



# **Code of Regulations For Buildings and Construction**

**City of Edgerton, Kansas**

**2010 Edition**

Adopted by Ordinance No. 891

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City of Edgerton, Kansas  
Code of Regulations for Buildings and Construction  
2010 Edition

ARTICLE 1 - GENERAL PROVISIONS

SECTION 1. ADOPTION. This Code shall be known and may be cited as the City of Edgerton Code of Regulations for Buildings and Construction, 2010 Edition.

SECTION 2. AUTHORITY. This Code of Regulations 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.

SECTION 3. JURISDICTION. This Code of Regulations shall be applicable to all buildings and construction within the corporate limits of the City of Edgerton, Kansas.

SECTION 4. PURPOSE AND INTENT. The purpose and intent of this Code of Regulations 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 to the public.

SECTION 5. 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 Code of Regulations 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.

SECTION 6. AMENDMENTS AND ADDITIONS. This Code of Regulations 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 Code of Regulations.

SECTION 7. 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or prohibitions which, in whole or in part, are in conflict with any provision of the Code of Regulations are hereby repealed to the extent necessary to give these regulations full force and effect, and, in the case provisions of this Code of Regulations shall be deemed applicable, shall take precedence over any other, and shall control and govern.

SECTION 8. EFFECTIVE DATE. This Code of Regulations for Building and Construction 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

SECTION 1. ADOPTION. The International Building Code, 2006 Edition, published by the International Code Council, including Appendix Chapters A, E, F, G, I, and J, is hereby adopted and incorporated by reference.

SECTION 2. DEFINITIONS. For the purposes of the International Building 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", 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 approved by the City Building Code Official.

SECTION 3. DELETIONS. The following provisions of the International Building Code, as adopted, shall be deleted and not applicable under this code:

Section 103.2 Appointment.

Section 112 Board of Appeals.

Section 1405.12.2 Window sills.

SECTION 4. ADDITIONS.

- a. Section 105.3 Application for permit. Add items 8 through 11 to the end of the section,
  1. Include potable water verification. 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 the City or a duly constituted water district shall submit a connection permit or notice of intent to supply water service from the applicable water utility provider. 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 the City or a duly constituted water district shall submit a statement from the applicable water utility provider verifying that the proposed fire protection system conforms to Article 10, Section 5, paragraph Q. 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 and unless the applicant, or his or her 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 permit application from the City.

- b. Section 108.2 Schedule of permit fees. At the end of the first paragraph add the following paragraphs: "The fee for building permits for non-residential buildings and construction shall be as set forth in Table 1-A. The fee for building permits for residential buildings and construction shall be as set forth in Table 1-B. 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 as shown in Table 1-A for non-residential buildings and construction and Table 1-B for all residential buildings and construction. The plan review fees specified in this subsection are separate fees from the permit fees specified in Section 108 and are in addition to the permit fees. 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 06.3.4.2, an additional plan review fee shall be charged at the rate shown in Table 1-A for non-residential buildings and construction and Table 1-B for residential buildings and construction.

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 Code Official. The Building Code 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."

TABLE 1-A. NON-RESIDENTIAL BUILDING PERMIT FEES

TOTAL VALUATION	FEE
\$1.00 to \$500.00	\$22.00
\$501.00 to \$2,000.00	\$22.00 for the first \$500.00 plus \$2.75 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$63.00 for the first \$2,000.00 plus \$12.50 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$352.00 for the first \$25,000.00 plus \$9.00 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$580.00 for the first \$50,000.00 plus \$6.25 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$895.00 for the first \$100,000.00 plus \$5.00 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$2,855.00 for the first \$500,000.00 plus \$4.25 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$4,995.00 for the first \$1,000,000.00 plus \$2.75 for each additional \$1000.00, or fraction thereof
<b>Other Inspections and Fees:</b>	
1. Inspections outside of normal business hours (minimum charge -two hours)	\$50.00 per hour*
2. Re-inspection fees assessed under provisions of Section 108.8 hour*	\$50.00 per
3. Inspections for which no fee is specifically indicated (minimum charge - one-half hour)	\$50.00 per hour*
4. Additional plan review required by changes, additions or revisions to plans	\$50.00 per hour*
5. For use of outside consultants for plan checking or inspections.	Actual costs**

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

\*\*Actual costs include administrative and overhead costs.

TABLE 1-B. RESIDENTIAL BUILDING PERMIT FEES

TOTAL VALUATION	FEE
\$1.00 to \$500.00	\$13.00
\$501.00 to \$2,000.00	\$13.00 for the first \$500 plus \$1.50 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$35.50 for the first \$2,000.00 plus \$8.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.
\$25,001.00 to \$50,000.00	\$219.50 for the first \$25,000 plus \$6.50 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.
\$50,001.00 to \$100,000.00	\$382.00 for the first \$50,000 plus \$4.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.
\$100,001.00 to \$500,000.00	\$582.00 for the first \$100,000 plus \$3.00 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.
\$500,001.00 and up	\$1,782.00 for the first \$500,000 plus \$2.00 for each additional \$1,000.00, or fraction thereof.
<b>Other Inspections and Fees:</b>	
1. Inspections outside of normal business hours (minimum charge -two hours)	\$50.00 per hour*
2. Re-inspection fees assessed under provisions of Section 108.8 hour*	\$50.00 per
3. Inspections for which no fee is specifically indicated (minimum charge - one-half hour)	\$50.00 per hour*
4. Additional plan review required by changes, additions or revisions to plans	\$50.00 per hour*
5. For use of outside consultants for plan checking or inspections.	Actual costs**

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

\*\*Actual costs include administrative and overhead costs.

- c. Section 110.3 Temporary Occupancy. At the end of the paragraph add the following language: "A 60-day temporary certificate may be issued for interior items and a 90-day temporary certificate may be issued for exterior items upon written request, subject to the approval of the Building Code Official. An additional 30 days may be granted by the Building Code Official upon written request and for a fee of \$100.00. Contemporaneously with the issuance of a Temporary Certificate of Occupancy, the Building Code Official shall provide a list of deficiencies, if any, that require correction to any building or portion thereof. The failure of the permit holder to correct the deficiencies, to the satisfaction of the Building Code Official, prior to the expiration of the Temporary Certificate of Occupancy, shall be a public offense, designated as a Class A violation under Article 20 of this Code.
- d. Section 113.4 Violation Penalties. At the end of the paragraph add the following language, "Violation of any provision of this Code shall be a public offense, punishable upon conviction as provided in Article 20 of the City of Edgerton Code of Regulations for Buildings and Construction, 2010 Edition. 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 Article 20 designated above."
- e. Section 3307 Protection of Adjoining Property. Add a new paragraph with the following language:

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 land fill. 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 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 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.



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.

#### SECTION 5. AMENDMENTS.

- a. 101.1 Title. Amend the paragraph to read: "These regulations shall be known as the Building Code of the City of Edgerton, Kansas , hereinafter referred to as this Code."
- b. 101.4.1 Electrical. Amend the paragraph to read: "The provisions of the NFPA 70 National Electrical Code, 2005 Edition, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto."
- c. 105.2 Work exempt from permit. Amend the section titled Electrical: Repairs and maintenance: to read: "Minor repair work, including the replacement of a single lamp or receptacle, or the connection of approved portable electrical equipment to approved permanently installed receptacles."
- d. 105.5 Expiration. Amend the paragraph to read: "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 180 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, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated."

- e. 113.3 Prosecution of violation. Amend the paragraph to read: "Any person failing to comply with a notice of violation or order shall be deemed guilty of a Class A violation, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the Building Code Official shall 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."

- f. 903.3.7 Fire department connections. Amend the paragraph to read: “The location of fire department connections shall be approved by the Building Code Official with the advice and consent of the Johnson County Fire District No. 1. A fire department connection for each standpipe system or water-based fire-extinguishing system shall be located not more than 300 feet from the nearest fire hydrant connection to an approved water supply.”
- g. 3103.1.1 Permit required. Amend the paragraph to read: “Temporary structures that cover an area in excess of 900 square feet, including connecting areas or spaces with a common means of egress or entrance which are used or intended to be used for the gathering together of ten or more persons, shall not be erected, operated or maintained for any purpose without obtaining a permit from the Building Code Official.”
- h. 1612.3. Establishment of flood hazard areas. Amend the paragraph to read: "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 flood 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 July 17, 1997, as amended or revised with the accompanying 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."
- i. 3409.2 Applicability. Amend the first paragraph to read: Structures existing prior to March 20, 1986, in which there is work involving additions, alterations or changes of occupancy shall be made to conform to the requirements of this section or the provisions of Sections 3402 through 3406.

## ARTICLE 3 - INTERNATIONAL RESIDENTIAL CODE

SECTION 1. ADOPTION. The International Residential Code, 2006 Edition, published by the International Code Council, including Appendix Chapters A, B, C, D, E, G, H, J, K, M is hereby adopted and incorporated by reference.

SECTION 2. DEFINITIONS. For the purposes of the International Residential 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", 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 , approved by the City Building Code Official.

SECTION 3. DELETIONS. The following provisions of the International Residential Code, as adopted, shall be deleted and not applicable under this Code:

- a. Section R112 Board of Appeals.
- b. Chapter 11 Energy Efficiency.
- c. Section R6134.2 Window Sills

SECTION 4. ADDITIONS.

- a. Section R113.4 Violation Penalties. At the end of the paragraph add the following language, "Violation of any provision of this Code shall be a public offense, punishable upon conviction as provided in Article 20 of the City of Edgerton Code of Regulations for Buildings and Construction, 2010 Edition. 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 Article 20 designated above."
- b. Section R306.5 of the 2006 International Residential Code for One and Two-Family Dwellings is hereby amended 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 Code 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.
- c. Section R306.6 of the 2006 International Residential Code for One and Two-Family Dwellings is hereby amended 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 land fill. 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 subcontractors under this subsection, and shall be responsible for all violations of the provisions of this subsection committed by such employees, agents, or subcontractors.
- d. Section R309.7 of the 2006 International Residential Code for One and Two-Family Dwellings. is hereby amended to read as follows:  
R309.7 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 of water. The slope shall be away from the house or building or drain by means approved by the City Engineer.
- e. Section R401.4.3 of the 2006 International Residential Code for One and Two-Family Dwellings is hereby added to read as follows:  
R401.4.3 Soils report required. Foundation designs for new dwellings using the Tables referenced in Subsection R404.1.2 shall submit a report from a registered design professional specifying the properties of the soil based on Table 405.1 prior the inspection of footings, if deemed necessary by the Building Code Official.
- f. Section R403.1.1.1 of the 2006 International Residential Code for One and Two-Family Dwellings is hereby amended 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.

- g. Section R403.1.1.2 of the 2006 International Residential Code for One and Two-Family Dwellings is hereby amended to read as follows:  
R403.1.1.2 Column pads. Column pads shall be a minimum of 24 inches by 24 inches and 8 inches deep (24" x 24" x 8"). Reinforcement shall consist of a minimum of three No. 4 bars each way, uniformly spaced.
- h. Section R506.2.5 of the 2006 International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:  
R506.2.5 Basement floor slab isolation. Basement floor slabs shall be isolated from column pads, interior columns and interior bearing walls to facilitate differential movement. Nonbearing walls supported on basement floor slabs shall be provided with a minimum one inch (1") expansion joint to facilitate differential movement between the floor slab and the floor framing above. Isolation and/or an expansion joint is not required within six inches (6") of the exterior walls.
- i. Chapter 11 of the 2006 International Residential Code for One and Two Family Dwellings is hereby amended to replace the previously deleted Chapter 11:  
Chapter 11 Energy Efficiency

N1101.1 Scope. This chapter sets forth energy-efficiency-related requirements for the design and construction of buildings regulated by this code.

Exception: Portions of the building thermal envelope that do not enclose conditioned space.

N1101.2 Compliance. Compliance with this chapter shall be demonstrated by meeting the requirements of the applicable sections and Table N1102.1. Compliance with this chapter may also be demonstrated by submitting verification the home has a Home Energy Rating score of 80 or above. The home energy rating shall be performed in accordance with the Mortgage Industry National Home Energy Rating System Accreditation Standard by a rater certified and listed by the Residential Energy Services Network (RESNET). Approval from the Building Code Official to utilize the Home Energy Rating as a means of demonstrating compliance with this chapter shall be obtained at the time the building permit is issued. The Building Code Official is authorized to approve other equivalent forms of compliance with this chapter.

N1101.3 Materials and Equipment. Materials and equipment shall be identified in a manner that will allow a determination of their compliance with the provisions of this chapter. Materials and equipment used to conform to the applicable provisions of this chapter shall be installed in accordance with the manufacturer's installation instructions.

N1101.3.1 Insulation. The thermal resistance (R-value) shall be indicated on all insulation and the insulation installed such that the R-value can be verified during inspection, or a certification of the installed R-value shall be provided at the job site by the insulation installer. Where blown-in or sprayed insulation is applied in walls, the installer shall provide a certification of the installed density and R-value. Where blown-in or sprayed insulation is applied in the roof-ceiling assembly, the installer shall provide a certification of the initial installed thickness, settled thickness, coverage area, and number of bags of insulating material installed. Markers shall be provided for every 300

square feet (28 square meters) of attic area, attached to the trusses, rafters, or joists, and indicate in 1-inch-high (25.4mm) numbers the installed thickness of the insulation.

N1101.3.2 Fenestration. The U-factor of fenestration shall be determined in accordance with NFRC 100 by an accredited, independent laboratory, and labeled and certified by the manufacturer. The solar heat gain coefficient (SHGC) of fenestration shall be determined in accordance with NFRC 200 by an accredited, independent laboratory, and labeled and certified by the manufacturer.

N1102.1 Thermal performance criteria. The minimum required insulation R-value or maximum required U-factor for each element in the building thermal envelope (fenestration, roof/ceiling, opaque wall, floors over unheated areas, floors over outside air, slab edge, crawl space wall and basement wall) shall be in accordance with the criteria in Table N1102 of this Section.

N1102.2 Concrete and masonry basement walls. Insulation is not required for concrete or masonry portions of basement walls of one- and two-family dwellings, which are not adjacent to finished space and are more than 50 percent below grade. Walls shall be insulated whenever the adjacent interior space is finished. Insulation shall be from the top of the basement wall to a depth of 10 feet below grade or to the top of the basement floor, whichever is less.

N1102.3 Opaque doors separating conditioned and unconditioned space shall have a maximum U-factor of 0.40. One opaque door shall be permitted to be exempt from this requirement.

N1103.1 Heating and air conditioning appliance and equipment performance. Performance of heating and air conditioning equipment shall meet the requirements of all applicable Federal laws.

N1103.2 Controls. At least one thermostat shall be provided for each separate heating, cooling, or combination heating and cooling system. Heat pumps shall have controls that prevent supplementary electric resistance heater operation when the heating load can be met by the heat pump alone. Supplementary heater operation shall be permitted during outdoor coil defrost cycles not exceeding fifteen (15) minutes.

N1103.3 Duct insulation. All portions of the air distribution system shall be installed in accordance with Section M1601 and be insulated to an installed R-5 when system components are located within the building but outside of conditioned space, and R-8 when located outside of the building. When located within a building envelope assembly, at least R-8 shall be applied between the duct and that portion of the assembly furthest from conditioned space.

Exceptions: Exhaust air ducts and portions of the air distribution system within appliances or equipment.

N1103.4 Duct sealing. All ducts shall be sealed in accordance with Section M1601.3.1.

N1103.5 Piping insulation. All mechanical system piping shall be insulated in accordance with Table N1103.5.

Exceptions: Piping installed with appliances and equipment or piping serving fluids between 55 degrees F, (13 degrees C), and 120 degrees F, (49 degrees C).

Table N1102

THERMAL COMPONENT	MINIMUM INSULATION R-VALUE
Ceiling R-value	38
Cathedral Ceiling R-value	30
Floor over Unheated Space R-value	19
Floor over Outside Air R-value	30
Basement Wall R-value	9
Crawl Space R-value	19
Exterior Wall R-value*	13
	MAXIMUM U-FACTOR
Glazing **	0.40

\* Steel-frame walls shall have one of the following combinations of wall cavity and sheathing R-values. R-11+R-5, R-15+R-4, R-21+R-3.

\*\* The default U-factor for fixed windows (“Patio glass”) with double panes, argon-filled and with low-e treatment shall be 0.40. Skylights shall have a maximum U-factor of 0.80.

Table N1103.5

PIPING SYSTEM TYPES	FLUID TEMP. RANGE (°F)	INSULATION THICKNESS Inches <sup>b</sup>
Heating systems		
Low pressure/temperature	201-250	1.5
Low temperature	120-200	1.0
Steam condensate (for feed water)	Any	1.5
Cooling system		
Chilled water, refrigerant or brine	40-55	0.75
	Below 40	1.25

a. The pipe insulation thicknesses specified in this table are based on insulation R-values of from 4.0 to 4.6 per inch. If pipe insulation with an R-value that differs from this range is used, thickness adjustments can be made.

b. For piping exposed to outdoor air, increase thickness by 0.5 inch.

## SECTION 5. AMENDMENTS

- a. Section E3802.12 Arc-fault protection of bedroom outlets. Amend the paragraph to read: All branch circuits that supply 120-volt, single-phase, 15- and 20-ampere outlets installed in bedrooms shall be protected by a combination type arc-fault circuit interrupter installed to provide protection of the entire branch circuit For this purpose, a smoke detector shall not be considered an outlet and shall not be allowed on the branch circuit.

Exception: The location of the arc-fault circuit interrupter shall be permitted to be at other than the origination of the branch circuit provided that:

1. The arc-fault circuit interrupter is installed within 6 feet (1.8m) of the branch circuit overcurrent device as measured along the branch circuit conductors and
  2. The circuit conductors between the branch circuit over-current device and the arc-fault circuit interrupter are installed in a metal raceway or a cable with a metallic sheath.
- b. Section R101.1 Title. Amend the paragraph to read: These provisions shall be known as the Residential Code for One- and Two-Family Dwellings of the City of Edgerton, and shall be cited as such and will be referred to herein as “this Code.”
- c. Section 108.2 Schedule of permit fees. Amend the paragraph to read: 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 schedule as follows in Table 1-B. 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 \$50.00.

The plan review fee specified in this subsection is a separate fee from the permit fees specified in Section 108, and is in addition to the permit fees.

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 at the rate shown in Table 1-B.

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 Code Official. The Building Code 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."



**TABLE 1-B. RESIDENTIAL BUILDING PERMIT FEES**

<b>TOTAL VALUATION</b>	<b>FEE</b>
\$1.00 to \$500.00	\$13.00
\$501.00 to \$2,000.00	\$13.00 for the first \$500 plus \$1.50 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$35.50 for the first \$2,000.00 plus \$8.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.
\$25,001.00 to \$50,000.00	\$219.50 for the first \$25,000 plus \$6.50 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.
\$50,001.00 to \$100,000.00	\$382.00 for the first \$50,000 plus \$4.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.
\$100,001.00 to \$500,000.00	\$582.00 for the first \$100,000 plus \$3.00 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.
\$500,001.00 and up	\$1,782.00 for the first \$500,000 plus \$2.00 for each additional \$1,000.00, or fraction thereof.
<b>Other Inspections and Fees:</b>	
1. Inspections outside of normal business hours (minimum charge -two hours)	\$50.00 per hour*
2. Re-inspection fees assessed under provisions of Section 108.8 hour*	\$50.00 per
3. Inspections for which no fee is specifically indicated (minimum charge - one-half hour)	\$50.00 per hour*
4. Additional plan review required by changes, additions or revisions to plans	\$50.00 per hour*
5. For use of outside consultants for plan checking or inspections.	Actual costs**

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

\*\*Actual costs include administrative and overhead costs.

(d). Section R301.2 Climatic and geographic design criteria. Amend Table R301.2(1) to read:

TABLE R301.2(1)

CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

Ground Snow Load	Wind Speed	Seismic Design	Weathering	Frost Depth	Termite	Winter Design	Ice Barrier	Air Freezing	Mean Annual Temp
20	90	A	Severe	36"	M-H	6°F	No	92.7	55°F

- e. Section R321.1 of the 2006 International Residential Code for One and Two-Family Dwellings is hereby amended to read as follows:  
 R321.1 Site Address. Approved numbers or addresses shall be provided for all new buildings in such a position as to be plainly visible and legible from the street or road fronting the property and located not more than fifty (50) feet from the property line. Address characters shall have a contrasting background and have a minimum height of four (4) inches in Use Groups R-3 and R-4; 6 inches in USE GROUP R-3 Child Care Facilities.
- f. Section R404.1.3 of the 2006 International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:  
 R404.1.3 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. Where applicable, a standard design approved by the City may be used in lieu of a design from the design professional. For new single family dwellings where standard designs approved by the City are used, the design professional sealing the plans shall specify the use of those designs on the approved plans or through a separate report.
  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 exceeding nine feet (9') 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') 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 others will bear on rock.
  9. Areas where problems have historically occurred.
  10. Stepped footing and foundation walls.
  11. Garage floor slabs supported on more than 24 inches (24") of clean sand or gravel or eight inches (8") of earth.

- g. Section M1501.1 of the 2006 International Residential Code for One- and Two- Family Dwellings is hereby amended to read as follows:

M1501.1 Outdoor discharge. The air removed by every mechanical exhaust system shall be discharged to the outdoors, or into a ventilated attic with the discharge point at least six (6) inches above insulation.

Exception: Whole-house ventilation-type attic fans that discharge into the attic space of dwelling units having private attics shall be permitted.

- h. Section M1506.2 of the 2006 International Residential Code for One- and Two- Family Dwellings is hereby amended to read as follows:

M1506.2 Recirculation of air. Exhaust air from bathrooms and toilet rooms shall not be re-circulated within a residence or to another dwelling unit and shall be exhausted either directly to the outdoors or to an approved vented attic space where the exhaust is at least 6 inches above the insulation. Exhaust air from bathrooms and toilet rooms shall not discharge into a crawl space or other areas inside the building.

- i. Section P3103.1 of the 2006 International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

P3103.1 Roof extension. All open vent pipes which extend through a roof shall be terminated at least six inches (6") above the roof except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least seven feet (7') above the roof.

## ARTICLE 4 - INTERNATIONAL FUEL GAS CODE

SECTION 1. ADOPTION. The International Fuel Gas Code, 2006 Edition, published by the International Code Council, including Appendix Chapters A, B, C and D is hereby adopted and incorporated by reference.

SECTION 2. 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", unless otherwise specifically defined or provided for herein, shall mean Class A violation.

SECTION 3. DELETIONS. The following provisions shall be deleted:

- a. Section 109 of the 2006 International Fuel Gas Code is hereby deleted.

SECTION 4. ADDITIONS.

SECTION 5. AMENDMENTS.

- a. Section 101.1 Title. Amend the paragraph to read: These regulations shall be known as the Fuel Gas Code of the City of Edgerton , hereinafter referred to as “this Code.”
- b. Section 106.5.2 of the International Fuel Code, as adopted, shall be amended to read:  
106.5.2 Fee Schedule.  
The fees for all fuel gas work shall be as indicated in the following schedule.
  1. For issuing each permit - \$50.00.
  2. For issuing each supplemental permit - \$50.00.
  3. Inspection outside of normal business hours - \$50.00 per hour.
  4. Re-inspection - \$50.00 per hour.
  5. Additional plan review required by changes, additions or revisions to approved plans (minimum charge – one hour) - \$50.00 per hour.
- c. Section 106.5.3 of the International Fuel Gas Code, as adopted, shall have sentences 2 and 3 amended to read:
  2. Not more than 100% of the permit fee paid when no work has been done under a permit issued in accordance with this Code.
  3. Not more than 100% of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.
- d. Section 108.4 of the International Fuel Gas Code, as adopted, shall be amended to read:  
108.4 Violation penalties. It shall be unlawful for any person, firm or corporation to violate a provision of the Code or who shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair fuel gas work in violation of the approved construction documents or directive of the Building Code Official, or of a permit or certificate issued under the provisions of this Code.

- e. Section 108.5 of the International Fuel Gas Code, as adopted, shall be amended to read:  
108.5 Stop work orders. Upon notice from the Building Code 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 Code Official shall not be required to file 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 Article 20 of the City of Edgerton Code of Regulations For Buildings and Construction, 2010 Edition.

## ARTICLE 5 - INTERNATIONAL PLUMBING CODE

SECTION 1. ADOPTION. The International Plumbing Code, 2006 Edition, including Appendix Chapters B, C, D, E, F, and G, published by the International Code Council is hereby adopted and incorporated by reference.

SECTION 2. DEFINITIONS. For the purposes of the International Plumbing 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", unless otherwise specifically defined or provided for herein, shall mean Class A violation.

SECTION 3. DELETIONS. The following provisions shall be deleted:

- a. Section 312.9: Inspection and testing of backflow prevention assemblies.

SECTION 4. ADDITIONS.

SECTION 5. AMENDMENTS.

- a. Section 101.1 of the International Plumbing Code, as adopted, shall be amended to read:  
101.1 Title.

These regulations shall be known as the "Plumbing Code of the City of Edgerton, Kansas", may be cited as such, and will be referred to herein as "this Code."

- b. Section 106.6.2 of the International Plumbing Code, as adopted, shall be amended to read:

106.6.2 Fee Schedule.

The fees for all plumbing work shall be as indicated in the following schedule.

1. For issuing each permit - \$50.00.
  2. For issuing each supplemental permit -\$50.00.
  3. Inspections outside of normal business hours - \$50.00 per hour.
  4. Re-inspection fee assessed under provisions of Section 107.3.3 of this Code - \$50.00 per hour.
  5. Additional plan review required by changes, additions or revisions to approved plans (minimum charge - one hour) - \$50.00 per hour.
- c. Section 106.6.3 of the International Plumbing code, as adopted, shall have sentences 2 and 3 amended to read:
    2. Not more than 100% of the permit fee paid when no work has been done under a permit issued in accordance with this Code.
    3. Not more than 100% of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

- d. Section 108.4 of the International Plumbing Code, as adopted, shall be amended to read:

108.4 Violation penalties. It shall be unlawful for any person, firm or corporation to violate a provision of this Code or who shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the Building Code Official, or of a permit or certificate issued under the provisions of this Code.

e. Section 108.5 of the International Plumbing Code, as adopted, shall be amended to read:

108.5 Stop work orders. Upon notice from the Building Code 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 Code 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 Article 20 of the City of Edgerton Code of Regulations For Buildings and Construction, 2010 Edition.

f. Section 305.6.1 of the International Plumbing Code, as adopted, shall have the paragraph amended to read:

Building sewers that connect to private sewage disposal systems shall be forty-two (42) inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of forty-two (42) inches below grade.

g. Section 403.2 of the International Plumbing Code, as adopted, shall be amended to read: 403.2 Separate facilities. Where plumbing fixtures are required, separate facilities shall be provided for each sex.

Exceptions:

1. Separate facilities shall not be required for private facilities.
2. Separate employee facilities shall not be required in occupancies in which fifteen (15) or less people are employed.
3. Separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers, of fifteen (15) or less. Separate facilities shall not be required in mercantile occupancies in which the maximum occupant load is fifty (50) or less.

h. Section 504.3 of the International Plumbing Code, as adopted, shall be amended to read: 504.3 Shutdown. A means for disconnecting an electric hot water supply system from its energy supply shall be provided in accordance with the NFPA 70 National Electrical Code, 2005 Edition. A separate valve shall be provided to shut off the energy fuel supply to all other types of hot water supply systems.

i. Section 714.1 of the International Plumbing Code, as adopted, shall be amended to read: 714.1 Design of drainage system. The sizing requirements for plumbing drainage systems may be determined by approved computer program design methods.

j. Section 715.1 of the International Plumbing Code, as adopted, shall be amended to read:

715.1 Sewage backflow. Where the flood level rim of plumbing fixtures are below the elevation of the manhole cover of the next upstream manhole in the public sewer, such fixtures shall be protected by a backwater valve installed in the building drain, branch of the building drain or horizontal branch serving such fixtures when required by the City of Edgerton.

- k. Section 904.1 of the International Plumbing Code, as adopted, shall be amended to read:  
904.1 Roof extension. All open vent pipes that extend through a roof shall be terminated at least six inches (6") above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least seven feet (7') above the roof.



## ARTICLE 6 - INTERNATIONAL MECHANICAL CODE

SECTION 1. ADOPTION. The International Mechanical Code 2006 Edition, including Appendix Chapter A, published by the International Code Council is hereby adopted and incorporated by reference is hereby adopted and incorporated by reference.

SECTION 2. 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 term "misdemeanor", unless otherwise specifically defined or provided for herein, shall mean Class A violation.

SECTION 3. DELETIONS. The following provisions shall be deleted:

- a. Section 109: Means Of Appeal.

SECTION 4. ADDITIONS.

- a. The following subsection shall be added at the end of Section 102 of the International Mechanical Code, as adopted:  
102.10 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.
- b. The following language shall be added to the end of Section 108 of the International Mechanical Code, as adopted:  
Violation of any provision of this Code shall be a public offense, punishable as a Class A violation upon conviction as provided in Article 20 of this Code of Regulations. 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.

SECTION 5. AMENDMENTS.

- a. Section 101.1 of the International Mechanical Code, as adopted, shall be amended to read:  
Sec.101.1 Title. These regulations shall be known as the Mechanical Code of the City of Edgerton, Kansas, hereinafter referred to as "this Code".

- b. Section 106.4.3 of the International Mechanical Code, as adopted, shall be amended to read:  
106.4.3 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 180 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."
- c. Section 106.5.2 of the International Mechanical Code, as adopted, shall be amended to read:  
106.5.2 Fee Schedule. The fees for all mechanical work shall be as indicated in the following schedule.
1. For issuing each permit - \$50.00.
  2. For issuing each supplemental permit - \$50.00.
  3. Inspections outside of normal business hours - \$50.00 per hour.
  4. Re-inspection fee assessed under provisions of Section 107.3.3 of this Code - \$50.00 per hour.
  5. Additional plan review required by changes, additions or revisions to approved plans (minimum charge - one hour) - \$50.00 per hour.
- d. Section 106.5.3 of the International Mechanical Code, as adopted, shall have sentences 2 and 3 amended to read:
2. Not more than 100% of the permit fee paid when no work has been done under a permit issued in accordance with this Code.
  3. Not more than 100% of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.
- e. Section 108.4 of the International Mechanical Code, as adopted, shall be amended to read:  
108.4 Violation Penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this Code shall be guilty of a public offense, punishable as a Class A violation upon conviction as provided in Article 20 of this Code of Regulations. 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.

## ARTICLE 7 - INTERNATIONAL EXISTING BUILDING CODE

SECTION 1. ADOPTION. The International Existing Building, Code 2006, Edition, published by the International Code Council, including Appendix Chapters A and B is hereby adopted and incorporated by reference.

SECTION 2. DEFINITIONS. For the purposes of the International Existing Building 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", 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.

SECTION 3. DELETIONS. The following provisions shall be deleted:

- a. Section 112: Board Of Appeals.
- b. Section 113.4: Violation Penalties

SECTION 4. ADDITIONS.

- a. Section 113.4 Violation Penalties. At the end of the paragraph add the following language, "Violation of any provision of this Code shall be a public offense, punishable upon conviction as provided in Article 20 of the City of Edgerton Code of Regulations for Buildings and Construction, 2010 Edition. 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 Article 20 designated above."

SECTION 5. AMENDMENTS.

- a. Section 101.1 Title. Amend the paragraph to read: 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. 105.5 Expiration. Amend the paragraph to read: "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 180 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, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated."

- c. Section 108.2 Schedule of permit fees. Amend the paragraph to read: On buildings, 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 schedule as established by the International Building Code, as adopted.
- d. 113.3 Prosecution of Violation. Amend the paragraph to read: "Any person failing to comply with a notice of violation or order shall be deemed guilty of a Class A violation, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the Building Code Official shall 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."
- e. Section 113.4 Violation Penalties. At the end of the paragraph add the following language, "Violation of any provision of this Code shall be a public offense, punishable upon conviction as provided in Article 20 of the City of Edgerton Code of Regulations for Buildings and Construction, 2010 Edition. 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 Article 20 designated above.

## ARTICLE 8 - NATIONAL ELECTRICAL CODE

SECTION 1. ADOPTION. The National Electrical Code, 2005 Edition, published by the National Fire Protection Association, Inc., including (i) Chapter 9- Tables; and (ii) Annex Chapters A, B, C, D, F, and G is hereby adopted and incorporated by reference.

SECTION 2. DEFINITIONS. For the purposes of the National Electrical Code, 2005 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, Kansas.
- 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.

SECTION 3. DELETIONS. The following provisions shall be deleted:

- a. Section 80.15. Electrical Board.
- b. Section 80.19 (F) (4). Inspection and Approvals.
- c. Section 80.23 (B). Penalties.
- d. Section 80.25 (C). Notification.
- e. Section 80.25 (D). Other Territories.
- f. Section 80.27. Inspector's Qualifications.
- g. Section 80.33. Repeal of Conflicting Acts.
- h. Section 80.35. Effective Date.
- i. Section 210.52 (C) (2). Island counter spaces.
- j. Section 210.52 (C) (3). Peninsular counter space.

SECTION 4. ADDITIONS.

- a. Section 80.23. Notice of Violations, Penalties.  
(B) Penalties.
  1. A new paragraph shall be added to the section as follows: Violation of any provision of this Electrical Code shall be a public offense, punishable upon conviction as a Class A violation all in accordance with Article 20 of this Code of Regulations as the same may be amended from time to time. Each separate day or any portion thereof during which any violation of this Electrical Code continues, shall be deemed to constitute a separate offense, and shall be punishable as herein provided.

- b. Section 80.19 (E) of the National Electrical Code, as adopted, shall have the following paragraph added to read:  
80.19 Fees. The fees for all electrical work shall be as indicated in the following schedule.
1. For issuing each permit - \$50.00.
  2. For issuing each supplemental permit -\$50.00.
  3. For issuing each annual permit - \$250.00.
  4. Inspections outside of normal business hours - \$50.00 per hour.
  5. Re-inspection fee assessed under provisions of Section 107.3.3 of this Code - \$50.00 per hour.
  6. Additional plan review required by changes, additions or revisions to approved plans (minimum charge - one hour) - \$50.00 per hour.
- c. Section 80.19 (G) (7) of the National Electrical Code, as adopted, shall have the following paragraph added to read: 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 180 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, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.
- d. Section 250.50 of the National Electrical Code, as adopted, shall have the following paragraph added to read:  
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.

## SECTION 5. AMENDMENTS.

- a. Section 80.13 of the National Electrical Code, as adopted, shall be amended to read:  
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.

- b. Section 80.29 of the National Electrical Code, as adopted, shall be amended to read:  
80.29 Liability for Damages. Article 80 shall not be construed to affect the responsibility or liability of any party owning, designing, operating, controlling, or installing any electric equipment for damages to persons or property caused by a defect therein, nor shall the County or any of its employees be held as assuming any such liability by reason of the inspection, re-inspection, or other examination authorized.
- c. Section 210.12 (B) of the National Electrical Code, as adopted, shall be amended to read:  
Arc-Fault Circuit-Interrupter Protection. All 120-volt, single phase, 15- and 20-ampere branch circuits supplying outlets installed in dwelling unit bedrooms 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 detector shall not be considered an outlet and shall not be included in the arc-fault circuit.
- d. Section 547.5 (E) of the National Electrical Code, as adopted, shall be amended to read:  
Article 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

SECTION 1. ADOPTION. The International Fire Code, 2006 Edition, published by the International Code Council, Inc., including Appendix Divisions B, C, D, E, F, G, and referenced standards in Chapter 45, is hereby adopted and incorporated by reference.

SECTION 2. DEFINITIONS. For the purposes of the International Fire Code, 2006 Edition, as adopted, the following words and phrases shall have the following meanings:

- a. The term "chief" and "fire code official" shall in all instances mean the Building Code Official of the City of Edgerton, Kansas, except in those instances where the International Fire Code addresses:
  1. The responsibility for the prevention of fires, as otherwise mandated by another rule, regulation, or law; or
  2. The suppression or extinguishment of dangerous or hazardous materials; or
  3. The investigation of the cause, origin, and circumstances of fire and unauthorized releases of hazardous materials; in which instances the term shall mean the Johnson County Fire District No. 1 Fire Chief.
- 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.
- d. 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 supplied by a conventional water source such as a water line, and 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 Building Code Official may make a determination that the non-conventional source provides substantially equivalent fire-flow to the residence.
- e. 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 acres. If the building site is the only lot within a subdivision and on at least ten acres, then, for the purposes of fire-flow guidelines, such site shall be considered an isolated building site.
- f. The term "platted subdivision" shall mean division or re-subdivision of a lot, tract or parcel of land into two or more resulting lots, tracts or parcels of land.
- g. 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.
- h. 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.
- i. The term "approved or certified automatic sprinkler system.", "approved or certified 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).

- j. 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 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 for good cause shown so long as there is no significant increase in the potential for a fire hazard.

SECTION 3. DELETIONS. The following provisions of the International Fire Code, as adopted, shall be deleted and not applicable under this code:

- a. Section 108 Board of Appeals.

SECTION 4. ADDITIONS.

- a. The following section shall be added to the designated International Fire Code, as adopted:

Section 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 be a minimum of four inches (4”) in height.

Exceptions:

- 1. If more than one entry door is installed on a facade, 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 Building Code Official.
- b. The following section shall be added to the designated International Fire Code, as adopted:

508.1.1 Water distribution system failures. Water districts serving areas within the City of Edgerton shall notify the City of any failure in their water distribution system; hydrant repair, main breaks, pump failures, or other interruptions of water supply that may affect water supply for fire control purposes.
  - c. The following section shall be added to the designated International Fire Code, as adopted:

Appendix B, Section B103.4 Alternative Methods. If the minimum fire flow requirements cannot be met as prescribed by Appendix B, the facility or subdivision cannot be constructed, or the Owner can retain a fire protection engineer licensed in the State of Kansas to establish an alternative method of providing an equivalent level of protection. This alternative method shall be submitted to the Building Code Official for approval.

SECTION 5. AMENDMENTS.

- a. Section 101.1 of the International Fire Code, as adopted, shall be amended to read:

- 101.1 Title. This code shall be known as the "Fire Code of the City of Edgerton, Kansas," may be cited as such, and will be referred to herein as "this Code."
- b. Section 103.1 of the International Fire Code, as adopted, shall be amended to read:  
103.1 Fire Prevention Bureau. A fire prevention bureau is hereby established under the direction of the Building Code Official, which shall consist of each and every applicable Fire District Fire Chief, or designee, in the City. The function of this bureau shall be to assist the Building Code Official in the implementation, administration, and enforcement of this code except when regarding;
1. The prevention of fires, as described or mandated by the appropriate Kansas statutes;
  2. The suppression or extinguishment of dangerous or hazardous materials; or
  3. The investigation of the cause, origin and circumstances of fire and unauthorized releases of hazardous materials.
- c. Section 104.1 of the International Fire Code, as adopted, shall be amended to read:  
104.1 General. The Building Code Official is hereby authorized to enforce the provisions of this code and shall have the authority to render interpretations of this code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code and shall not have the effect of waiving requirements specifically provided for in this code.  
The Building Code Official, with the approval of the City Administrator, may designate a qualified member of a fire district, the City of Edgerton Public Works Department or other qualified City of Edgerton official, or other appropriate individual to exercise the power and perform the duties of fire prevention engineer as set forth in this Code.  
The Building Code Official, with the aid of the fire prevention bureau, shall inspect, as often as may be necessary, all buildings and premises, including such other hazards or appliances as the Building Code Official may designate for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this Code, or of any other law or standard affecting fire safety.
- d. Section 104.11.2 of the International Fire Code, as adopted, shall be amended to read:  
104.11.2. Obstructing Operations. Any person who obstructs the operations of a department in connection with extinguishing any fire, or other emergency, or disobeys any lawful command of the applicable Fire District Fire Chief or officer of a fire department who may be in charge at such a scene, or any part thereof, or the Building Code Official, or any police officer assisting the fire department, shall be guilty of a Class A violation.
- e. Section 105.1 of the International Fire Code, as adopted, shall be amended to read:  
105.1 General. Permits shall be in accordance with Section 105. Where permits are required elsewhere in this code, the Building Code Official shall be permitted to waive

the requirements for issuance of a permit provided public safety and welfare is maintained. Permits are specifically required for the following:

Operational permits:

1. Explosives. (105.6.14)
  2. Open burning. (105.6.30)
  3. Pyrotechnic special effects material. (105.6.36)
- f. Section 105.6.14 of the International Fire Code, as adopted, shall be amended to read:  
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 33 of this Code, or Chapter 7 of the City Code.
- g. Section 105.6.30 of the International Fire Code, as adopted, shall be amended to read:  
105.6.30 Open burning. An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to. Applications for open burning shall be submitted in writing to the appropriate fire district before the fire is set and shall be in such form and contain such information as required by the Building Code Official. Such applications shall contain information regarding the purpose of the proposed burning, the nature and quantities of material to be burned, the time and date when such burning will take place, the location of the burning site, and the name and phone number of the person responsible for supervision of the burning.  
Exception: Fires deemed to be recreational by the appropriate fire district chief or the Building Code Official.
- h. Section 109.3 of the International Fire Code, as adopted, shall be amended to read:  
Section 109.3 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 Article 20 of this Code of Regulations. 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.
- i. Section 111.4 of the International Fire Code, as adopted, shall be amended to read:  
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, punishable as a Class A violation upon conviction, as provided in Article 20 of this Code of Regulations. 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.
- j. Section 501.3 of the International Fire Code, as adopted, shall be amended to read:  
501.3 Construction documents. Construction documents for proposed fire apparatus access roads, location of fire lanes and construction documents and hydraulic calculations

for fire hydrant systems shall be submitted to the Building Code Official and appropriate Fire District Fire Chief for review and approval prior to construction.

501.4

- k. Section 506.1 of the International Fire Code, as adopted, shall be amended to read:  
506.1 Where required. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, a key box shall be installed in an approved location as required by the appropriate Fire District Fire Chief. The key box shall be an approved type and shall contain keys or access cards to gain necessary access as required by the Building Code Official and the appropriate Fire District Fire Chief.
- l. Section 506.2 of the International Fire Code, as adopted, shall be amended to read:  
506.2 Key Box Maintenance. The operator of the building shall immediately notify the appropriate Fire District Chief and provide the new key when a lock is changed or re-keyed. The key to such lock shall be secured in the box. The key box shall be maintained in working order by the operator/owner/occupant of the building.
- m. Section 906.1 of the International Fire Code, as adopted, shall be amended to read:  
906.1 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 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 system), licensed to do so by the Kansas State Fire Marshal, and approved by the Building Code Official.

ARTICLE 10 - (RESERVED)

SECTION 1. ADOPTION

SECTION 2. DEFINITIONS

SECTION 3. DELETIONS

SECTION 4. ADDITIONS

SECTION 5. AMENDMENTS.

ARTICLE 11 - SPECIAL RULES AND PROCEDURES (RESERVED)

SECTION 1. ADOPTION

SECTION 2. DEFINITIONS

SECTION 3. DELETIONS

SECTION 4. ADDITIONS

SECTION 5. AMENDMENTS

## ARTICLE 12 - BOARD OF CODE REVIEW

SECTION 1. 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”.

SECTION 2. DEFINITIONS.

SECTION 3. 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 .

SECTION 4. 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.

- c. 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.

#### SECTION 5. 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.

SECTION 6. 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 13 - LAND DISTURBANCE REGULATIONS

SECTION 1. 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.

SECTION 2. 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 and which authorizes the LD Permit Holder to proceed with the Land Disturbing Activities.
- h. "LD Permit Holder" means the Person who is issued a 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.

- k. “Qualified Erosion Control Specialist” means a person qualified to perform inspections of Erosion and Sediment Control measures. Qualified personnel includes 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.

### SECTION 3. 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 a LD Permit may be required.

2. Agricultural land uses, however, nothing in this regulation shall relieve any person from complying with any applicable erosion and sediment standards of the United States Department of Agriculture Natural Resources Conservation Service or the requirements of the Kansas Department of Health and Environment or other federal or state agency.
3. Land-Disturbing Activities of less than one acre. For purposes of this Regulation, Land-Disturbing Activities that are part of a larger, phased, staged, or common plan of development shall be considered a single site for purposes of calculating the disturbed area.

#### SECTION 4. LD PERMIT AND APPLICATION.

- a. The issuance of a LD Permit is contingent upon compliance with this Regulation and all other City regulations, including the City's zoning and subdivision regulations, fire code, building code, and any other City requirements.
- b. Every LD Permit application shall be submitted to the City, on the City's forms, which shall include to the following minimum requirements:
  1. A site-specific Stormwater Pollution Prevention Plan that complies with this Regulation, applicable KDHE regulations and the Design Manual;
  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 take into account 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 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.

#### SECTION 5. 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.

- d. The LD Permit Holder shall notify the Superintendent when construction of the Erosion and Sediment Control measures commence.
- e. A LD Permit shall not be closed until a final inspection and approval of the site stabilization and restoration is issued by the City. A site shall be considered stabilized and restored when perennial vegetation, pavement, buildings, or structures using permanent materials cover seventy percent (70%) of the upstream tributary area found within the area defined by the LD Permit and as required by the Superintendent. All portions of the site using perennial vegetation for ground stabilization shall be homogeneously covered with at least a seventy percent (70%) vegetation density. Restoration includes the removal of all non-permanent Erosion and Sediment Control devices for the Site. Final certification of the restoration and stabilization of the Site shall be submitted for approval to the Superintendent by the LD Permit Holder.

An LD Permit conveys to the Superintendent and the Superintendent's designees, the right to enter upon property described in the LD Permit as necessary to enforce the provisions of this regulation.

**SECTION 6. 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.

**SECTION 7. LAND-DISTURBANCES LESS THAN ONE ACRE.** For Land-Disturbings 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.

**SECTION 8. 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.

SECTION 9. 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.

SECTION 10. 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 14 - BLASTING REGULATIONS

### SECTION 1. 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 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 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 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 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 Building Code Official may request changes to the design submitted.

**SECTION 2. 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 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 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 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 Building Code Official. The surveyor shall complete all surveys before any blasting. A disinterested third party, regularly engaged in performing pre-blast surveys, shall conduct all surveys.

The pre-blast survey shall not commence until the survey method has been reviewed and approved by the Building Code Official.

**SECTION 3. 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.

**SECTION 4. WARNING SYSTEM.** The blaster shall provide suitable warning by siren or whistle prior to all blasts.

SECTION 5. 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.

SECTION 6. 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.

SECTION 7. BLASTING SCHEDULE. The blaster shall conduct blasting operations between 8:30 a.m. and 4:30 p.m. as approved by the Building Code Official and announced in the blasting schedule.

The Building Code Official may direct that blasting only occur during a certain hour or hours.

SECTION 8. 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 un-detonated charges, exist.

SECTION 9. 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.

<sup>1</sup> Only when approved by the Building Code Official.

If necessary to prevent damage, 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 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 Building Code Official may specify a more restrictive limit in the interest of the public safety, or 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 inches/second <sup>1</sup>	Factor to be applied without seismic monitoring <sup>2</sup>
0 to 300	1.00	50
301 to 5,000	1.00	55
5,001 and beyond	0.75	6

<sup>1</sup> 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.

<sup>2</sup> 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.

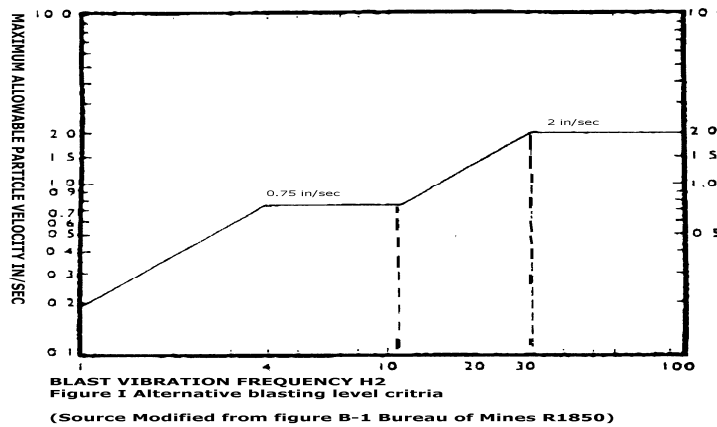


FIGURE 1

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 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 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 Building Code Official.

**SECTION 10. 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 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;

- 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.

SECTION 11 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;
- 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.

**SECTION 12. ENFORCEMENT, VIOLATIONS, AND PENALTIES.** Violation of any provision of this regulation shall be a public offense, punishable as a Class A violation, upon conviction as provided in Article 20, of the City of Edgerton Code of Regulations For Buildings and Construction, 2010 Edition. Each separate day or any portion thereof, during which any violation of this Regulation occurs or continues, shall also be deemed to constitute a separate offense, and shall be punishable as provided in Article 20 designated above.

ARTICLE 15 - (RESERVED)

SECTION 1. ADOPTION

SECTION 2. DEFINITIONS.

SECTION 3. DELETIONS

SECTION 4. ADDITIONS.

SECTION 5. AMENDMENTS.



ARTICLE 16 - (RESERVED)

SECTION 1. ADOPTION

SECTION 2. DEFINITIONS

SECTION 3. DELETIONS

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SECTION 5. AMENDMENTS

ARTICLE 17 - (RESERVED)

SECTION 1. ADOPTION.

SECTION 2. DEFINITIONS

SECTION 3. DELETIONS

SECTION 4. ADDITIONS

SECTION 5. AMENDMENTS

ARTICLE 18 - (RESERVED)

SECTION 1. ADOPTION

SECTION 2. DEFINITIONS.

SECTION 3. DELETIONS

SECTION 4. ADDITIONS.

SECTION 5. AMENDMENTS

## ARTICLE 19 - ADMINISTRATION

SECTION 1. 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 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.

SECTION 2. 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.

SECTION 3. 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.

SECTION 4. 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.

SECTION 5. 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.

## ARTICLE 20 - ENFORCEMENT, VIOLATIONS AND PENALTIES

SECTION 1. 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 the Codes adopted as a part of the Regulations, and any act or conduct which fails to comply with the provisions of these Regulations and the Codes adopted as a part of the Regulations shall be and hereby is declared to be unlawful as a violation of the City of Edgerton Code of Regulations for Buildings and Construction, 2010 Edition.

### SECTION 2. 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 the Code of Regulations for Buildings and Construction.
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 the Code of Regulations for Buildings and Construction.
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 Blasting Regulations, as adopted under Article 14 of this code, shall be a public offense designated as a Class A violation under the City Codes and Regulations.
4. The failure of any person to comply with any requirement, standard or condition contained within or as a part of the International Fire Code of City of Edgerton, Kansas, and its standards and regulations, as adopted under Article 9 of this Code; and the failure of any person to comply with or to violate any provision of the International Fire Code of City of Edgerton, Kansas, and its standards and regulations, as adopted under Article 9 of this Code; or any order of the Fire Marshall or the designated Fire District Fire Chief related to the provisions of that Code, shall be a public offense designated as a Class A Violation under the City Code and Regulations.

SECTION 3. 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.

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