

Chapter 500

BUILDING AND CONSTRUCTION CODES

[Ord. No. 3102 §1, 9-13-2016; Ord. No. 3104 §1, 10-11-2016]

ARTICLE I General Provisions

Section 500.010. Title, Scope and Intent.

- A. *Title.* These provisions shall be known as the Residential Code for One- and Two- Family Dwellings of the City of Paola and the Community Growth Area and shall be cited as such and will be referred to herein as "this code".
- B. *Scope.* The provisions of the City of Paola and the Community Growth Area Building Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.
- C. *Intent.* The purpose of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to firefighters and emergency responders during emergency operations.
- D. *Jurisdiction.* Article I of this Title shall apply to the City of Paola and the Community Growth Area that specifically incorporates Article I pursuant to Kansas Law.
- E. *Administration And Enforcement.* The provisions contained in Articles I and II shall apply for the purpose of the issuing, suspension and revocation of permits; the collection of fees; the making of inspections; the execution of plan reviews; the enforcement of this Article and the model codes incorporated herein and the fixing of penalties for violations thereof.
- F. *Amendments And Additions.* Articles I and II may be supplemented or its provisions may be amended by ordinance duly adopted by the City of Paola and any such amendments or additions shall be incorporated within and codified as a part of Articles I and II.
- G. *Severability.* It is hereby declared the intention of the City of Paola that the Sections, paragraphs, sentences, clauses and phrases of Articles I and II are to be severable and should any Section or 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 part declared to be unconstitutional or ruled to be invalid.

Section 500.020. Applicability.

- A. *General.* Where, in any specific case, different Sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- B. *Other Laws.* The provisions of this code shall not be deemed to nullify any provisions of local, State or Federal law.
- C. *Application Of References.* References to Title or Section numbers or to provisions not specifically identified by number shall be construed to refer to such Title, Section or provision of this code.
- D. *Referenced Codes And Standards.* The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.
- E. *Existing Structures.* The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the International Existing Building Code or the International Fire Code or as is deemed necessary by the Code Official for the general safety and welfare of the occupants and the public.
- F. *Existing Equipment.* Plumbing, electrical, mechanical or fuel gas systems lawfully in existence at the time of the adoption of this code shall be permitted to have their use and maintenance continued if the use, maintenance or repair is in accordance with the original design and no hazard to life, health or property is created by such system.
- G. *Maintenance.* All plumbing, electrical, mechanical or fuel gas systems, materials and appurtenances, both existing and new and all parts thereof, shall be maintained in proper operating condition in accordance with the original design in a safe and sanitary condition. All devices or safeguards required by this code shall be maintained in compliance with the code edition under which they were installed.
- G. The owner or the owner's designated agent shall be responsible for maintenance of building systems. To determine compliance with this provision, the Code Official shall have the authority to require any system to be reinspected.
- H. *Additions, Alterations Or Repairs.* Additions, alterations, renovations or repairs to any building or building systems shall conform to that required for new construction without requiring the existing building or building systems to comply with all the requirements of this code, if the project exceeds fifty percent (50%) of the total valuation of the property as appraised prior to the additions, alterations, renovations or repairs. Additions, alterations or repairs shall not cause the existing building or building systems to become unsafe, unsanitary or overloaded.
- H. Minor additions, alterations, renovations and repairs to existing building systems shall be permitted in the same manner and arrangement as in the existing building system, provided that such repairs or replacement are not hazardous and are approved.

Section 500.030. Community Development Department.

- A. *Creation Of Enforcement Agency.* The Department of Community Development is hereby created and the official in charge thereof shall be known as the Code Official.
- B. *Appointment.* The Code Official shall be appointed by the chief appointing authority of the jurisdiction.
- C. *Deputies.* In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Code Official shall have the authority to appoint deputies, related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the Code Official.

Section 500.040. Duties and Powers of Code Official.

- A. *General.* The Code Official is hereby authorized and directed to enforce the provisions of this code. The Code Official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.
- B. *Applications And Permits.* The Code Official shall receive applications, review construction documents and issue permits for the erection and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.
- C. *Notices And Orders.* The Code Official shall issue all necessary notices or orders to ensure compliance with this code.
- D. *Inspections.* The Code Official shall make all of the required inspections or the Code Official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Code Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.
- E. *Identification.* The Code Official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.
- F. *Right Of Entry.* Where it is necessary to make an inspection to enforce the provisions of this code or where the Code Official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the Code Official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises be unoccupied, the Code Official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Code Official shall have recourse to the remedies provided by law to

secure entry.

- G. *Department Records.* The Code Official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.
- H. *Liability.* The Code Official, member of the Board of Appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The Code Official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.
- I. *Approved Materials And Equipment.* Materials, equipment and devices approved by the Code Official shall be constructed and installed in accordance with such approval.
- J. *Used Materials And Equipment.* The use of used materials which meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless approved by the Code Official.
- K. *Modifications.* Wherever there are practical difficulties involved in carrying out the provisions of this code, the Code Official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the Code Official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the Community Development Department.
- L. *Alternative Materials, Design And Methods Of Construction And Equipment.* The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the Code Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.
- M. *Tests.* Whenever there is insufficient evidence of compliance with the provisions of this code or evidence that a material or method does not conform to the requirements of this code or in order to substantiate claims for alternative materials or methods, the Code Official shall have the authority to require tests as evidence of compliance to be made at no

expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the Code Official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the Code Official for the period required for retention of public records.

Section 500.050. Permits.

- A. *Required.* Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done shall first make application to the Code Official and obtain the required permit.
1. *Annual permit.* In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the Code Official is authorized to issue an annual permit upon application therefore to any person, firm or corporation regularly employing one (1) or more qualified trade persons in the building, structure or on the premises owned or operated by the applicant for the permit.
 2. *Annual permit records.* The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The Code Official shall have access to such records at all times or such records shall be filed with the Code Official as designated.
- B. *Work Exempt From Permit.* Permits shall not be required for the following. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions jurisdiction.
1. *Building.*
 - a. Retaining walls that are not over three (3) feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
 - b. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
 - c. Prefabricated swimming pools that are less than twenty-four (24) inches (610 mm) deep and do not exceed five thousand (5,000) gallons (18,927 L).
 - d. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
 - e. Privately owned swings and other playground equipment installed at single-family or duplex structures.
 - f. Movable cases, counters and partitions not over five (5) feet nine (9) inches (1,753 mm) in height.

2. *Electrical.*

- a. *Repairs and maintenance.* A permit shall not be required for minor repair work, including the replacement of fixtures or the connection of approved portable electric equipment to approved permanently installed receptacles.
- b. *Radio and television transmitting stations.* The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but does apply to equipment and wiring for power supply and the installations of towers and antennas.
- c. *Temporary testing systems.* A permit shall not be required for the installation of any temporary systems required for the testing or servicing of electrical equipment or apparatus.

3. *Gas.*

- a. Portable heating appliance.
- b. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

4. *Mechanical.*

- a. Portable heating appliance; cooking or clothes drying appliances.
- b. Portable ventilation appliances such as listed fans, space heaters or similar appliances.
- c. Portable cooling units.
- d. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code that does not alter approval of equipment or makes such equipment unsafe.
- e. Replacement of any minor part that does not alter the approval of equipment or make such equipment unsafe.
- f. Portable evaporative cooler.
- g. Self-contained refrigeration systems containing five (5) pounds (2.27 kg) or less of refrigerant or that are actuated by motors of one (1) horsepower (746 W) or less unless the unit is of portable design.
- h. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

5. *Plumbing.*

- a. The stopping of leaks in drains, water, soil, waste or vent pipe; provided however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

- b. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.
- C. *Emergency Repairs.* Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the Code Official.
- D. *Repairs.* Application or notice to the Code Official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support or the removal or change of any required means of egress or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.
- E. *Public Service Agencies.* A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.
- F. *Application For Permit.*
 - 1. *New construction—additions—alterations—repairs—remodels—other miscellaneous.* To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the Community Development Department for that purpose. Such application shall:
 - a. Identify and describe the work to be covered by the permit for which application is made.
 - b. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
 - c. Indicate the use and occupancy for which the proposed work is intended.
 - d. Be accompanied by construction documents and other information as required in Section 500.060.
 - e. State the valuation of the proposed work.
 - f. Be signed by the applicant or the applicant's authorized agent.
 - g. Give such other data and information as required by the Code Official.
 - 2. *Demolition permits.* In addition to the information required by Section 500.050(F)(1), every such application shall indicate:
 - a. The present location of the building to be demolished.

- b. Documentation that all public utilities have been properly disconnected.
 - c. The principal materials of construction of the building.
 - d. The length of time required to perform the proposed work.
 - e. Proof of permission from the property owner authorizing the building to be demolished.
 - f. The name, address and phone number of the demolition debris landfill where demolition debris will be disposed or a letter stating said debris will be transferred to said location.
 - g. Proof and/or a letter stating that all glass has been or will be removed and taken from the site prior to beginning demolition of the building.
 - h. A satisfactory pre-demolition evaluation inspection from the Community Development Department.
- G. *Action On Application.* The Code Official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the Code Official shall reject such application, in writing, stating the reasons therefore. If the Code Official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the Code Official shall issue a permit therefore as soon as practicable.
- H. *Time Limitation Of Application.* An application for a permit for any proposed work shall be deemed to have been abandoned one hundred eighty (180) days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the Code Official is authorized to grant one (1) or more extensions of time for additional periods not exceeding ninety (90) days each. The extension shall be requested in writing and justifiable cause demonstrated.
- I. *Validity Of Permit.* The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the Code Official from requiring the correction of errors in the construction documents and other data. The Code Official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.
- J. *Expiration.* Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within one hundred eighty (180) days after its issuance unless an inspection has been requested by the permit applicant or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days. Every building permit issued by the Code Official under provisions of the technical codes shall expire by limitation and become null and void unless the building or work authorized by such permit is not completed and approved within one (1) year from the date such permit was issued.

- J. Permits issued for the moving or demolition of a building or structure shall expire sixty (60) days after the date the permit was issued. An extension of time to complete the moving or demolition of a building or structure shall not be granted. Before work may commence, recommence or continue after expiration, a new permit shall first be obtained by the permittee and a new full permit fee shall be paid therefore.
- J. All work requiring a permit shall be suspended upon the expiration of a permit.
- K. *Extensions.* A permittee holding an unexpired permit may apply for an extension of the time within which work may be completed under that permit. Permit extensions shall be subject to the expiration periods specified by Section 500.050(J). Fees as required by the fee schedule adopted by the jurisdiction for the extension of a permit shall be paid prior to the expiration date of the permit. The fee for renewing shall be based upon total value of unfinished work.
- L. *Renewal Of Expired Permit When Work Has Been Started.* A permittee holding an expired permit may apply for a renewal of the permit to allow for the completion of the work started. Permit renewals shall be subject to the expiration periods specified by Section 500.050(J). Fees as required by the fee schedule adopted by the jurisdiction for the renewal of a permit shall be paid prior to the work authorized by the permit being started.
- M. *Renewal Of Expired Permit When No Work Has Started.* Before work can be started, a new permit shall be first obtained to do so, provided no changes have been made or will be made in the original plans and specifications for such work. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee. Permits shall not be renewed when no work has begun if the codes or regulations adopted by the jurisdiction have been changed since the permit was originally issued.
- N. *Suspension Or Revocation.* The Code Official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information or in violation of any ordinance or regulation or any of the provisions of this code.
- O. *Placement Of Permit.* The building permit or copy shall be kept on the site of the work until the completion of the project.
- O. The permit card shall be posted on the job site in a position to be clearly visible from the roadway prior to the start of any work authorized by the permit. Any posts or backing required to post the permit card shall be provided by the permit applicant.

Section 500.060. Construction Documents.

- A. *Submittal Documents.* Construction documents, special inspection and structural observation programs and other data shall be submitted in two (2) or more sets with each application for a permit. The construction documents shall be prepared by a Kansas registered design professional where required by the Code Official. Where special conditions exist, the Code Official is authorized to require additional construction documents to be prepared by a registered design professional.
- A. Exception: The Code Official is authorized to waive the submission of construction

documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

- B. *Information On Construction Documents.* Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted only when previously approved by the Code Official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations as determined by the Code Official.
1. *Fire protection system shop drawings.* Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this code and the construction documents and shall be approved prior to the start of the project and issuance of a building permit. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9 of the International Building Code and any additional requirements of the Fire Code Official.
 2. *Means of egress.* The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3 and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor and in all rooms and spaces.
 3. *Exterior wall envelope.* Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

The construction documents shall include manufacturing installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

- C. *Site Plan.* The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades, all easements and the proposed finished grades and, as applicable, flood hazard areas, floodways and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The Code Official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.
- D. *Examination Of Documents.* The Code Official shall examine or cause to be examined the

accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

1. *Approval of construction documents.* When the Code Official issues a permit, the construction documents shall be approved, in writing or by stamp, as "Reviewed for Code Compliance". One (1) set of construction documents so reviewed shall be retained by the Code Official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the Code Official or his/her authorized representative.
2. *Previous approvals.* This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized and the construction of which has been pursued in good faith within one hundred eighty (180) days after the effective date of this code and has not been abandoned.
3. *Phased approval.* The Code Official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code after zoning, setbacks and engineering issues are approved. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.
4. *Deferred submittals.* For the purposes of this Section, "*deferred submittals*" are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the Code Official within a specified period.
4. Deferral of any submittal items shall have the prior approval of the Code Official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the Code Official.
4. Submittal documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the Code Official with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in general conformance with the design of the building. The deferred submittal items shall not be installed until the design and submittal documents have been approved by the Code Official.
5. *Amended construction documents.* Work shall be installed in accordance with the reviewed construction documents and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents. Additional plan review fees may apply.
6. Design professional in responsible charge.

- a. *General.* When it is required that documents be prepared by a registered design professional, the Code Official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The Code Official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.
- a. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.
- a. Where structural observation is required by Section 1709 of the International Building Code, the inspection program shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur. See also duties specified in Section 1704 of the International Building Code.
- b. *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 are found to exist.
 - (1) Foundation walls are subject to hydrostatic pressure from ground water.
 - (2) Foundation walls and retaining walls supporting more than forty-eight (48) inches (1,219 mm) of unbalanced backfill that do not have permanent lateral support at the top and bottom.
 - (3) Foundation walls exceeding nine (9) feet in height, measured from the top of the wall to the bottom of the slab.
 - (4) Footings and foundations placed on fill.
 - (5) Foundations installed on slopes steeper than 4:1 before grading.
 - (6) Foundations that bear partially on soil and partially on rock.
 - (7) Foundation walls with an unbroken line of greater than twenty-five (25) feet.
 - (8) Masonry foundation walls with an unbalanced backfill height greater than four (4) feet.
 - (9) ICF foundation walls.
 - (10) Concrete slabs located over accessible spaces that have a clear span greater than four (4) feet in any direction.

- (11) Concrete slabs where any portion of the slab is placed on more than two (2) feet of fill material.
- (12) Log structures.
- (13) Cold formed steel framing.
- (14) Foundations and anchorage systems for manufactured homes.

Where applicable, a standard design approved by the Code Official may be used in lieu of a design from a design professional. For new single family dwellings where standard designs approved by the Code Official are used, the design professional sealing the plans shall specify the use of those designs on the approved plans or through a separate report.

- E. *Retention Of Construction Documents.* One (1) set of approved construction documents shall be retained by the Code Official for a period of not less than three (3) years from date of completion of the permitted work or as required by State or local laws.

Section 500.070. Temporary Structures and Uses.

- A. *General.* The Code Official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than one hundred eighty (180) days. The Code Official is authorized to grant extensions for demonstrated cause.
- B. *Conformance.* Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.
- C. *Temporary Power.* The Code Official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the NFPA 70 National Electrical Code, 2005 Edition.
- D. *Termination Of Approval.* The Code Official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued or removed.

Section 500.080. Fees.

Fees for permits and other services required by this code shall be assessed in accordance with Article III, Section 500.310 of this Chapter.

Section 500.090. Inspections.

- A. *General.* Construction or work for which a permit is required shall be subject to inspection by the Code Official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this Code or of other

ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the Code Official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

- B. *Preliminary Inspection.* Before issuing a permit, the Code Official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.
- C. *Required Inspections.* The Code Official, upon notification, shall make the inspections set forth in Section 500.090(C)(1—10) of this code.
 - 1. *Footing or foundation inspection.* Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel and chairs are in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.
 - 2. *Underground inspection.* Open trench inspections shall be made after ditches or trenches are excavated and bedded and water supply piping, wastewater piping, electrical conduit or direct burial conductor assemblies or other building service components are in place and before any backfill is put in place.
 - 3. *Concrete slab or under-floor inspection.* Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.
 - 4. *Dampproofing and waterproofing.* Drain tile and foundation waterproofing and under-slab drain tile shall be inspected prior to backfill. Drain tile shall be bedded in clean rock and drain ends exposed for inspection.
 - 5. *Lowest floor elevation.* In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, a Kansas licensed land surveyor or registered engineer must provide an elevation certificate certifying the lowest floor elevation.
 - 6. *Rough-in inspection.* Rough-in inspection shall be approved prior to any work requiring inspection being concealed. Rough-in includes all structural and non-structural aspects of the building frame including the building envelope, fireblocking and firestopping and the installation of electrical, plumbing, mechanical, gas piping, fire protection piping and other building equipment that will be concealed by building finish material.
 - 7. *HVAC duct liner.* HVAC duct liners shall be visible for spot check during HVAC rough-in or above ceiling inspections.

8. *Roof covering inspection.* Inspection of the roof covering installation shall be made prior to the installation of final roof covering.
 9. *Vapor barrier/siding.* All exterior stucco and siding shall be inspected to assure complete coverage with an approved vapor barrier. This inspection shall occur during the siding application.
 10. *Gas piping and pressure testing.* Rough-in inspection shall be made after all interior gas piping has been installed. A pressure test shall be performed in accordance with Section G2417 of the International Residential Code for One- and Two-Family Dwellings, Section 406 of the International Fuel Gas Code and Section 109.3.8 of the International Building Code.
 10. The requirements of this Section shall not be considered to prohibit the operation of any heating equipment installed to replace existing heating equipment serving an occupied portion of a structure in the event a request for inspection of such heating equipment has been filed with the department not more than forty-eight (48) hours after replacement work is completed and before any portion of such equipment is concealed by any permanent portion of the structure.
 11. *Lath or gypsum board inspection.* Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or before gypsum board joints and fasteners are taped and finished.
 12. *Fire-resistant penetrations.* Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.
 13. *Other inspections.* In addition to the inspections specified above, the Code Official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the Community Development Department.
 14. *Special inspections.* For special inspections, see Section 1704 of the International Building Code.
 15. *Attic insulation.* Attic access shall be provided for inspection of insulation at the time of final inspection.
 16. *Final inspection.* The final inspection shall be made after all work required by the building permit is completed and the structure is ready for occupancy.
- D. *Inspection Agencies.* The Code Official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability. A written request shall be submitted and an authorization from the Code Official received prior to an outside agency performing any inspections.
- E. *Equipment, Material And Labor For Tests.* All equipment, material and labor required for testing any building systems or part thereof shall be furnished by the permit holder.
- F. *Inspection Requests.* It shall be the duty of the holder of the building permit or their duly

authorized agent to notify the Code Official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspection of such work for any inspections that are required by this code.

- G. *Approval Required.* Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Code Official. The Code Official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Code Official.

Section 500.100. Certificate of Occupancy.

- A. *Use And Occupancy.* No building or structure shall be used or occupied and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Code Official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.
- B. *Change In Use.* Changes in the character or use of an existing structure shall not be made except as specified in Chapter 34 of the International Building Code.
- C. *Certificate Issued.* After the Code Official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the City of Paola, the Code Official shall issue a certificate of occupancy that shall contain the following:
1. The building permit number.
 2. The address of the structure.
 3. The name and address of the owner.
 4. A description of that portion of the structure for which the certificate is issued.
 5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this Code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
 6. The name of the Code Official.
 7. The edition of the code under which the permit was issued.
 8. The use and occupancy, in accordance with the provisions of Chapter 3 of the International Building Code.
 9. The type of construction as defined in Chapter 6 of the International Building Code.
 10. The design occupant load.
 11. Any special stipulations and conditions of the building permit.

- D. *Temporary Occupancy.* The Code Official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The Code Official shall set a time period during which the temporary certificate of occupancy is valid. The maximum temporary occupancy duration for commercial structures is thirty (30) days and sixty (60) days for residential.
- E. *Revocation.* The Code Official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error or on the basis of incorrect information supplied or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

Section 500.110. Service Utilities.

- A. *Connection Of Service Utilities.* No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until released by the Code Official.
- B. *Temporary Connection.* The Code Official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.
- C. *Authority To Disconnect Service Utilities.* The Code Official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the codes referenced in case of emergency where necessary to eliminate an immediate hazard to life or property. The Code Official shall notify the serving utility and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified, in writing, as soon as practical thereafter.

Section 500.120. Violations and Penalties.

- A. *Violation.* Any person, company, corporation or institution who violates any provision of the City of Paola and Growth Area Building Code as adopted herein and amended hereafter shall be subject to the penalties and remedies provided for in Section 500.820. Each and every day that a violation is allowed to continue may be deemed to constitute a separate offense.
- B. *Penalties.* Any person violating any provision of this Chapter, upon conviction thereof, shall be fined a sum not to exceed five hundred dollars (\$500.00).
- C. *Other Remedies.* Whenever any building or structure is or is proposed to be erected, constructed, altered, converted or maintained in violation of any Building Code, the City of Paola, in addition to other remedies, may institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful activity or to correct or abate violation of this act.
- D. *General.* In order to hear and decide appeals of orders, the application and interpretation of

this code, there shall be and is hereby created a Board of Appeals. The Code Official or his/her deputy shall be an ex officio member of said Board but shall have no vote on any matter before the Board. The Board shall adopt rules of appointed by the Governing Body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Code Official.

- E. *Limitations On Authority.* An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The Board shall have no authority to waive requirements of this code.

Section 500.130. Code Board of Appeals.

- A. *Code Board Of Appeals Established.* In order to hear and decide appeals of orders, decisions or determinations made by the Code Official relative to the application and interpretation of this code, there shall be and is hereby created a Code Board of Appeals (CBOA). The Board of Appeals shall be appointed by the City of Paola and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business.
- B. *Authority.* An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The CBOA shall have the power to act on issues and matters applicable to contractor licensing and discipline as specified in this code. The CBOA shall have no authority to waive requirements of Articles I or II of this Chapter. This Board will also serve as the Board of Appeals for any issues related to the International Fire Code and/or its enforcement.
- C. *Appeal.* Any person shall have the right to appeal a decision of the Code Official to the Code Board of Appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the Code Official within twenty (20) days after the notice was served.
- D. *Membership And Terms Of Board.* The Code Board of Appeals shall consist of nine (9) members and two (2) alternates appointed by the Mayor and confirmed by the Governing Body of the City of Paola. Terms to the CBOA shall be for three (3) years. Alternate members shall be called by the CBOA Chairman to hear appeals during the absence or disqualification of a member. Individuals from the following professions or backgrounds shall be considered for appointment to the Code Board of Appeals.
 - 1. One (1) member shall be a registered design professional who is a registered architect or registered engineer in the State of Kansas.
 - 2. Two (2) members shall be general contractors holding current contractors' licenses with the City of Paola.

3. One (1) member shall be an electrical contractor holding a current contractor's license with the City of Paola.
 4. One (1) member shall be a plumbing contractor holding a current contractor's license with the City of Paola.
 5. One (1) member shall be a mechanical contractor holding a current contractor's license with the City of Paola.
 6. One (1) member shall be a non-specialist contractor holding a current contractor's license in one (1) of the non-specialist categories with the City of Paola.
 7. One (1) member shall have qualifications and experience as a fire protection specialist and reside within the City of Paola or the Community Growth Area.
 8. One (1) member shall be a citizen residing within the City of Paola and/or the Community Growth Area.
- E. *Chairman.* The Board shall annually select one (1) of its members to serve as Chairman.
- F. *Disqualification Of Member.* A member shall not hear an appeal in which that member has any personal, professional or financial interest.
- G. *Secretary.* The Code Official shall designate a qualified clerk to serve as Secretary to the Board. The Secretary shall file a detailed record of all proceedings in the office of the City Clerk.
- H. *Compensation Of Members.* Members shall serve on the Board without compensation.
- I. *Regular Meetings.* The CBOA shall meet for a regular meetings once quarterly or at such other time as may be determined by the CBOA, the Code Official. The CBOA shall conduct its meetings in accordance with the Kansas Open Meetings Law.
- J. *Special Meetings And Hearings.* Special meetings and matters that require a hearing may be called by the CBOA Chairman, the Vice Chairman or a majority of the CBOA members present and representing a quorum.
- K. *Notice Of Hearing.* The Board shall meet upon notice from the Chairman within ten (10) days of the filing of an appeal or at stated periodic meetings.
- L. *Open Hearing.* All hearings before the Board shall be open to the public. The appellant, the appellant's representative, the Code Official and any person whose interests are affected shall be given an opportunity to be heard.
- M. *Procedure.* The Board shall adopt and make available to the public through the Secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.
- N. *Quorum.* Five (5) members of the Board shall constitute a quorum for the transaction of Board business, including hearings. Attendance at any meeting shall be in person.
- O. *Postponed Meeting.* When at least five (5) members are not present to hear an appeal, the

hearing shall be postponed.

- P. *Board Decision.* The Board shall modify or reverse the decision of the Code Official by a concurring vote of and majority vote of members present.
- Q. *Decision.* The decision of the Board shall be made in writing. Certified copies shall be furnished to the appellant and to the Code Official.

Section 500.140. Stop Work Order.

- A. *Authority.* Whenever the Code Official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the Code Official is authorized to issue a stop work order.
- B. *Issuance.* The stop work order shall be in writing and shall be given to the owner of the property involved or to the owner's agent or to the person doing the work or prominently posted at the job site. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume.
- C. *Unlawful Continuance.* 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 subject to penalties as prescribed by law.

Section 500.150. Unsafe Structures and Equipment.

- A. *Conditions.* Structures or existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation or which constitute a fire hazard or are otherwise dangerous to human life or the public welfare or that involve illegal or improper occupancy or inadequate maintenance shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the Code Official deems necessary and as provided for in this Section. A vacant structure that is not secured against entry shall be deemed unsafe.
- B. *Record.* The Code Official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.
- C. *Notice.* If an unsafe condition is found, the Code Official shall serve on the owner, agent or person in control of the structure a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the Code Official acceptance or rejection of the terms of the order.
- D. *Method Of Service.* Such notice shall be deemed properly served if a copy thereof is:
 - 1. Delivered to the owner personally;
 - 2. Sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or

3. Delivered in any other manner as prescribed by local law.

If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

- E. *Restoration.* The structure or equipment determined to be unsafe by the Code Official is permitted to be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of Section 105.2.2 of the International Building Code and Chapter 34 of the International Residential Code.

Section 500.160. (Reserved)

Section 500.170. Effective Date.

The provisions contained in Articles I, III, IV, V and VI of this Chapter will become effective upon adoption by the City of Paola and publication of the adopting ordinance in the official newspaper. The model codes and amendments thereto, adopted by reference in Articles II and IV, will become effective on January 1, 2008 upon adoption by the City of Paola and publication of the adopting ordinance in the official newspaper.

Section 500.180. Definitions.

For the purpose of this Section, the following meanings shall apply:

AGRICULTURAL BUILDING — A building or structure located on a tract of land twenty (20) contiguous acres or more in area, used for storage of equipment or produce or other commodities necessary for agricultural use, but not including buildings intended for residential uses or the parking or storage of private motor vehicles.

AGRICULTURAL USE — The use of a tract of land twenty (20) contiguous acres or more in area for the raising of crops, animal husbandry, dairying, pasturage, general farming, truck farming, cultivation of field crops, orchards, groves, raising fish, birds or poultry and accessory uses necessary for the carrying out of farming operations, including structures for storage, processing and sale of products raised on the premises.

BEDROOM — A room that meets the minimum dimension, area and height requirements for a habitable room as specified in Section R304 and that has an adjoining area or space that may be utilized as a closet whether or not the room is actually utilized for sleeping purposes. This definition is intended to clarify the applications for the requirements for emergency escape and rescue openings in accordance with Section R310 and smoke alarms in accordance with Section R317 of the International Residential Code for One- and Two-Family Dwellings.

CODE OFFICIAL — The term "Code Official" contained in any reference in this Chapter or in any of the model codes adopted in Article II may be used synonymously with the terms Building Official, Chief Code Official, authority having jurisdiction, Chief Building Inspector or any other

similar terms.

ELECTRICAL CODE — Any reference in this Chapter or in any of the model codes adopted herein to the ICC Electrical Code may be deemed to refer to the NFPA 70 National Electrical Code, 2005.

PERMANENT FOUNDATION — A foundation designed to support and transfer all imposed loads from a building, including a manufactured home, to the soil within the tolerances specified in this code and that provides means for attaching the building to the foundation.

ARTICLE II

Model Codes Adopted—Amendments

Section 500.190. Incorporation of International Building Code — Amendments and Deletions.

- A. There is incorporated by reference, for the purpose of adopting regulations, provisions, terms and specifications for the control of buildings and structures within the City of Paola and the Community Growth Area, the 2006 International Building Code dated January, 2006, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended by this Section and including such new and additional provisions added to said code by this Section. Not less than one (1) copy of said 2006 International Building Code shall be marked "Official Copy as Adopted by Ordinance No. 3005", to which shall be attached a copy of the ordinance codified herein and filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours.
1. *International Building Code—appendices adopted.* The following appendices are adopted as part of the International Building Code.
 - a. Appendix A—Employee Qualifications.
 - b. Appendix C—Group U, Agricultural Buildings (as referenced).
 - c. Appendix E—Supplementary Accessibility Requirements (as referenced).
 - d. Appendix G—Flood Resistant Construction.
 - e. Appendix H—Signs (as amended).
 - f. Appendix I—Patio Covers.
 - g. Appendix J—Grading (as amended).
 - h. Appendix K—ICC Electrical Code (as amended and as referenced).
 2. *International Building Code—deletions.* The following Chapters, Sections and Subsections of the 2006 Edition of the International Building Code are hereby deleted.
 - a. G103.7.
 - b. G105.
 - c. G201.

- d. H101.
 - e. H102.
 - f. H107.1.2, H107.1.3.
 - g. H108.
 - h. H109.
 - i. H111.1.
 - j. H113.1.
 - k. H114.
3. *International Building Code—amendments.* The following Chapters, Sections and Subsections of the 2006 Edition of the International Building Code are hereby amended as follows.
- a. *101.1 Title.* These regulations shall be known as the Building Code of the City of Paola, Kansas, hereinafter referred to as "this code".
 - b. *101.4.1 Electrical.* The provisions of the NFPA 70 National Electrical Code, 2005 shall apply to the installation of electrical systems, including alterations, repairs, replacement equipment, appliances, fixtures, fittings and appurtenances thereto.
 - c. *102.6 Existing Structures.* The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as it specifically covered in this code or as is deemed necessary by the Code Official for the general safety and welfare of the occupants and the public.
 - d. *103.3 Deputies.* In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Code Official shall have the authority to appoint a deputy Code Official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the Code Official.
 - e. *104.10 Modifications.* Wherever there are practical difficulties involved in carrying out the provisions of this code, the Building Official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the Code Official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety or structural requirements. If such requested modification involves fire apparatus, emergency access drives, fire suppression and/or fire alarm systems, then the modification must also be approved by the fire plan reviewer. The details of action granting modifications shall be recorded and entered in the files of building inspection.

- f. *105.1 Required.* Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done shall first make application to the Code Official and obtain the required permit. An original letter of intent from all contractors listed on permit stating that they will be performing work on said project shall be submitted prior to issuance of a building permit.
- g. *105.2 Work exempted from permit.* Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

BUILDING:

- (1) Retaining walls that are not over three (3) feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
- (2) Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- (3) Prefabricated swimming pools that are less than twenty-four (24) inches (610 mm) deep and do not exceed five thousand (5000) gallons (18,927 L).

ELECTRICAL:

- (1) *Repairs and maintenance.* A permit shall not be required for minor repair work, including the replacement of fixtures or the connection of approved portable electric equipment to approved permanently installed receptacles.

GAS:

- (1) Portable heating appliance.
- (2) Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

MECHANICAL:

- (1) Portable heating appliance; cooking or clothes drying appliances.
- (2) Portable ventilation appliances such as listed fans, space heaters or similar appliances.
- (3) Portable cooling units.
- (4) Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code that does not alter approval of equipment or make such equipment unsafe.
- (5) Replacement of any minor part that does not alter the approval of equipment or make such equipment unsafe.
- (6) Portable evaporative cooler.
- (7) Self-contained refrigeration systems containing five (5) pounds (2.27 kg) or less of refrigerant or that are actuated by motors of one (1) horsepower (746 W) or less unless the

unit is of portable design.

- (8) Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

PLUMBING:

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

EMERGENCY REPAIRS: Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the Code Official.

REPAIRS: Application or notice to the Code Official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support or the removal or change of any required means of egress or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

PUBLIC SERVICE AGENCIES: A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

h. *105.3.1 Application for demolition permit.*

- (1) To obtain a fifteen (15) day complete structure demolition permit, the applicant shall first file an application therefore in writing on a form furnished by the Code Official for that purpose. Such application shall provide:
 - (a) A site plan showing the location of the building or structure to be demolished and of all existing buildings on the property. The plan shall additionally show any necessary means of pedestrian protection as required by the Paola Building Code.
 - (b) The location where the demolition debris will be deposited.
 - (c) The height and the total square footage of the building.

- (d) Evidence of required street closure permit.
 - (e) The name and address of the owner of the building.
 - (f) The type of equipment or method used to demolish the building.
 - (g) Evidence that all public utilities have been disconnected.
 - (h) Proof of insect and/or rodent abating of any building at least ten (10) days before the demolition may be required.
 - (i) Proof of permission from the owner to demolish the building.
 - (j) Evidence that proper erosion control will be provided for the site during demolition as well as during seeding and final grading of site.
 - (k) Evidence that the structure has been inspected for asbestos. If asbestos is found, evidence shall be provided to indicate how the asbestos is to be removed and where it will be disposed.
 - (l) Site plan, which shall indicate proposed grading and seeding.
- (2) To obtain a thirty (30) day partial structure or interior demolition permit, the applicant shall first file an application therefore in writing on a form furnished by the Code Official for that purpose. Such application shall provide:
- (a) Identify and describe the work to be covered by the permit for which application is made.
 - (b) Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
 - (c) Indicate the use and occupancy for which the proposed work is intended.
 - (d) Be accompanied by construction documents and other information as required by Code Official.
 - (e) State the valuation of the proposed work.
 - (f) Be signed by the applicant or the applicant's authorized agent.
 - (g) Give such other data and information as required by the Code Official.

Said permit will be issued in conjunction with permit for proposed new construction.

- i. *106 Construction documents—submittal documents.* Construction documents, statement of special inspections and other data shall be submitted in one (1) or more sets with each permit application. At least five (5) sets of plans shall be submitted for all new construction with at least three (3) sets being submitted

for all alteration projects. The construction documents shall be prepared by a registered design professional where required by the Statues of the jurisdiction in which the project is to be constructed. Where special conditions exist, the Code Official is authorized to required additional construction documents to be prepared by a registered design professional.

- i. Exception: The Code Official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is non-structural and does not include modification or removal of existing foundation, floor, wall or roof supports.
- j. *106.2 Site plan.* There shall be a site plan showing, to scale, the size and location of all new construction and all existing structures on the site including easements, sewers, drains, utilities, etc., distances from lot lines, established street grades and the proposed finished grades and it shall be drawn in accordance with an accurate boundary line survey. All decks, balconies, overhangs or other building protrusions shall be indicated and dimensioned. In the case of demolition, the plot plan shall show all construction to be demolished and the location and size for all existing structures and construction that are to remain on the site of the plot. Fire apparatus access roads provided and fire hydrant coverage as approved by the fire official shall be indicated as such on the site plan. The property owner or his or her agent shall certify to the Code Official that the top of the foundation for a building will be in conformance with the approved site plan, including building elevations, site grading, erosion control devices and building setbacks. The Code Official is authorized to waive or modify the requirement for a site plan when the application or permit is for alteration or repair and does not affect the exterior features of the building.
- k. *106.3.4.3 Design professional* Construction documents, if required, shall be prepared by a Kansas registered professional as required by the Kansas Board for Architects, Professional Engineers and Land Surveyors.
- l. *107.1 General.* The Code Official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service and are only allowed if authorized under the Paola land development ordinance and the provisions of this code, the Code Official may grant extensions for these uses for demonstrated cause.
- m. *107.2 Conformance.* Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.
- n. *107.3 Temporary power.* The Code Official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the

requirements specified for temporary lighting, heat or power in NFPA 70 National Electrical Code, 2005.

- o. *108.2 Schedule of permit fees.* On buildings, structures, electrical, gas, mechanical, elevator equipment and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required in accordance with the City of Paola fee schedule.
- p. *108.4 Work commencing before permit issuance.* Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before first obtaining the necessary permits shall be charged double the normal required permit fee. The payment of such double fee shall not relieve any persons from fully complying with the requirements of this code in the execution of the work nor from any other penalties presented herein.
- q. *108.6 Refunds.* Unless specifically set forth herein, all fees paid are non-refundable. The Code Official may authorize refunding of any fee paid hereunder, which was erroneously paid or collected. The Code Official may authorize refunding of not more than eighty percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with the Paola Building Code. The Code Official may authorize refunding of not more than eighty percent (80%) of the plan review fee when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done. The Code Official shall not authorize refunding of any fee paid except on written application filed by the original permit holder not later than ninety (90) days after the date of fee payment, as long as work has not commenced.
- r. *109.3.5 Lath and gypsum board inspection.* Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.
- s. *109.3.7 Energy efficiency inspections.* Inspections shall be made to determine compliance with Chapter 13 and shall include, but not be limited to, inspections for: envelope insulation R and U values, duct system R value and HVAC and water-heating equipment efficiency.
- t. *109.3.8 Roofing inspections.* Roofing inspections shall be made at the midpoint of roofing installation and after roofing installation is complete.
- u. *109.3.9 Other inspections.* In addition to the inspections specified above, the Code Official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the Department of Building Inspections.
- v. *109.3.10 Special inspections.* For special inspections, see Section 1704.
- w. *109.3.11 Fire protection inspections.* Inspection of all fire protection systems.
- x. *109.3.12 Final inspection.* The final inspection shall be made after all work

required by the building permit is completed.

- y. *110.3 Temporary occupancy.* The Code Official is authorized to issue a temporary certificate of occupancy (TCO) before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The Code Official shall set a time period during which the temporary certificate of occupancy is valid, provided however that such time period shall not exceed forty-five (45) days. The Code Official is authorized to renew the temporary certificate of occupancy for two (2) additional periods not exceeding forty-five (45) days for each renewal.
- z. *1612.3 Establishment of flood hazard areas.* To establish flood hazard areas, the Governing Body shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for the City of Paola, Miami County, Kansas" dated August, 2008 (mmyy only), 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.
- aa. *3408.1 Conformance.* Structures moved into or within the jurisdiction shall comply with the provisions of this code and all other City of Paola requirements for new structures.
- ab. *3410.2 Applicability.* Structures existing prior to (date building codes adopted in Paola), in which there is work involving additions, alterations or changes or occupancy, shall be made to conform to the requirements of this Section or the provisions of Sections 3403.0 through 3407.0. The provisions in Sections 3410.2.1 through 3410.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R and S. These provisions shall not apply to buildings with occupancies in use Group H or I.
- ac. *G103.4 Activities in riverine flood hazard areas.* In riverine flood hazard areas where design flood elevations are specified but floodways have not been designated, the floodplain administrator shall not permit any new construction, substantial improvement or other development, including fill, unless the applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachment, will not increase the design flood elevation more than 0.01 foot at any point within the community.
- ad. *G105 Variances.* All requests for variances shall be in accordance with the City of Paola land development ordinance.
- ae. *G201 Definitions.* Refer to Chapter 2 for general definitions and the City of Paola land development ordinance for specific definitions.
- af. *G501.1 Manufactured homes, elevation.* All new and replacement manufactured

homes to be placed or substantially improved in a flood hazard area shall be elevated such that the lowest floor of the manufactured home is elevated to or above three (3) feet above the base flood elevation.

- ag. *H101.1 Signs, general.* Sign standards shall be as outlined in the City of Paola land development ordinance. A sign shall not be erected in a manner that would confuse or obstruct the view of or interfere with exit signs required by Chapter 10 or with official traffic signs, signals together with their supports, braces, guys and anchors, shall be kept in repair and in proper state of preservation. The display surfaces of signs shall be kept neatly painted or posted at all times.
- ah. *H102.1 Definitions.* For definitions pertinent to this standard refer to the City of Paola Land Development Ordinance, Section 7. Refer to Chapter 2 of the International Building Code for general definitions.
- ai. *H103.1 Location restrictions.* Signs shall not be erected, constructed or maintained so as to obstruct any fire escape or any window or door or opening used as a means of egress or so as to prevent free passage from one part of a roof to any other part thereof. A sign shall not be attached in any form, shape or manner to a fire escape, nor be placed in such manner as to interfere with any opening required for ventilation and as required by Section 7 of the City of Paola land development ordinance.
- aj. *H106.2 Electrical service.* Signs that require electrical service shall comply with the National Electrical Code.
- ak. *Section H115 Referenced standards.*

ASTM D 635-03 Test Method for Rate of Burning and/or extent and time of burning of self-supporting plastics in a horizontal position	H107.1.1
ICC EC-06 NFPA 70 National Electrical Code	H106.1, H106.2
NFPA 701-99 Methods of Fire Test for Flame Propagation of textiles and films	H106.1.1

4. *International Building Code—additions.* The following Chapters, Sections and Subsections of the 2006 Edition of the International Building Code are hereby added as follows.

- a. *115.1.1 Vacant Structures.*
 - (1) A vacant structure or vacant portion of a structure shall be secured against entry by trespassers or animals (including birds) and put in a safe, stable condition. The owner shall cause all exterior doors and windows to be locked and secured at all times. If any exterior windows or doors of such building have broken glass or broken panels, then the owner shall cause such openings to be closed by repairing or replacing the damaged unit in a

good and workmanlike manner or by boarding the opening. If the owner chooses to board up such openings, he/she shall use weather-resistant plywood of at least three-eighths (3/8) inch thickness cut to fit the opening size and shall attach such plywood to the exterior of all such openings using wood screws of at least one and one-half (1 1/2) inches long placed twelve (12) inches on center. Such plywood shall be of a color or coated with a color which blends with the exterior of the building.

- (2) If any other opening exists in the building envelope (walls, foundations, fascia, soffit, roof or other), the owner shall cause such openings to be closed in a good and workmanlike manner using material approved for such purpose.
- (3) The building must have a sound foundation and be free from excessive leaning, sagging or buckling members and shall be secured to afford the building and its contents protection from the elements.
- (4) Exterior porches, stairs, landings, retaining walls and other structures shall be put in good repair or removed.

- b. *1008.4.1 Purpose.* The purpose of this Section is to establish minimum standards that incorporate physical security to make dwelling units resistant to unlawful entry.
- c. *1008.4.1.1 Scope.* The provisions of this Section shall apply to all new structures and to alterations, additions and repairs as stipulated in Chapter 34 of this code.
- d. *1008.4.2 Doors.* Except for vehicular access doors, all exterior swinging doors of residential buildings and attached garages, including the doors leading from the garage area into the dwelling unit, shall comply with Sections 1008.4.2.1 through 1008.4.2.5 for the type of door installed.
- e. *1008.4.2.1 Wood doors.* Where installed, exterior wood doors shall be of solid core construction such as high-density particleboard, solid wood or wood block core with a minimum thickness of one and three-fourths (1 3/4) inches at any point. Doors with panel inserts shall be solid wood. The panels shall be a minimum of one (1) inch thick. The tapered portion of the panel that inserts into the groove of the door shall be a minimum of one-quarter (1/4) inch thick. The groove shall be a dado groove or applied molding construction. The groove shall be a minimum of one-half (1/2) inch in depth.
- f. *1008.4.2.2 Steel doors.* Where installed, exterior steel doors shall be a minimum thickness of twenty-four (24) gauge.
- g. *1008.4.2.3 Fiberglass doors.* Fiberglass doors shall have a minimum skin thickness of one-sixteenth (1/16) inch and have reinforcement material at the location of the deadbolt.
- h. *1008.4.2.4 Double doors.* Where installed, the inactive leaf of an exterior double door shall be provided with flush bolts having an engagement of not less

than one (1) inch into the head and threshold of the door frame.

- i. *1008.4.2.5 Sliding doors.* Where installed, exterior sliding doors shall comply with all of the following requirements:
 - (1) Sliding door assemblies shall be installed to prevent the removal of the panels and the glazing from the exterior with the installation of shims or screws in the upper track.
 - (2) All sliding glass doors shall be equipped with a secondary locking device consisting of a metal pin or a surface mounted bolt assembly. Metal pins shall be installed at the intersection of the inner and outer panels of the inside door and shall not penetrate the frame's exterior surface. The surface mounted bolt assembly shall be installed at the base of the door.
- j. *1008.4.3 Door frames.* The exterior door frames shall be installed prior to a rough-in inspection. Door frames shall comply with Sections 1008.4.3.1 through 1008.4.3.3 for the type of assembly installed.
- k. *1008.4.3.1 Wood frames.* Wood door frames shall comply with all of the following requirements:
 - (1) All exterior door frames shall be set in frame openings constructed of double studding or equivalent construction, including garage doors, but excluding overhead doors. Door frames, including those with side lights, shall be reinforced in accordance with ASTM F476-84 Grade 40.
 - (2) In wood framing horizontal blocking shall be placed between studs at the door lock height for three (3) stud spaces or equivalent bracing on each side of the door opening.
- l. *1008.4.3.2 Steel frames.* All exterior door frames shall be constructed of eighteen (18) gauge or heavier steel and reinforced at the hinges and strikes. All steel frames shall be anchored to the wall in accordance with manufacturer specifications. Supporting wall structures shall consist of double studding or framing of equivalent strength. Frames shall be installed to eliminate tolerances inside the rough opening.
- m. *1008.4.3.3 Door jambs.* Door jambs shall be installed with solid backing in a manner so that no void exists between the strike side of the jamb and the frame opening for a vertical distance of twelve (12) inches each side of the strike. Filler material shall consist of a solid wood block.
- n. *1008.4.4 Door hardware.* Exterior door hardware shall comply with Sections 1008.4.4.1 through 1008.4.4.6.
- o. *1008.4.4.1 Hinges.* Hinges for exterior door hardware shall comply with the following:
 - (1) At least two (2) screws, three (3) inches in length, penetrating at least one (1) inch into wall structure shall be used. Solid wood fillers or shims shall be used to eliminate any space between the wall structure and door frame

behind each hinge.

(2) Hinges for out-swinging doors shall be equipped with mechanical interlock to preclude the removal of the door from the exterior.

- p. *1008.4.4.2 Strike plates.* Exterior door strike plates shall be a minimum of eighteen (18) gauge metal with four (4) offset screw holes. Strike plates shall be attached to wood with not less than three (3) inch screws, which shall have a minimum of one (1) inch penetration into the nearest stud. Note: For side lighted units, refer to Section 1008.4.4.6.
- q. *1008.4.4.3 Escutcheon plates.* All exterior doors shall have escutcheon plates or wraparound door channels installed around the lock protecting the door's edge.
- r. *1008.4.4.4 Locks.* Exterior doors shall be provided with a locking device complying with one (1) of the following: Single cylinder deadbolt shall have a minimum projection of one (1) inch. The deadbolt shall penetrate at least three-fourths (3/4) inch into the strike receiving the projected bolt. The cylinder shall have a twist-resistant, tapered hardened steel cylinder guard. The cylinder shall have a minimum of five (5) pin tumblers, shall be connected to the inner portion of the lock by solid metal connecting screws at least one-fourth (1/4) inch in diameter and two and one-fourth (2 1/4) inches in length. Bolt assembly (bolt housing) unit shall be of single piece construction. All deadbolts shall meet ANSI grade 2 specifications.
- s. *1008.4.4.5 Entry vision and glazing.* All main or front entry doors to dwelling units shall be arranged so that the occupant has a view of the area immediately outside the door without opening the door. The view may be provided by a door viewer having a field of view of not less than one hundred eighty degrees (180°) through windows or through view ports.
- t. *1008.4.4.6 Side lighted entry doors.* Side light door units shall have framing of double stud construction or equivalent construction complying with Sections 1008.4.3.1, 1008.4.3.2 and 1008.4.3.3. The door frame that separates the door opening from the side light, whether on the latch side or the hinge side, shall be double stud construction or equivalent construction complying with Sections 1008.4.3.1 and 1008.4.3.2. Double stud construction or construction of equivalent strength shall exist between the glazing unit of the side light and wall structure of the dwelling.
- u. *1008.4.5 Street numbers.* Street numbers shall comply with Section 501.2.
- v. *1008.4.6 Exterior lighting.* Exterior lighting shall comply with NFPA National Electric Code, 2005, Section 210.70.
- w. *3001.5 Acceptance inspections.* All elevator equipment shall have an acceptance inspection and test performed and approved in accordance with ASME A17.1 requirements. Prior to the issuance of a certificate of occupancy, a copy of this inspection shall be forwarded to the City of Paola.
- x. *3001.6 Periodic inspections.* All elevator equipment shall have periodic

inspections and testing performed and approved in accordance with ASME A17.1 requirements.

y. *3303.7 Wrecking, demolishing or razing.*

- (1) No person, firm or corporation shall wreck, demolish or raze a building or other structure within the jurisdiction of the City of Paola, Kansas, without first obtaining a permit therefore from the Code Official. Such permit shall be issued only to an insured person, firm or corporation as hereinafter provided. A permit may be issued to an uninsured owner of record of land who desires to wreck or demolish or raze any building thereon, except that if such building shall be more than two (2) stories high or shall be less than ten (10) feet back from the street property line, such owner shall be required to give a certificate of insurance to the City of Paola as hereinafter provided and required from persons, firms or corporations engaged in the business of wrecking, demolishing or razing buildings.
- (2) All applications for permits to wreck, demolish or raze a building or other structure shall be made to the Code Official and every such application shall state the location of the building or structure to be wrecked, demolished or razed, its length, width, height and the principal materials of its construction, the length of time that will be required to wreck, demolish or raze such building or structure and the proof of permission of the owner to demolish. The name, address and phone number of the demolition debris landfill where demolition debris will be disposed. A satisfactory pre-demolition evaluation inspection from the office of community development and an approval for the abandonment of the on-site wastewater system or approval for reuse of the on-site wastewater system by the Miami County Environmental Health Department, as necessary, shall be required. If such application complies with the terms and provisions of this Section, then the Code Official shall issue such permit; provided however, that if such work is not begun within sixty (60) days after issuance of the permit, such permit shall expire by limitation and be void.
- (3) Every person, firm, partnership, corporation or joint venture shall provide evidence of contractor's general liability insurance with explosion, collapse and underground hazards specifically included prior to the City's issuance of a permit for demolition, wrecking or razing of any structure. Proof of such insurance shall be evidenced by a certificate of insurance signed by the insurer and/or the insurer's agent and shall certify the name of the insurance and his/her address, the amounts and types of insurance actually in force and limitation to the locality covered by the policy, the policy beginning and ending dates and an agreement to notify, in writing, the City of Paola's Building Department fifteen (15) days prior to the termination of the policy. Such insurance shall be retained in force at all times during demolition, wrecking or razing of the structure or structures for which a permit is issued. Any permit issued in this Section shall

automatically terminate upon the lapse or termination of the required insurance coverage.

- (3) Minimum coverage shall be in the following amounts:
 - (3) General liability: \$2,000,000.
 - (3) The amounts stated above shall be deemed minimum coverage and shall not preclude the Code Official from requiring greater coverage, when, in his/her judgment, the means, scope, method, special conditions or circumstances of the demolitions, wrecking or razing so dictate.
 - (4) The issuance of a permit hereunder shall be conditioned among other things mentioned that such person, firm or corporation will pay any and all damage which may be caused to any property, public or private, within Paola and the Community Growth Area and any and all claims for personal injury when injury is caused or inflicted by such person, firm or corporation or their agents, servants, employees, contractors or subcontractors and shall further condition that the City of Paola shall be saved harmless from all costs, loss or expense arising out of the carrying on of such business.
 - (5) In the wrecking, demolishing or razing of any building or structure, the work shall be carried on in conformance with good engineering practice. Backfill material shall be clean earth, free from organic matter. Use of any other type of backfill material shall require authorization of the Code Official and shall be stated on the permit. Should stone, brick or concrete be authorized as a supplement for a portion of the backfill, it must be a minimum of twelve (12) inches below grade level. The supplement should not exceed twenty percent (20%) of the total backfill and should be thoroughly compacted.
- z. *3403.5 Elevators.* Where there is an elevator or elevators for public use, at least one (1) elevator serving the area shall comply with this Section. Existing elevators with a travel distance of twenty-five (25) feet shall comply with this Section. Existing elevators with a travel distance of twenty-five (25) feet (7,620 mm) or more above or below the main floor or other level of a building and intended to serve the needs of emergency personnel for fire-fighting or rescue purposes shall be provided with emergency operation in accordance with ASME A17.3. New elevators shall be provided with Phase I emergency recall operation and Phase II emergency in-car operation in accordance with ASME A17.1.
- aa. *3408.2 Paola Land Development Ordinance Conformance.* Structures moved into or within the City of Paola, Kansas, and its jurisdiction shall comply with the Paola land development ordinance.

Section 500.200. Incorporation of International Residential Code for One- and Two-Family Dwellings.

- A. There is incorporated by reference, for the purpose of adopting regulations, provisions,

terms and specifications for the control of buildings and structures within the City of Paola and the Community Growth Area, the 2006 International Residential Code, dated February, 2006, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended by this Section and including such new and additional provisions added to said code by this Section. Not less than one (1) copy of said 2006 International Residential Code shall be marked "Official Copy as Adopted by Ordinance No. 3005", to which shall be attached a copy of the ordinance codified herein and filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours.

1. *International Residential Code for One- and Two-Family Dwellings—appendices adopted.* The following appendices are adopted as part of the International Building Code.
 - a. Appendix A—Sizing and Capacities of Gas Piping.
 - b. Appendix B—Sizing of Venting Systems.
 - c. Appendix C—Exit Terminals.
 - d. Appendix D—Safety Inspections.
 - e. Appendix E—Manufactured Housing.
 - f. Appendix F—Radon Control Methods.
 - g. Appendix G—Swimming Pools, Spas and Hot Tubs.
 - h. Appendix H—Patio Covers.
 - i. Appendix J—Existing Buildings and Structures.
 - j. Appendix K—Sound Transmission (as referenced).
 - k. Appendix M—Home Day Care—R3 Occupancy (as referenced).
 - l. Appendix N—Venting Methods.
 - m. Appendix Q—IRC Electrical Provisions/NEC Cross reference.
2. *International Residential Code for One- and Two-Family Dwellings—deletions.*
 - a. Sections R103, R104, R105, R106. The following Chapters, Sections and Subsections of the 2006 Edition of the International Residential Code for One- and Two-Family Dwellings are hereby deleted: R107, R108, R109, R110, R111, R112, R113 and R114.
 - b. Table R302.1.
 - c. Section R324.
 - d. Table R404.1 (1).
 - e. Table R404.1 (2).

- f. Table R404.1 (3).
 - g. Subsection R404.1.3.
 - h. Subsection R613.2.
 - i. Subsection R907.3, item 4.
 - j. Chapter 11.
 - k. Subsection E3801.4.2.
 - l. Subsection E3802.12.
3. *International Residential Code for One- and Two-Family Dwellings—amendments.* The following Chapters, Sections and Subsections of the 2006 Edition of the International Residential Code for One- and Two-Family Dwellings are hereby amended as follows.
- a. *R101.1 Title.* These provisions shall be known as the Residential Code for One- and Two-Family Dwellings of the City of Paola and the Community Growth Area and shall be cited as such and will be referred to herein as "this Code".
 - b. *Table R301.2. (1)* is hereby amended to read as follows.

Table R301.2(1)
Climatic and Geographic Design Criteria
Subject To Damage From

Ground Snow Load	Wind Speed^d (mph)	Seismic Design Category^f	Weathering^a	Frost Line Depth^b	Termite^c	Winter Design Temp^a	Air Freezing Indexⁱ	Mean Annual Temperature^j
20 psf	90	A	Severe	36 inches	Moderate to severe	6°F	1,000	55°F

For SI: 1 pound per square foot = 0.0479 kN/m.0 2, 1 mile per hour = 1.609 km/h.

- c. *R302.1 Exterior walls.* Construction, projections, openings and penetrations of exterior walls of dwellings and accessory buildings shall be of one-hour fire-resistive construction where located within ten (10) feet of a lot line or between another building located on the same lot.
- d. *Subsection R303.3 Bathrooms.* Bathrooms, water closet compartments and other similar rooms shall be provided with a mechanical ventilation system with a ventilation rate of fifty (50) cfm (23.6 L/s) for intermittent ventilation or twenty (20) cfm (9.4 L/s) for continuous ventilation. Ventilation air from the space shall be exhausted directly to the outside. Exhaust fans serving a space containing only a water closet and/or a lavatory may be of an approved charcoal filter recirculating type.

- e. *Subsection R309.1.1 Duct penetration.* Ducts in the garage and ducts penetrating the walls or ceilings separating the dwelling from the garage shall be constructed of a minimum No. 26 gauge (0.48 mm) sheet steel or other approved material. Supply ducts with openings into a garage shall be provided with listed fire dampers installed in line with the wall, floor/ceiling or roof/ceiling assembly providing the separation required by Section R309.2.
- f. *R401.4.1 Geotechnical evaluation.* In lieu of a complete geotechnical evaluation, the load-bearing values of soils in the City of Paola and the Community Growth Area shall be assumed to be one thousand five hundred (1,500) psf for typical clays and four thousand (4,000) psf for sedimentary rock.
- g. *R403.1.4 Minimum depth.* All exterior footings and foundation systems shall extend below the frost line specified in Table R301.2 (1). All exterior footings shall be placed at least thirty-six (36) inches (914 mm) below the undisturbed ground or shall bear directly on solid natural rock.
- h. *R403.1.5 Slope.* The top surface of footings shall be level. The bottom surface of footings shall not have a slope exceeding one (1) unit vertical in ten (10) units horizontal (10% slope). Footings shall be stepped where it is necessary to change the elevation of the top surface of the footings or where the slope of the bottom surface of the footings will exceed one (1) unit vertical in ten (10) units horizontal (10% slope). Vertical steps in footings shall be formed between levels with reinforcing required for footings run continuous and unspliced a minimum distance of twenty-four (24) inches in the upper and lower levels of the step.
- i. *R403.1.6 Foundation anchorage.* The sole plate at exterior walls shall be anchored to the foundation with anchor bolts spaced a maximum of three (3) feet on center. There shall be a minimum of two (2) bolts per plate section with one (1) bolt located not more than twelve (12) inches or less than seven (7) bolt diameters from each end of the plate section. Bolts shall be at least one-half (1/2) inch in diameter and shall extend a minimum of seven (7) inches into masonry or concrete and be capable of having washer and nut fully installed on bolt. Interior wall sole plates shall be positively anchored with approved fasteners. A nut and washer shall be tightened on each bolt of the plate. Sills and sole plates in contact with concrete shall be protected against decay and termites in accordance with Section R 319 and R320.
- j. *Concrete and masonry foundation walls.* Concrete and masonry foundation walls shall be selected and constructed in accordance with the provisions of this Section or in accordance with ACI 318, ACI 332, NCMA- TR68-A or ACI 530/ASCE 5/TMS 402 or other approved structural standards.
- k. *R404.1.1 Masonry foundation walls.* Concrete masonry and clay masonry foundation shall be constructed as set forth in Table R404.1.1 (1), R404.1.1 (2), R404.1.1 (3) or R404.1.1 (4) and the applicable provisions of Sections R606, R607 and R608.

1. *R404.1.2 Concrete foundation walls.* Concrete foundation walls shall be constructed as set forth in Table R404.1.1 (5).
- m. *Table R404.1.1 (5)* shall be amended as follows:

Table R404.1.1 (5)
Concrete Foundation Walls Minimum Vertical Reinforcement

Maximum Wall Height (feet)	Wall Thickness (inches)		
	7.5	9.5	11.5
4	24	30	36
5	24	30	36
6	24	30	36
7	24	30	36
8	24	30	36
9	16	24	30
10	12	18	24

Notes to Table:

1. Reinforcing is based upon minimum yield strength of 60,000 psi. Reinforcement with a minimum yield strength of 40,000 psi or 50,000 psi is permitted, provided the same size bar is used and the spacing shown in the table is reduced by multiplying the spacing by 0.67 or 0.83, respectively.
2. Horizontal reinforcing shall be spaced at a maximum of twenty-four (24) inches on center with one (1) bar located within twelve (12) inches of the top and bottom of the wall.
3. Spacing is based upon minimum #4 reinforcing bar. In lieu of #4 reinforcing bar, a larger bar size may be used, provided the bar spacing results in an equivalent cross-sectional area of reinforcement per linear foot of wall.
4. Reinforcement shall be placed nearest the inside face of the wall a distance d from the outside face (soil side) of the wall. The distance d is equal to the wall thickness, t , minus one and one-quarter (1.25) inches plus one-half (1/2) the bar diameter, d_b ($d = t (1.25 + d_b/2)$). The reinforcement shall be placed within a tolerance of $\pm 3/8$ inch where d is less than or equal to eight (8) inches or $\pm 1/2$ inch where d is greater than eight (8) inches.
5. Concrete cover for reinforcement measured from the inside face of the wall shall not be less than three-quarters (3/4) inch. Concrete cover for reinforcement measured from the outside face of the wall shall not be less than one and one-half (1 1/2) inches for #5 bars and smaller and not less than two (2) inches for larger bars.
6. Concrete shall have a minimum compressive strength of not less than 3,000 pal at twenty-eight (28) days.
7. Walls with an unbroken wall line greater than twenty-five (25) feet shall be provided with pilasters or shall be designed.

8. Walls exceeding seven (7) feet in height shall be restrained at bottom by floor slab.
9. Walls exceeding ten (10) feet in height require engineered design.
10. Foundations bearing on soils with different bearing capacities as established by Table R401.4.1 require an engineered design.

- n. *R405.1 Foundation drains.* Drains shall be provided around the exterior of all concrete or masonry foundations that retain earth and inside of the building perimeter under basement floor slabs. Drainage tiles, perforated pipe or other approved systems or materials shall be installed below the area to be protected and shall discharge by gravity or mechanical means.
- n. Drainage tiles or perforated pipe installed around the exterior perimeter shall have a minimum diameter of four (4) inches. Drainage tiles or perforated pipe installed on the inside of the foundation shall have a minimum diameter of three (3) inches.
- n. Drainage tiles or perforated pipe installed on the exterior perimeter of the building shall be placed on a minimum of two (2) inches of washed gravel or crushed rock at least one (1) sieve size larger than the tile joint or perforation and be covered with not less than six (6) inches of the same material. The top and sides of the gravel or crushed stone encapsulating the drainage tile or perforated pipe shall be covered with an approved filter membrane material to prevent clogging of the foundation drainage system.
- o. *R506.1 General.* Concrete slab-on-ground floors shall be a minimum three and one-half (3.5) inches (89 mm) thick. Slabs on natural undisturbed soils or rock shall be provided with reinforcing consisting of #4 rebar placed at not more than twenty-four (24) inches on center each way. The specified compressive strength of concrete shall be as set forth in Section R402.2.
- p. *R801.3 Roof drainage.* In areas where expansive or collapsible soils are known to exist, all dwellings shall have a controlled method of water disposal from roofs that will collect and discharge all roof drainage to the ground surface at least three (3) feet (914 mm) from foundation walls or to an approved drainage system. Drainage shall not be directed to neighboring properties.
- q. *P2503.4 Building sewer testing.* The Code Official may require the building sewer to be tested by insertion of a test plug at the point of connection with the public sewer and filling the building sewer with water, testing with not less than a ten (10) foot (3,048 mm) head of water and be able to maintain such pressure for fifteen (15) minutes.
- r. *P2503.5.1 Rough plumbing.* The Code Official may require DWV systems to be tested on completion of the rough piping installation by water or air with no evidence of leakage. Either test shall be applied to the drainage system in its entirety or in sections after rough piping has been installed, as follows:

- (1) *Water test.* Each section shall be filled with water to a point not less than ten (10) feet (3,048 mm) above the highest fitting connection in that section or to the highest point in the completed system. Water shall be held in the section under test for fifteen (15) minutes before inspection. The system shall prove leak free by visual inspection.
 - (2) *Air test.* The portion under test shall be maintained at a gauge pressure of five (5) psi (34 kPa) or ten (10) inches of mercury column (2,488 Pa). This pressure shall be held without introduction of additional air for a period of fifteen (15) minutes.
- s. *P2504.6 Water-supply testing.* The Code Official may require the water-supply system to be tested. Upon completion of the water-supply system or a section of it, the system or portion completed shall be tested and proved tight under a water pressure of not less than the working pressure of the system or, for piping systems other than plastic, by an air test of not less than fifty (50) psi. This pressure shall be held for not less than fifteen (15) minutes. The water used for tests shall be obtained from a potable water source. The contractor or individual responsible for the installation shall perform the required test. The Code Official may require that a report be submitted detailing the results of the test.
 - t. *P2603.3 Breakage and corrosion.* Pipes passing through or under walls shall be protected from breakage. Pipes passing through concrete or cinder walls and floors, cold-formed steel framing or other corrosive material shall be protected against external corrosion by a protective sheathing or wrapping or other means that will withstand any reaction from lime and acid of concrete, cinder or other corrosive material. Sheathing or wrapping shall allow for expansion and contraction of piping to prevent any rubbing action. Minimum wall thickness of material shall be twenty-five thousandths (0.025) inch (0.64 mm). Water service piping shall be galvanized steel or copper pipe or tubing from a point fifteen (15) feet outside of a building to a point no less than twelve (12) inches inside of a building.
 - u. *P2603.6 Freezing.* A water, soil or waste pipe shall not be installed outside of a building, in exterior walls, in attics or crawl spaces or in any other place subjected to freezing temperature unless adequate provision is made to protect it from freezing by insulation or heat or both. Water service pipe shall be installed not less than thirty-six (36) inches (914 mm) deep.
 - v. *R112.1 General.* In order to hear and decide appeals of orders, the application and interpretation of this code, there shall be and is hereby created a Board of Appeals. The Code Official shall be an ex officio member of said Board but shall have no vote on any matter before the Board. The Board of Appeals shall be appointed by the Governing Body and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Code Official.
 - w. *R112.2 Limitations on authority.* An application for appeal shall be based on a

claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The Board shall have no authority to waive requirements of this code.

Section 500.210. Incorporation of International Plumbing Code — Amendments and Deletions.

- A. There is incorporated by reference, for the purpose of adopting regulations, provisions, terms and specifications for the control of buildings and structures within the City of Paola and the Community Growth Area, the 2006 International Plumbing Code, dated January, 2006, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended by this Section and including such new and additional provisions added to said code by this Section. Not less than one (1) copy of said 2006 International Plumbing Code shall be marked Official Copy as Adopted by Ordinance No. 3005, to which shall be attached a copy of the ordinance codified herein and filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours.
1. (Reserved)
 2. *International Plumbing Code—amendments.* The following Chapters, Sections and Subsections of the 2006 Edition of the International Plumbing Code are hereby amended as follows.
 - a. *101.1 Title.* These regulations shall be known as the City of Paola and the Community Growth Area Plumbing Code hereinafter referred to as "this Code".
 - b. *305.6 Freezing.* Water, soil and waste pipes shall not be installed outside of a building, in attics or crawl spaces, concealed in outside walls or in any other place subjected to freezing temperature unless adequate provision is made to protect such pipes from freezing by insulation or heat or both. Exterior water supply system piping shall be installed not less than thirty-six (36) inches below grade.
 - c. *305.6.1 Sewer depth.* Building sewers shall be a minimum of twelve (12) inches below grade.
 - d. *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.
 - e. *1003.4 Oil separators required.* At repair garages; gasoline stations with grease racks, grease pits or work racks; car washing facilities with engine or undercarriage cleaning capability; and at factories where oily and flammable liquid wastes are produced, separators shall be installed into which all oil-bearing, grease-bearing or flammable wastes shall be discharged before emptying in the building drainage system or other point of disposal.
 - e. Oil separators shall not be connected to any private sewage disposal system

unless first approved by the City of Paola and the Miami County Director of Environmental Health.

- f. *608.6 Cross-connection control.* Cross-connections shall be prohibited, except where approved protective devices are installed. Double check valves shall not be used in any required cross-connection control application.

Section 500.220. Incorporation of International Mechanical Code — Amendments and Deletions.

A. There is incorporated by reference, for the purpose of adopting regulations, provisions, terms and specifications for the control of buildings and structures within the City of Paola and the Community Growth Area, the 2006 International Mechanical Code, dated January, 2006, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended by this Section and including such new and additional provisions added to said code by this Section. Not less than one (1) copy of said 2006 International Mechanical Code shall be marked Official Copy as Adopted by Ordinance No. 3005, to which shall be attached a copy of the ordinance codified herein and filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours.

1. (Reserved)

2. (Reserved)

3. *International Mechanical Code—amendments.* The following Chapters, Sections and Subsections of the 2006 Edition of the International Mechanical Code are hereby amended as follows.

- a. *101.1 Title.* These regulations shall be known as the City of Paola and Growth Area Mechanical Code hereinafter referred to as "this code".

- b. *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 shall 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.

- b. *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 fifteen (15) cubic feet and two hundred fifty (250) psi.

Section 500.230. Incorporation of International Fuel Gas Code — Amendments and Deletions.

A. There is incorporated by reference, for the purpose of adopting regulations, provisions,

terms and specifications for the control of buildings and structures within the unincorporated areas of the City of Paola and the Community Growth Area, the 2006 International Fuel Gas Code, dated January, 2006, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended by this Section and including such new and additional provisions added to said code by this Section. Not less than one (1) copy of said 2006 International Fuel Gas Code shall be marked Official Copy as Adopted by Ordinance No. 3005, to which shall be attached a copy of the ordinance codified herein and filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours.

1. *International Fuel Gas Code—appendices adopted.* The following appendices are adopted as part of the International Fuel Gas Code.
 - a. Appendix A—Sizing and Capacities of Gas Piping
 - b. Appendix B—Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances and Appliances Listed for Use and Type B Vents.
 - c. Appendix C—Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems
 - d. Appendix D—Recommended Procedure for Safety Inspection of an Existing Appliance Installation
2. (Reserved)
3. *International Fuel Gas Code—amendments.* The following Chapters, Sections and Subsections of the 2006 Edition of the International Fuel Gas Code are hereby amended as follows.
 - a. *101.1 Title.* These regulations shall be known as the City of Paola and the Community Growth Area Fuel Gas Code hereinafter referred to as "this code".

Section 500.240. Incorporation of National Electrical Code — Amendments and Deletions.

- A. There is incorporated by reference, for the purpose of adopting regulations, provisions, terms and specifications for the control of buildings and structures within the unincorporated areas of the City of Paola and the Community Growth Area, the 2005 National Electrical Code, dated August 5, 2004, as published by the National Fire Protection Association, Inc., excepting only such parts or portions thereof as are specifically deleted or amended by this Section and including such new and additional provisions added to said code by this Section. Not less than one (1) copy of said 2005 National Electrical Code shall be marked Official Copy as Adopted by Ordinance No. 3005, to which shall be attached a copy of the ordinance codified herein and filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours.
 1. (Reserved)
 2. (Reserved)

3. *National Electrical Code—amendments.* The following Chapters, Sections and Subsections of the 2005 Edition of the National Electrical Code are hereby amended as follows.
 - a. *90-2(b)(6)* Installations of electrical systems, equipment and components indoors and outdoors that are within the scope of the provisions of Chapters 33 through 42 of the 2006 Edition of the International Residential Code.
 - b. *210.12(b)* All 120-volt, single phase, 15- and 20-ampere branch circuits supplying outlets installed in dwelling unit bedrooms may be protected by a listed arc-fault circuit interrupter, combination type installed to provide protection of the branch circuit.

Section 500.250. Incorporation of International Wildland-Urban Interface Code — Amendments and Deletions.

There is incorporated by reference, for the purpose of adopting regulations, provisions, terms and specifications for the control of buildings and structures within the incorporated areas of the City of Paola and the Community Growth Area, the 2006 International Wildland-Urban Interface Code, dated January, 2006, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended by this Section and including such new and additional provisions added to said code by this Section. Not less than one (1) copy of said 2006 International Wildland-Urban Interface Code shall be marked Official Copy as Adopted by Ordinance No. 3005, to which shall be attached a copy of the ordinance codified herein and filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours.

Section 500.260. Incorporation of International Energy Conservation Code — Amendments and Deletions.

There is incorporated by reference, for the purpose of adopting regulations, provisions, terms and specifications for the control of buildings and structures within the incorporated areas of the City of Paola and the Community Growth Area, the 2006 International Energy Conservation Code, dated January, 2006, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended by this Section and including such new and additional provisions added to said code by Energy Conservation Code this Section. Not less than one (1) copy of said 2006 International Energy Conservation Code shall be marked Official Copy as Adopted by Ordinance No. 3005, to which shall be attached a copy of the ordinance codified herein and filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours.

Section 500.270. Incorporation of International Private Sewage Disposal Code — Amendments and Deletions.

There is incorporated by reference, for the purpose of adopting regulations, provisions, terms and specifications for the control of buildings and structures within the incorporated areas of the City of Paola and the Community Growth Area, the 2006 International Private Sewage Disposal Code, dated January, 2006, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended by this Section and

including such new and additional provisions added to said code by this Section. Not less than one (1) copy of said 2006 International Private Sewage Disposal Code shall be marked Official Copy as Adopted by Ordinance No. 3005, to which shall be attached a copy of the ordinance codified herein and filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours.

Section 500.280. Incorporation of International Code Council Performance Code — Amendments and Deletions.

There is incorporated by reference, for the purpose of adopting regulations, provisions, terms and specifications for the control of buildings and structures within the incorporated areas of the City of Paola and the Community Growth Area, the 2006 International Code Council Performance Code, dated January, 2006, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended by this Section and including such new and additional provisions added to said code by this Section. Not less than one (1) copy of said 2006 International Code Council Performance Code shall be marked Official Copy as Adopted by Ordinance No. 3005, to which shall be attached a copy of the ordinance codified herein and filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours.

Section 500.290. Incorporation of International Code Council Electrical Code Administrative Provisions — Amendments and Deletions.

There is incorporated by reference, for the purpose of adopting regulations, provisions, terms and specifications for the control of buildings and structures within the incorporated areas of the City of Paola and the Community Growth Area, the 2006 International Code Council Electrical Code Administrative Provisions, dated January, 2006, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended by this Section and including such new and additional provisions added to said code by this Section. Not less than one (1) copy of said 2006 International Code Council Electrical Code Administrative Provisions shall be marked Official Copy as Adopted by Ordinance No. 3005, to which shall be attached a copy of the ordinance codified herein and filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours.

Section 500.300. Post Frame Building Standards.

- A. *Title.* This Section shall be known as the City of Paola and the Community Growth Area Post Frame Building Standard.
- B. *Scope.* The provisions of this Section shall apply to the design and construction of post frame buildings or additions thereto intended for agricultural or residential accessory uses on tracts of property that are zoned for residential or agricultural uses. The provisions of this Section are deemed to comply with the spirit and intent of the minimum design and construction provisions of the 2006 Edition of the International Building Code. The City of Paola and the Community Growth Area offer no warranty or guarantee on buildings utilizing these design specifications.
- C. *Limitations.* Buildings designed and constructed under these provisions shall not exceed

limitations of this Section.

C. Buildings that exceed the limitations of this Subsection (C) shall be designed in accordance with requirements of the 2006 Edition of the International Building Code and requirements of the City of Paola's land development ordinance by a professional licensed by the State of Kansas to practice in the design of buildings.

1. *Area.* Buildings shall not exceed three thousand (3,000) square feet in area.
1. *EXCEPTION:* Agricultural buildings shall not be limited in area.
2. *Use.* Buildings designed and constructed under these provisions shall be limited for use as storage or agricultural buildings.
2. Buildings designed and constructed under the provisions of this standard are not intended for residential or commercial purposes. Post frame buildings intended for residential or commercial use shall have structural and architectural plans prepared by a design professional licensed by the State of Kansas showing compliance with the applicable codes and standards for the proposed use and occupancy.
3. *Height.* The sidewall height of buildings designed under these provisions shall not exceed fourteen (14) feet or one (1) story in height.
4. *Building dimensions.* The maximum width dimension of a building designed under these provisions shall not exceed forty (40) feet.
5. *Braced wall.* Buildings shall be provided with exterior braced walls. Bracing shall be located in the sidewalls at each corner by means of a nominal two (2) inch by four (4) inch diagonal brace or other approved bracing.
6. *Openings in exterior walls.* No single opening for doors, windows or other purposes that exceed sixteen (16) feet in width shall be placed in exterior walls.
6. Buildings that are open on one (1) side shall have posts embedded two (2) feet deeper than the depth required by Subsection (F)(2) of this Section or shall be provided with an acceptable brace for wind resistance.
7. *Exit required.* At least one (1) exit door complying with this Section shall be provided. Exit doors shall be of the pivoted or side hinged swinging type. The exit door opening shall be of a size to permit the installation of a door not less than three (3) feet (914 mm) in width and not less than six (6) feet eight (8) inches (2,032 mm) in height. The exit door shall be openable from the inside without the use of a key or any special knowledge or special effort.

D. *Definitions.* As used in this Section, the following terms shall have these prescribed meanings:

AGRICULTURAL BUILDING — A building that is used solely for the storage of machinery, equipment, shelter for livestock or commodities that are raised on site or other operations related to carrying on the farming operations on a tract of land of twenty (20) contiguous acres or more in area.

BRACED WALL — A wall that has been provided with diagonal bracing which meets the requirements of Subsection (G)(5) of this Section.

BUTT ENCASED — Concrete encasement of a pole or post at the lower twelve (12) inches of its embedment in the earth.

FOOTING — That portion of the foundation that spreads and transmits loads directly to the soil.

GIRT — The horizontal wall framing members that span between posts and are used to support the exterior wall covering.

POLE OR POST — A preservatively treated round, square or rectangular wood member, that is solid sawn or laminated and is intended to be embedded in the ground to support building structural loads and transmit the loads to the footing.

PURLIN — The structural members that span between rafters or trusses used to attach and support metal roof coverings and transfer the roof loads to the rafters or trusses.

E. *Design Loads.*

1. *Live load.* The roof snow load shall be twenty (20) pounds per square foot.
1. *EXCEPTION:* Agricultural buildings.
2. *Dead load.* The roof dead load shall be four (4) pounds per square foot for roofs that utilize a metal roof covering. Dead loads of seven (7) pounds per square foot shall be used if wood shakes, wood shingles or asphalt composition shingles are utilized. If other roof coverings are used, the loading specified by the roof covering manufacturer shall apply.
2. *EXCEPTION:* Agricultural buildings.
3. *Wind load.* Buildings designed and constructed under these provisions shall be considered to be designed for a ninety (90) mph wind located in an exposure C wind zone.
4. *Foundation design.* Foundations for buildings designed and constructed under provisions of these requirements shall be designed and installed in accordance with this Section. Foundations shall be designed to support the imposed load and be capable of resisting wind uplift and overturning. The loading requirements that shall be applicable for buildings designed and constructed under these provisions shall be as specified in this Section.

F. *Foundation Design.*

1. *Foundation diameter.* The diameter of holes for pole or post foundations and the required footing thickness shall be in accordance with Table 9-207.1 Footings shall be placed to a depth so that building loads are supported on natural undisturbed soils. Unless unusual site conditions exist, soils bearing capacity shall be assumed to have a one thousand five hundred (1,500) p.s.f. bearing capacity.

Table 2-212.1
Minimum Footing Dimensions

Building Width	Post Spacing	Footing Thickness	Footing Diameter
24	8 to 10 feet	8 inches	15 inches
30	8 to 10 feet	8 inches	17 inches
36	8 to 10 feet	8 inches	18 inches
40	8 to 10 feet	8 inches	18 inches

2. *Pole or post embedment.* Poles or posts shall be embedded in the earth to a minimum depth of four (4) feet (1,219 mm).
3. *Shallow pole or post embedment.* When it is necessary to use a pole or post embedment depth of less than forty (40) inches but not less than thirty (30) inches due to rock or other local site conditions, knee bracing shall be provided and the post foundation hole shall be backfilled to grade with concrete. Embedment depth of less than thirty (30) inches is not allowed under this standard.
4. *Backfill.* Footings of concrete, one (1) inch or larger gravel or other approved materials shall be placed under poles or posts. Footings shall have a minimum thickness in accordance with Table 2-212.1. Posts shall be either but encased with concrete or be fully embedded with concrete or be provided with other approved means to provide for resistance to wind uplift. If posts are provided with but encasement or blocked anchors, the remaining annular space of the post foundation holes shall be backfilled by firmly tamping clean soil or sand in maximum eight (8) inch layers.
4. See Figure 2-212.1(a) through (c) for examples of allowed methods of providing uplift resistance and backfilling post holes.
5. *Concrete placement.* Concrete used for footings or post encasement shall be placed as wet mix.
6. *Pole or post anchor.* Poles or posts shall be anchored to the encasing concrete, whether butt encased or fully encased, with a minimum one-half (1/2) inch reinforcing bar placed through a drilled hole in the pole or post. The rebar shall have a minimum one (1) inch of concrete cover from the bottom and top of the encasing concrete.
6. Blocked anchors shall be provided when the backfill of the annular space consists of earth, sand or gravel tamped in eight (8) inch layers. Blocked anchors shall be of the same dimension as the base of the post.

G. *Wall Construction.*

1. *Pole or post size and spacing.* Poles or posts may be solid sawn or laminated. Poles or posts shall be of a minimum dimension as required by Table 9-207.2 based upon the building height and spacing of posts. The spacing of poles or posts shall not exceed the maximum shown in Table 2-212.2 for the dimension of post that will be used.
2. *Wood subject to decay or termite damage.*
 - a. *Wood embedded in ground or concrete.* Wood embedded in the ground or in direct contact with the earth and used for the support of permanent structures shall be treated for ground contact. Wood supporting permanent structures that are embedded in concrete in direct contact with earth or embedded in concrete exposed to the weather shall be treated for ground contact. Wood which is in contact with the ground shall be treated for ground contact. All treated wood shall bear a stamp from an approved agency identifying the treatment retention of the member.
 - a. *NOTE:* It is recommended that any wood that is embedded in the earth or embedded in concrete that is in direct contact with the earth be pressure preservatively treated to a retention level of six-tenths (0.6) pounds per cubic foot in accordance with AWPAs Standard C22.
 - b. *Wood in contact with the earth or subject to water splash.* Wood that is in contact with the ground or is located within eighteen (18) inches of the ground surface shall be pressure preservatively treated or wood of natural resistance to decay and termites.

Table 2-212.2
Post Size and Spacing Requirements
Effective Building Height in Feet¹

Post Size²	Pole or Post Spacing in Feet			
	8	10	12	14
Solid Sawn				
4 x 4 nominal	7	6	4	4
4 x 6 nominal	15	12	9	8
6 x 6 nominal	15	15	15	15
Laminated				
2-2 x 6 laminated	7	6	4	4
3-2 x 6 laminated	15	14	10.5	10
4-2 x 8 laminated	16	16	16	16

¹ For roof slopes 4:12 or less, the effective height is the vertical distance from grade level to the eave. For roof slopes greater than 4:12, the effective building height is the vertical distance from grade level to the eave, plus one-half (1/2) of the roof height.

² The larger post dimension shall be in the same direction of the building width.

3. *Girt framing.* When siding is to be attached to the exterior walls of pole or post framed buildings, wall girts shall be installed. Wall girts shall be of a minimum size for the span as required by Table 2-212.3

Table 2-212.3
Wall Girt Spans

Girt Span

8 feet	10 feet	12 feet
2x4 24 inches O.C.	2x6 36 inches O.C.	2x6 36 inches O.C.
2x6 36 inches O.C.		

4. *Girt nailing.* Girts shall be fastened to the posts using 16d ring shank hot-dipped galvanized nails or other approved fasteners.
5. *Bracing.* Exterior sidewalls shall be braced at building corners. Braces shall be minimum 2x4 nominal dimension lumber installed diagonally or be of other approved bracing materials.
6. *Exterior wall covering.* Exterior wall coverings, when provided, shall be of an approved weather-resistant material. Steel panel exterior wall coverings shall be of minimum twenty-nine (29) gauge.
7. *Headers and beams.* Headers or beams required to support building loads shall be designed to safely carry the imposed loads.
8. *Beam support.* Beams, headers or girders that are used to support roof framing shall be supported by notches in the poles or posts and shall be secured by one-half (1/2) inch diameter bolts secured with washers and nuts or one-half (1/2) inch by four and one-half (4 1/2) inch lags.
9. *Fasteners.* Fasteners for pressure-preservatively treated wood and fasteners used in locations exposed to weather shall be of hot-dipped zinc galvanized, aluminum alloy wire fasteners or stainless steel fasteners.

H. *Roof Ceiling Construction.*

1. *General.* Roof framing may be of conventional light frame construction as allowed by Chapter 23 of the International Building Code, 2006 Edition or may be of trusses as specified by Subsection (H)(2) of this Section or may be of other alternate designs that have been designed by a professional engineer licensed by the State of Kansas.
2. *Trusses.* Trusses may be site built or be shop fabricated. Trusses shall be designed by

a professional engineer licensed by the State of Kansas to practice in the design of buildings.

3. *Conventional framing.* The framing details for conventional roof construction shall conform to the requirements of Chapter 23 of the International Building Code, 2006 Edition.
4. *Roof members to building frame tie.* Blocking, straps, approved framing anchors or mechanical fasteners shall be installed from the side of the roof framing member to the exterior posts or other supporting members.
4. Tie straps shall be one and one-eighth (1 1/8) inch (28.6 mm) by thirty-six thousandths (0.036) inch (0.91 mm) (No. 20 gauge) sheet steel and shall be corrosion resistant.
5. *Purlins.* Purlins shall be installed with the wide dimension perpendicular to the load that it supports. Purlins shall be supported on top of the trusses or shall be provided with approved hangers. The span of purlins shall not exceed the values specified in Table 2-212.4.
6. *Roof covering.* The roof covering shall be of an approved material as specified by Chapter 15 of the International Building Code, 2006 Edition.

**Table 2-212.4
Purlin Spans**

(Based on Purlin Spacing of twenty-four (24) inches Center to Center)

Grade	Dimension	Maximum Span (Feet)
#1	2x4	8' 6"
	2x6	12'3"
	2x8	15'9"
#2	2x4	8'
	2x6	12'
	2x8	15'
#3	2x4	6'
	2x6	9'
	2x8	11'

FPN: The spans given in this table are based upon use of Spruce-Pine-Fir design values.

Spans may vary depending on the lumber species which is used.

FIGURE 2-212.1 Examples of Post Embedment

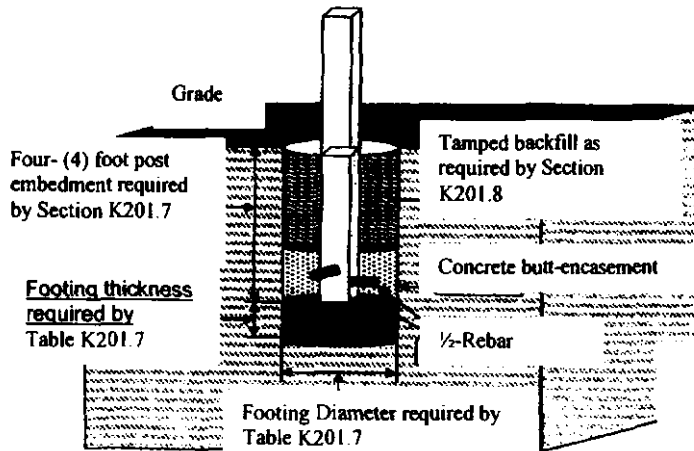


FIGURE 2-212.1(a) Butt-Cased

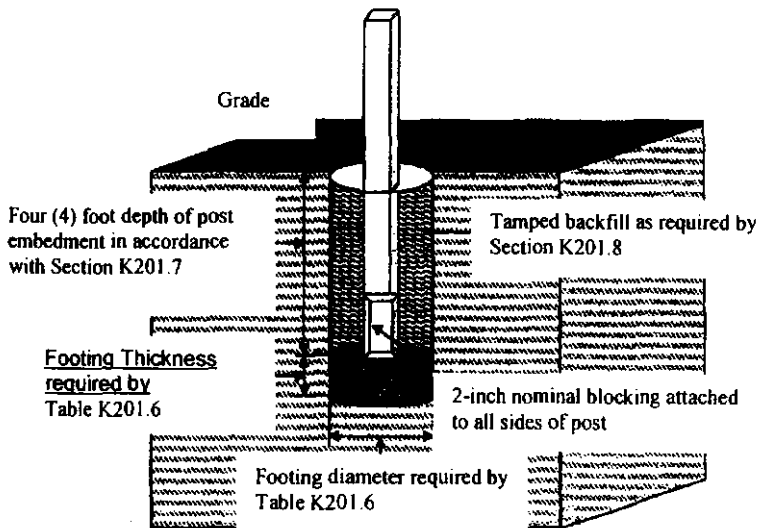


FIGURE 2-212.1(b) Blocked Anchor

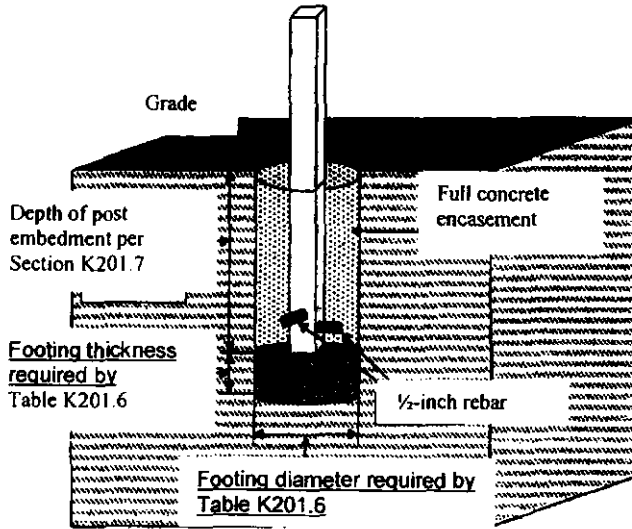


FIGURE 2-212.1(c) Full Concrete Casement

ARTICLE III Fees

Section 500.310. Fees.

- A. *General.* Fees shall be assessed in accordance with the provisions of this Section or shall be as set forth in the fee schedule adopted by the City of Paola.
1. *Severability.* It is hereby declared the intention of the City of Paola that the Sections, Subsections, paragraphs, sentences, clauses and phrases contained within these regulations are to be severable and should any Section, Subsection or 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 part declared to be unconstitutional or ruled to be invalid.
- B. *Permit Fees.*
1. The fee for each permit shall be as set forth in this Section. Where a code has been adopted by the City of Paola and the Community Growth Area, for which no fee schedule is shown in this Code, the fee required shall be in accordance with the schedule established by the City of Paola.
 2. The determination of value or valuation under any of the provisions of these codes shall be made by the Code Official. "Value" or "valuation," as applied to a building and/or its building service equipment for the purpose of establishing permit fees, shall be the estimated cost to replace the building and its building service equipment in kind, based on current replacement costs as established by the Building Valuation Data Unit Cost Table provided in Exhibit 1 of this Section¹ or any other method deemed acceptable by the Code Official. The Building Valuation Data Unit Cost

1. Editor's Note: Exhibit 1 is included as an attachment to this Chapter.

Table shall be revised annually to reflect the rate of inflation established by the United States Department of Labor, Bureau of Labor Statistics in the annual December to December Consumer Price Index (CPI).

3. The basis to be used in computing the building permit and building plan review fees shall be as set forth in Table 1-A² and the fee schedule for work or services specified in Table 1-B.³
4. All fees shall be rounded off to the next whole dollar amount. Fees may be waived at the discretion of the City of Paola during times of declared emergency.

C. *Plan Review Fees.*

1. When submittal documents are required by the City of Paola Building Code, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be the amount established by Table 1-B of this document. The Code Official may waive the plan review fee if it is determined that the work being performed is minor in nature and can be approved during field inspection of the work being performed.
2. 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 the City of Paola Building Code, additional plan review and permit fees may be charged.

D. *Work Commencing Before Permit Issuance.* Whenever work for which a permit is required by the City of Paola and the Community Growth Area Building Code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work.

1. *Investigation fee.*

- a. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in Table 1-A⁴ and the fee schedule for work or services specified in Table 1-B⁵. The payment of such investigation fee shall not exempt an applicant from compliance with all other provisions of any Building Code or regulation that has been adopted by City of Paola nor from the penalty prescribed by law.

b. *Exceptions.*

- (1) In cases of emergency, the person or other entity doing the work or causing work to be done may proceed with the work and file application for a permit by the close of business the next business day, after

2. Editor's Note: Table 1-A is included as an attachment to this Chapter.

3. Editor's Note: Table 1-B is included as an attachment to this Chapter.

4. Editor's Note: Table 1-A is included as an attachment to this Chapter.

5. Editor's Note: Table 1-B is included as an attachment to this Chapter.

commencement of emergency work. Emergency shall be considered to exist only in those situations wherein life, health and safety would be adversely affected if work were not commenced immediately, and the burden shall be upon the person claiming such emergency to exist to prove the existence of such emergency by clear and convincing evidence.

- (2) In cases where the work is being done at a one-family dwelling by the person who owns and occupies such dwelling and application for permit is made within one (1) working day [twenty-four (24) hours] following notification that such work requires a permit, the investigation fee may be waived by the Code Official.

2. *Compliance of work performed prior to issuance of permit.* The person responsible for the work that was completed prior to a building permit being issued shall be responsible to provide access for inspection of all work requiring inspection by the City of Paola Building Code or shall be responsible, at his or her expense, to retain the services of a licensed professional to verify that the work that was performed prior to the issuance of a permit is in full compliance with the provisions of all applicable codes and ordinances of the City of Paola in a manner acceptable to the Code Official.

E. *Reinspection Fees.*

1. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete, when corrections called for are not made, when approved plans are not provided for inspections or when access is not provided when inspections have been requested.
2. This Section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of the City of Paola Building Code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.
3. Reinspection fees may be assessed for the following conditions:
 - a. When work for which an inspection was requested by the permittee or an agent of the permittee is not ready for inspection;
 - b. When corrections called for are not made;
 - c. Failure to provide access on the date for which inspection is requested;
 - d. Failure to provide the approved plans for the job when required for inspection purposes;
 - e. For deviating from approved plans requiring the approval of the Code Official;
 - f. For failure to post the address or identify the premises resulting in an inspector being unable to find the location of the requested inspection.
4. To obtain a reinspection when a reinspection fee has been assessed, the applicant shall pay the reinspection fee in accordance with the fee schedule adopted by this

jurisdiction. In instances where reinspection fees have been assessed, additional inspection of the work will not be performed until the required fees have been paid. Work requiring approval shall not be concealed until approval has been obtained.

F. *Refunds.*

1. The Code Official may authorize refunding of a fee that was erroneously paid or collected.
2. The Code Official may authorize refunding of not more than eighty percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this Code.
3. The Code Official may authorize refunding of not more than eighty percent (80%) of the plan review fee paid when an application for permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended.
4. The Code Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than one hundred eighty (180) days after the date of fee payment.

G. *Related Fees.* The payment of the fee for the construction, alteration, removal or demolition of work done in connection with or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

H. *Unpaid Fees.* Unpaid fees that have been assessed and remain unpaid at the completion of a project shall be reported to the City Clerk, and the City Clerk shall, at the time of certifying other taxes, certify the unpaid fees and extend the same on the tax roll.

Section 500.315. Reduced Fees for Building Permits. [Ord. No. 3104 §2, 10-11-2016]

A. As a gesture of goodwill and intergovernmental cooperation, the City of Paola offers reduced fees for building permits as follows:

1. Reduced fees will be considered for the following applicants only:
 - a. Entities that have statutory authority to levy local property taxes (these entities shall not include the State of Kansas or the United States Federal Government).
 - b. Entities that are primarily [more than fifty percent (50%)] funded by entities that have statutory authority to levy local property taxes.
 - c. Individual projects for public recreation facilities that are not located on property owned by the City of Paola.
2. Fees for building permits as detailed in Table 1-A in Section 500.310 of this Code shall be reduced by fifty percent (50%). All other fees, including those listed in Table 1-B in Section 500.310 of this Code shall be paid at the rate as stated therein.
3. To qualify for the reduced building permit fee, qualifying applicants must provide the

following at the time that the building permit is applied for:

- a. Pay all other associated fees in connection with the building permit.
- b. Documentation that the applicant is primarily funded by an entity that has statutory authority to levy local property taxes (if requested).

ARTICLE IV
Contractor Licensing Code

Section 500.320. Title.

This Article may and will hereafter be referred to as the "City of Paola and the Community Growth Area Contractor Licensing Code".

Section 500.325. Intent.

- A. The purpose of this Article is to protect the public health and safety by assuring that the persons acting in the capacity of a contractor that are responsible for the construction, alteration, repair or demolition of structures in City of Paola and the Community Growth Area are qualified to perform such services.
- B. It is further the intent that owners of single-family residential properties be permitted without special qualification to perform any work on residential structures that they personally occupy.

Section 500.330. Licensing Authority.

The City of Paola and the Community Growth Area Code Official shall issue contractor licenses for the classes of contractors specified by Section 500.410 upon verification of credentials of applicants required by Section 500.410 and the payment of fees as prescribed by Table 4-411 for each class of license being requested.

Section 500.340. Defined.

- A. A "*contractor*", within the meaning of this Article, is any individual person, corporation, limited liability company, joint venture or other legal entity or enterprise that undertakes with or for another, with or without compensation, to construct, alter, repair or demolish any structure or any portion thereof.
- B. Unless provided otherwise by this code, no building permit shall be issued to any person who is not a licensed contractor.
- B. *EXCLUSIONS*. The following persons are not contractors within the meaning of this Article:
 1. An employee or agents working for and under the supervision of a contractor licensed under this Article;
 2. An electrician, plumber, mechanical installer or other specialized trades person for whom another license is required under provisions of this Article;

3. A homeowner that owns and personally occupies property, who undertakes the construction, alteration, repair or maintenance of such homeowner's single-family residence or an accessory structure thereto. Notwithstanding the foregoing, for purposes of this Article, any person who undertakes the construction of a new residence that they will own and occupy more than once in any three (3) year period or substantial improvement to existing residences more than three (3) times in any five (5) year period shall be deemed to be a "contractor" under this Article.
4. A homeowner may demolish a residential structure, agricultural building or detached accessory building when the building or structure being demolished is set back from any property line or right-of-way a minimum distance of twenty-five (25) feet or as deemed a safe distance from adjoining properties by the Code Official, if the Code Official deems that the homeowner may safely carry out the task.

Section 500.350. License Required.

No building permit shall be issued to any contractor who has not first obtained a license or who is delinquent in payment of his/her annual license fee or whose certificate of insurance has expired or whose license has been suspended or revoked by action of the City of Paola Code Board of Appeals (CBOA). It is further unlawful for any person to enter into a contract with another so as to bring himself/herself under the classification of a contractor as defined in Section 500.340 or to perform any work as a contractor or any work under a contract without having first obtained a contractor's license. It is unlawful for any person issued a license to contract for any work other than specified by such license without first obtaining the required license to perform each separate trade.

Section 500.360. Contractor Insurance.

- A. Every contractor shall keep in force a policy of commercial general liability insurance including completed operations/products coverage. Such insurance policy shall be written with an insurance company licensed as an admitted insurance company in the State of Kansas. Class A and B general contractors shall maintain general liability coverage in an amount not less than two million dollars (\$2,000,000.00) per occurrence combined single limit for bodily injury and property damage. All other classes of contractors shall maintain general liability coverage in an amount not less than one million dollars (\$1,000,000.00) per occurrence combined single limit for bodily injury and property damage. Provisional contractors shall carry the same amount of insurance as required for the class of license held. In addition, every contractor shall procure and maintain Worker's Compensation insurance as required by law. A contractor, at the time of licensing under this Article, shall provide the City of Paola with an original certificate of insurance verifying the insurance coverage required by this Section.
- B. The City of Paola shall be added as a "certificate holder" to the insurance policy by the insurance company issuing the certificate of insurance, requiring the insurance company to notify City of Paola and the Community Growth Area in writing of any change in coverage or cancellation of such policy at least ten (10) days prior thereto.

Section 500.370. Established Place of Business Required.

- A. Every contractor who has obtained a license as set forth in this Article shall have and maintain an established place of business at a definite address and telephone number listed.
- B. If said place of business is located in City of Paola or the Community Growth Area, the place of business shall comply with all rules and regulations of the City of Paola.
- C. Contractors holding a current license shall be responsible for notifying the City of Paola Office of Community Development of any changes of address or phone contact information.

Section 500.380. Contractor Responsible for All Work.

No person shall perform any work as a contractor in the City of Paola and the Community Growth Area without first obtaining a contractor's license from the City of Paola. No building permit shall be issued to any person who does not have a current license as required by this Article. Upon issuance of a building permit to a contractor, such contractor shall be responsible for all work undertaken pursuant to such building permit, including work done by the contractor's employees, agents and subcontractors. Licensed contractors shall be responsible for all funds or property received by him/her for prosecution or completion of a specific contract or for a specific purpose.

Section 500.390. Licenses Authorized.

There shall be separate classes of licenses authorized for contractors as provided in Section 500.410(A — F).

1. *Multiple classes.*
 - a. A contractor may become licensed in any classification by submitting to the examination as set forth in Section 500.400 for the particular class involved and paying the fee required for the classification as set forth in Table 4-411.
 - b. A Class A, B or C general contractor may perform foundation, roofing or site utility installation work on projects for which they are the permit holder or are listed as the primary general contractor without being required to obtain the appropriate Class S, special trades license. No contractor shall undertake any electrical, plumbing or mechanical work for which a license is required without first obtaining the required license for each separate trade.
2. *Business entities.* A corporation, limited liability company, partnership, joint venture or other legal entity or enterprise may obtain, in the entity's name, a building permit provided that such entity has in its regular employ a person who is licensed as a contractor under this Article and such individual is the signatory on the building permit on the entity's behalf. Only a contractor licensed under provisions of this Section may obtain a building permit on behalf of a corporation, partnership, limited liability company, joint venture or other business entity or enterprise. Every contractor by obtaining a building permit in the name of such corporation, partnership, limited liability company, joint venture or other business entity or enterprise shall certify that such contractor is the employee or principal of such business entity or enterprise.

Section 500.400. Examinations — Contractor Qualifications.

- A. Contractors making application for a license shall satisfy one (1) or more of the following provisions prior to a license being granted:
 - 1. Contractors making application for a new Class A, B or C general contractor license on or after January 1, 2009 shall submit a certificate of competency with their application.
 - 2. In lieu of a nationally administered certification for Class D general contractors and all Class S, special trades license classes, the Code Official may accept proof of factory training or other specialty training specific to their area of licensure.
 - 3. In lieu of the required certificate of competency, applicants for a Class A, B or C general contractor license may submit evidence of holding a bachelor's degree in engineering, architecture or construction science from an accredited college or university.
- B. Contractors making application or renewing an electrical contractor's license shall submit a master electrician certificate of competency with their application.
- B. *Exception:* Existing contractors holding a valid provisional electrical contractor's license as allowed by Section 500.410(E) of this code.
- C. Contractors making application or renewing a plumbing contractor's license shall submit a master plumbing with gas certificate of competency with their application.
- C. *Exception:* Existing contractors holding a valid provisional plumbing contractors license as allowed by Section 500.410(E) of this code.
- D. Contractors making application or renewing a mechanical contractor's license shall submit a master mechanical contractor with gas certificate of competency with their application.
- D. *Exception:* Existing contractors holding a valid provisional mechanical contractor's license as allowed by Section 500.410(E) of this code.

Section 500.405. Continuing Education.

- A. The City of Paola Code Board of Appeals may establish continuing education requirements, rules and regulations for contractors licensed under this Article. Every contractor shall demonstrate compliance with such continuing education requirements prior to license renewal.
- B. Evidence of having completed a minimum of eight (8) hours of code-related continuing education that is approved by the CBOA shall be submitted with applications for contractor license renewal for the 2009 and subsequent licensing years. A minimum of four (4) hours of the required eight (8) hours of continuing education shall be directly related to the trade for which a contractor is licensed for electrical, plumbing and mechanical contractors. For contractors holding multiple trade licenses, four (4) hours of continuing education shall be obtained for each trade. It shall be the responsibility of a licensed contractor to attend a qualifying continuing education class and provide a copy of a certificate of attendance to the licensing authority. American Red Cross and American Heart Association basic first

aid and CPR classes may be counted towards continuing education unit requirements. Any fees associated with attendance in continuing education is the responsibility of the contractor.

- C. The City of Paola Office of Community Development shall keep a listing of approved educational classes and make it available to licensed contractors.

Section 500.410. Categories of Contractor Licenses — Types of Work Authorized. [Ord. No. 3052 § 1, 9-11-2012]

A. General Contractor—Classes.

1. *Class "A", General Contractor.* A Class A license shall entitle the holder thereof to build, remodel, repair, move or demolish any structure without limitation of use, type of construction, height or area.
2. *Class "B", General Contractor.* A Class B license shall entitle the holder thereof to build, remodel, repair, move or demolish all structures not exceeding three (3) stories in height. A Class B license holder shall also entitle the license holder to perform non-structural remodeling, tenant finish, repairs and demolition of any structure.
3. *Class "C", Residential General Contractor.* A Class C license shall entitle the holder thereof to build, remodel, repair, move or demolish single-family or duplex residences and buildings accessory thereto.
4. *Class "D", General Contractor.* A Class D license shall entitle the holder thereof to build, remodel, repair, move or demolish detached agricultural buildings, detached residential accessory buildings, residential swimming pools and minor ancillary structures associated with single-family dwellings.

B. *Electrical Contractor.* An electrical contractor's license shall entitle the holder thereof to perform electrical contractor services in City of Paola and the Community Growth Area Contractor Licensing Program administered under this code.

C. *Plumbing Contractor.* A plumbing contractor's license shall entitle the holder thereof to perform plumbing contractor services in City of Paola and the Community Growth Area Contractor Licensing Program administered under this code.

D. *Mechanical Contractor.* A mechanical contractor's license shall entitle the holder thereof to perform mechanical contractor services in City of Paola and the Community Growth Area Contractor Licensing Program administered under this code.

E. *Class S, Special Trades License.* A Class S license shall entitle the holder thereof to act as either the primary contractor or a subcontractor in the following trades:

1. *Foundation and flatwork contractor.* A foundation and flatwork contractor's license shall entitle the holder thereof to contract for and to install, repair and replace building foundations and/or concrete flatwork.
2. *Non-specialist contractor.* A non-specialist contractor's license shall entitle the holder thereof to remodel or repair any structure. A higher level of contractor license may be required if, in the opinion of a Code Official, the extent of work exceeds the scope of

work intended by this classification.

2. Non-specialist Contractor License Deleted: As of September 11, 2012, the non-specialist contractor's license shall no longer be issued by the City of Paola. Non-specialist contractor's licenses issued prior to this date will continue to be valid provided that the license holder continues to renew said license without lapse. Once an existing license lapses or is not renewed by the holder, it shall not be reinstated by the City.
3. *Fire protection contractor.* A fire protection contractor license shall entitle the holder thereof to install, maintain, repair, service, test and inspect fire alarms, automatic sprinkler, special suppression systems and standpipe systems for all structures, including all spray and deluge, carbon dioxide, foam, dry chemical and inert gas systems and all related lines, tanks, fire control systems and appurtenances to any of the foregoing. Such contractor shall be responsible for the training and oversight of all tradesmen in its employment as well as the means, method and manner of the fire protection installation including construction, improvement, renovation, repair and maintenance on a construction project.
4. *Roofing contractor.* A roofing contractor's license shall entitle the holder thereof to contract for and to install, repair and replace roof coverings. Work may include roof deck and roof deck insulation, roof coating, painting, covering and may include use of sheet metal and installation of other sheet metal products incidental to roofing work or other material in connection therewith or any combination thereof.
5. *Site utility installer.* A site utility installers contractor's license shall entitle the holder thereof to contract for and to install, repair and replace water service piping, conduit and conductors for electrical service laterals and underground gas piping on residential or agricultural property.
6. *Siding and windows contractor.* A siding and windows contractor's license shall entitle the holder thereof to install, repair and replace siding and/or windows.
7. *Sign contractor.* A sign contractor's license shall entitle the holder thereof to contract for and to install, repair or maintain outdoor advertising signage. If electrical wiring is associated with signage work, a licensed electrical contractor is required to perform such work.
8. *Excavation and landscape contractor.* An excavation and landscape contractor's license shall entitle the holder thereof to contract for and to perform excavation and/or landscape design and installation.
9. *Tower contractor.* A tower contractor's license shall entitle the holder thereof to contract for and perform erection of towers for utilities and communications.

Section 500.420. Contractor License Application. [Ord. No. 3052 §2, 9-11-2012; Ord. No. 3102 §2, 9-13-2016]

- A. *Application Form.* The City of Paola Office of Community Development shall receive and process contractor license applications. All applicable fees as set forth in Section 500.420

and Table 4-411 shall accompany each original application.

B. *Application and License Fees.*

1. Application for contractor's license, name change, organizational change or change of the qualified person shall include information as the Code Board of Appeals may prescribe and shall be accompanied by the applicable fee required by Table 4-411.
2. Where required by Section 500.400, each application must list a qualified person. The qualified person is considered the applicant for a license and must have the ability to sign contracts that legally bind the individual, partnership or corporation. The qualified person shall be the individual, for an individual license; one (1) of the partners, for a partnership license; an officer or active member in the corporation for a corporate license.
3. Upon approval of the application and verification of qualifications in accordance with Section 500.400 and insurance requirements in accordance with Section 500.360, the Code Official shall issue the requested license upon payment of the annual fee required by Table 4-411.
4. Fees shall not be prorated because part of the year has elapsed.

C. *Renewal Or Reinstatement Of License.*

1. Every contractor license shall be issued on a calendar year basis to expire on December 31 of each year. License renewal fees shall be due on the 15th day of December. A license renewal application may be submitted to the City beginning on November 1 through and including December 15. Applications and payment received prior to end of business on December 15 shall receive a credit of twenty-five dollars (\$25.00). Applications and licenses received from December 16 through and including January 31 shall pay the late fee of twenty-five dollars (\$25.00) in accordance with Table 4-411 to offset administrative costs incurred as a result of such late renewal. Renewals received after January 31 shall be considered new contractors, and all applicable license requirements shall be presented at the time of application; the contractor shall pay a reinstatement fee of fifty dollars (\$50.00) in addition to the late fee. If a provisional contractor license is not renewed prior to the deadline date of January 31, it shall be considered new, and all current applicable contractor license requirements shall be required prior to a license being issued.
2. No permits will be issued to any contractor without a current contractor's license.
3. When insurance coverage expires, the license shall be considered to expire by limitation, and notice will be sent to the license holder. The license will not be reinstated until an original certificate of insurance as required by Section 500.360 of this code has been submitted and a reinstatement fee in accordance with Table 4-411 is paid.
4. Any construction permits that the license holder possesses shall be considered to be null and void when the holder of the license or one (1) of the designated contractors on the construction project authorized by a construction permit has expired or when insurance coverage has lapsed.

Table 4-411
License and Registration Fees

Type of License	Fee
Class A general contractor	\$150.00
Class B general contractor	\$150.00
Class C residential general contractor	\$150.00
Class D general contractor	\$150.00
Electrical contractor	\$150.00
Plumbing contractor	\$150.00
Mechanical contractor	\$150.00
Class S special trades contractor (except non-specialist contractor)	\$100.00
Non-specialist contractor. As of September 11, 2012, the non-specialist contractor's license shall no longer be issued by the City of Paola. Non-specialist contractor's licenses issued prior to this date will continue to be valid, provided that the license holder continues to renew said license without lapse. Once an existing license lapses or is not renewed by the holder, it shall not be reinstated by the City.	\$150.00
Reinstatement fee	\$50.00
Early renewal	\$25.00 CREDIT

5. For each additional license holder in the same license classification, a fee of fifty dollars (\$50.00) will apply for the license fee. An application form and all applicable documentation shall be submitted.
6. For contractors holding multiple classifications of licenses, the first shall be at the full license amount, with additional licenses for the same licensee being fifty dollars (\$50.00) per license.
7. Faxed certificates of insurance will not be accepted. An original certificate of insurance shall be received prior to a license being issued.

Section 500.430. Contractor Discipline.

- A. The CBOA shall have the authority to discipline any contractor subject to the requirements of this Section including the suspension or revocation of the contractor's license issued under the provisions of this Section. Before any contractor's license is suspended or revoked, a hearing shall be held by the Board upon not less than ten (10) days' notice to the affected contractor. The CBOA may suspend or revoke a contractor's license if the Board concludes, following a hearing, that the contractor's action or inaction is:

1. A violation of the provisions of this code, any applicable building safety code or any lawful order of the Code Official;
2. A misrepresentation of a material fact made in connection with obtaining a contractor's license or building permit;
3. A fraudulent or deceitful use of a contractor's license to obtain or to allow an unlicensed contractor to obtain a building permit;
4. A failure to obtain a building permit or a timely inspection as required by any applicable building safety code;
5. A failure to exercise regular, routine control and supervision over a construction project for which the contractor has obtained a building permit or has established responsibility for a specific trade thereof;
6. A failure to timely obtain a certificate of occupancy for a structure as required by applicable building safety codes;
7. A failure to prevent any unlicensed contractors when licenses are required by this code to perform work on a job site for which the contractor obtained a building permit; or
8. A failure to pay any required application or licensing fees, building permit fees, inspection fees or other fees required by the City of Paola Building Code.

Section 500.440. Board Action Regarding Section 500.430.

- A. Upon a finding by a majority of the members present at the hearing that a contractor has violated one (1) or more of the provisions of Section 500.430(1) through (8) of this code, the Board may admonish, reprimand or take appropriate disciplinary action against such contractor including, but not limited to:
1. Suspension of the contractor's license for a fixed period not to exceed ninety (90) days;
 2. Suspension of the contractor's license for a fixed period exceeding ninety (90) days, provided however, the contractor shall have the right to have the suspension and the terms thereof reconsidered by the Board at the expiration of the first ninety (90) days and every ninety (90) days thereafter to determine if just cause exists to modify or terminate the suspension. Such reconsideration may, at the Board's option, include a hearing.
 3. Revocation of the contractor's license for a period not less than twelve (12) months from the date of suspension. A contractor's license shall be revoked if the contractor's license has been suspended three (3) times during any thirty-six (36) month period.
 3. A contractor may appeal any decision of the Code Board of Appeals to the City of Paola by filing notice of appeal with the City Clerk within fifteen (15) days following the Board's written decision.

Section 500.450. Safe Harbor Provision.

A contractor shall not be found in violation of this code, nor disciplined by the Board, for a violation of an applicable building safety code provision if the contractor provides substantial and compelling evidence that the violation occurred as the result of the contractor's good faith compliance with the building plans and specifications prepared or approved by an architect or engineer licensed by the State of Kansas.

Section 500.460. Complaints.

- A. Any person may file a written complaint with the CBOA on forms provided for that purpose. Every complaint shall set forth one (1) or more of the conditions specified by Section 500.430(1) through (8).
1. *Consumer complaints.* Consumer complaints relating to the quality of materials, workmanship, untimely construction, contract disputes and similar are beyond the jurisdiction of the CBOA. No complaint shall be considered by the CBOA unless it meets the requirements of Section 500.430 of this code.

Section 500.470. Board Action Regarding this Article.

Upon a finding by a majority of the members present at the hearing that a contractor has violated one (1) or more of the provisions of the contractor licensing regulations, the CBOA may admonish, reprimand or take other appropriate disciplinary action against such contractor.

Section 500.480. Hearings.

- A. All contested matters pertaining to the approval, issuance, suspension, revocation, renewal and reinstatement of licenses, including examinations, shall be heard by the CBOA. The hearing shall be informal but witnesses shall testify under oath and a written decision shall be rendered by the CBOA setting forth the relevant findings and conclusions for any action taken by the CBOA. The Chairman or the Chairman's designate shall preside over the hearing.
1. *Hearing procedure.* A hearing shall be held before the CBOA after not less than ten (10) days' notice to the contractor and to the complainant setting forth the hearing date, time and place and stating in general terms the nature of the complaint. The written complaint, including any supporting material or documents, shall be provided to the contractor prior to or at the hearing. The burden of proof shall be on the complainant to show, by a preponderance of the evidence presented, that the allegations set forth in the complaint are true. If the complainant or a representative of the complainant fails to appear at the scheduled hearing, the CBOA may nonetheless proceed with the hearing. For good cause shown the CBOA may grant a continuance, hold a hearing open, allow additions to the record after the hearing has concluded or take other action in the interest of justice.
 2. *Appeal.* A contractor may appeal any decision of the CBOA to the City of Paola by filing a notice of appeal with the CBOA within fifteen (15) days of the decision. The fifteen (15) day appeal period shall commence three (3) days after the date the written

decision is mailed to the contractor. The CBOA secretary shall forward the CBOA decision to the City of Paola together with the CBOA record.

Section 500.490. Amendment.

- A. These rules and regulations may be amended by the CBOA at any regular or special meeting upon a vote of not less than two-thirds (2/3) of those present at such meeting.
- B. Recommendation for amendments to these rules and regulations shall be forwarded to the City of Paola for final approval before amendments become effective.

Section 500.500. Severability.

It is hereby declared the intention of the City of Paola that the Sections, paragraphs, sentences, clauses and phrases contained within these regulations are to be severable and should any Section or 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 part declared to be unconstitutional or ruled to be invalid.

ARTICLE V
Fire Code

Section 500.510. Adoption of International Fire Code.

- A. *Incorporation International Fire Code.* There is incorporated by reference, for the purpose of adopting regulations, provisions, terms and specifications, for the prevention of fire and explosion within the City of Paola and the Community Growth Area, the 2006 International Fire Code dated February 2006, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended by this Section and including such new and additional provisions added to said code by this Section. Not less than one (1) copy of said 2006 International Fire Code shall be marked Official Copy as Adopted by Ordinance No. 3005, to which shall be attached a copy of the ordinance codified herein and filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours.
- B. *Establishment And Duties Of Bureau Of Fire Prevention.* The 2006 International Fire Code shall be enforced by the Bureau of Fire Prevention in the Fire Department of the City of Paola which is hereby established and which shall be operated under the supervision of the Chief of the Fire Department. The Chief in charge of the Bureau of Fire Prevention shall be appointed by the City Manager on the basis of merit and fitness. The Chief of the Fire Department may detail such members of the Fire Department as inspectors as shall from time to time be necessary. The Chief of the Fire Department shall recommend to the City Manager the employment of technical inspectors who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and non-members of the Fire Department and appointment made after examination shall be for an indefinite term with removal only for cause.

1. *International Fire Code—appendices adopted.* The following appendices are adopted as part of the International Fire Code.
 - a. Appendix B—Fire Flow Requirements for Buildings.
 - b. Appendix C—Fire Hydrant Locations and Distribution.
 - c. Appendix D—Fire Apparatus Access Roads.
2. *International Fire Code—deletions.* The following Chapters, Sections and Subsections of the 2006 Edition of the International Residential Code for One- and Two-Family Dwellings are hereby deleted.
 - a. Section 108—Board of Appeals.
3. *International Fire Code—amendments.* The following Chapters, Sections and Subsections of the 2006 Edition of the International Residential Code for One- and Two-Family Dwellings are hereby amended as follows:
 - a. *101.1 Title.* These regulations shall be known as the Fire Code of City of Paola, hereinafter referred to as "this code".

Section 500.520. Opening Fire Hydrant. [R.O. 2008 § 550.130; Ord. No. 2520 § 2, 9-12-1989]

It shall be unlawful for any person, firm or corporation, other than authorized City employees, to open or close any fire hydrant belonging to the City of Paola.

Section 500.530. Open Burning.

Open burning is not allowed in the City limits of the City of Paola except by permit as allowed under Section 307 and 308 of the 2006 International Fire Code.

Section 500.540. Regulation of Fires for Two-Family and Multi-Family Dwellings. [Ord. No. 2701 § 1, 4-14-1998]

Burning shall be allowed when the fire is for non-commercial preparation of food such as barbecuing; provided that the fire is in a container or structure designed for that purpose. No person shall burn charcoal or wood for any purpose, including non-commercial preparation of food, on wooden decks or balconies attached to apartment buildings or other multi-family dwelling containing more than two (2) living units. Each occurrence shall constitute a separate offense.

Section 500.550. Enforcement. [Ord. No. 2520 § 2, 9-12-1989]

All provisions of this Article shall be enforced by the Chief of the Fire Department and by the Building Official of the City of Paola, Kansas.

Section 500.560. Conflicting Ordinances. [Ord. No. 2520 § 2, 9-12-1989]

Where this Article conflicts with any other local, State or Federal ordinance or regulation, the most restrictive ordinance or regulation shall apply.

ARTICLE VI
Dangerous Structures

Section 500.570. Enforcing Officer. [Ord. No. 2561 § 1, 3-12-1991]

The City Building Inspector is hereby designated as the Enforcing Officer of the City and is charged with the administration of the provisions of K.S.A. 12-1750 to 12-1756 inclusive, and all acts supplemental thereto and amendatory thereof, authorizing Cities to cause the repair or removal, or to remove dangerous and unsafe structures.

Section 500.580. through Section 500.810. (Reserved)

ARTICLE VII
Violations and Penalties

Section 500.820. Violations and Penalties. [R.O. 2008 § 500.250; Ord. No. 2667 § 20, 12-12-1996]

Any person, firm or corporation who shall violate any of the provisions of this Chapter, or the owner or agent of a structure or premises in or upon which a violation of any provisions of this Chapter has been committed or shall exist, or the lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation, or who maintains any building or premises in or upon which violation has been committed or shall exist shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be punished by a fine not less than one hundred dollars (\$100.00) and not to exceed one thousand dollars (\$1,000.00) or be imprisoned not to exceed thirty (30) days, or be both so fined and imprisoned. Each and every day that such violation continues shall constitute a separate offense.