaudited)**

	YTD Actual	2024 Budget	%	Remaining
<b>Revenues:</b>				
Charges for Services	\$ 136,846	\$ 761,265	18.0%	\$ (624,419)
Licenses & Permits	\$ 150	\$ 100	150.0%	\$ 50
Fines & Forfeitures	\$ 3,171	\$ 7,000	45.3%	\$ (3,829)
Miscellaneous	\$ -	\$ -	n/a	\$ -
Investment Income	\$ 2,309	\$ 3,500	66.0%	\$ (1,191)
<b>Total Revenue</b>	<b>\$ 142,475</b>	<b>\$ 771,865</b>	<b>18.5%</b>	<b>\$ (629,390)</b>
<b>Expenditures:</b>				
Fleet Maintenance	\$ 452	\$ 7,475	6.0%	\$ 7,023
Information Technology	\$ 11,013	\$ 53,351	20.6%	\$ 42,338
Treatment Plant	\$ 27,599	\$ 225,055	12.3%	\$ 197,456
Sewer Line Maintenance	\$ 151	\$ 13,200	1.1%	\$ 13,049
Lift Stations/Vaults	\$ 5,156	\$ 38,456	13.4%	\$ 33,300
Administrative-Sewer	\$ 53,984	\$ 251,897	21.4%	\$ 197,913
Employee Benefits	\$ 18,125	\$ 71,877	25.2%	\$ 53,751
Debt Service	\$ 46,219	\$ 192,438	24.0%	\$ 146,219
<b>Total Expenditures</b>	<b>\$ 162,699</b>	<b>\$ 853,749</b>	<b>19.1%</b>	<b>\$ 691,050</b>
<b>Sources Over(Under) Expenditures:</b>	<b>\$ (20,224)</b>	<b>\$ (81,884)</b>		
<b>Transfer from Other Funds:</b>				
Transfer from LPKC Ph 1 PIF	\$ -	\$ -	n/a	\$ -
Transfer from Capital Projects Fund	\$ -	\$ -	n/a	\$ -
<b>Transfers to Other Funds:</b>				
Transfer to Equipment Reserve Fund-Sewer	\$ -	\$ -	n/a	\$ -
Transfer to Capital Projects Fund	\$ -	\$ -	n/a	\$ -
<b>Total</b>	<b>\$ -</b>	<b>\$ -</b>		
<b>Beginning Fund Balance</b>	<b>\$ 843,764</b>	<b>\$ 704,735</b>		
<b>Estimated Ending Fund Balance</b>		<b>\$ 622,851</b>		
<b>Unaudited Ending Fund Balance</b>	<b>\$ 823,540</b>			
<b>Reserve Required</b>				
17% of 2024 budgeted expenditures	\$ 145,137			
25% of 2024 budgeted expenditures	\$ 213,437			
<b>Budget Authority</b>				
2024 Budget Authority	\$ 1,476,600			
Remaining 2024 Budget Authority	\$ 1,313,902			
% of Budget Authority Used	11.0%			



DATE: April 25, 2024  
TO: Mayor and City Council Members  
FROM: Dan Merkh, Public Works Director  
SUBJECT: Annual Review of Water Emergency, Water Conservation Plans

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In September 2020, City Council Approved the Water Conservation Plan and Water Emergency Plan. The City is required to review the plans annually. If any changes are made, approval is required by City Council and submitted to the State for review and acceptance. Major revisions were completed in 2020, and no substantive revisions to the plans are recommended at this time.

In 2024, staff revised the gallons per year Edgerton is allocated under the contract with the Hillsdale Area Water Cooperative in both the Emergency and Conservation Plans. No other updates were made at this time. The City's contract with Baldwin City for purchase of potable water expired in 2023 and contract renewal negotiations are currently underway.

The primary objective of the Water Conservation Plan for the City of Edgerton is to develop long-term water conservation plans (Long-Term Water Use Efficiency Section) and short-term water emergency plans (Drought Response Section) to assure the City customers of an adequate water supply to meet their needs. The efficient use of water also has the beneficial effect of limiting or postponing water distribution system expansion and thus limiting or postponing the resultant increases in costs, in addition to conserving the limited water resources of the State of Kansas.

The primary objective of the Water Emergency Plan for the City is to isolate and conserve an adequate supply of potable water during emergency conditions that will be used only to sustain human life and maintain acceptable standards of hygiene and sanitation. Other topics included in the Plan include Organizational Hierarchy, Mutual Aid, Emergency Equipment and Supplies and Disaster Response. The Plan also includes critical contact information needed at time of an emergency.

Verification of Council review will be provided to the Kansas Water Office.

