

ORDINANCE NO. 2748

AN ORDINANCE AMENDING SECTION 15.50.020, RESIDENTIAL CODE, AMENDMENTS TO THE CODE, OF THE CODE OF THE CITY OF GARDNER, KANSAS, AND AMENDING OR REPEALING ALL ORDINANCES OR REGULATIONS NOT IN CONFORMITY HEREWITH.

WHEREAS, the Governing Body of the City of Gardner, Kansas has determined that it is necessary to amend Chapter 15.50.020, Residential Code, of the Gardner Municipal Code of the City of Gardner, Kansas.

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

SECTION ONE: GMC Section 15.50.020 is hereby amended to read as follows:

The "Residential Code" as adopted by GMC [15.50.010](#) is hereby amended and changed to read as follows:

A. Section R101.1 of the International Residential Code, 2018 Edition, Title, is hereby amended to read as follows:

Replace the words "Name of Jurisdiction" with the words "City of Gardner, Kansas."

B. Section R105.1 of the International Residential Code, 2018 Edition, Required, is hereby amended to read as follows:

Any owner or owner's 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, or any concrete, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

C. Section R105.2 of the International Residential Code, 2018 Edition, Work Exempt from Permit: Building, is hereby amended to read as follows:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is 120 square feet or less.
2. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall unless supporting a surcharge.
3. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.

4. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
5. Prefabricated swimming pools that are less than 42 inches deep.
6. Swings and other playground equipment.
7. Decks less than 30" above grade at any point or not exceeding 200 square feet in area, or not attached to a structure and not serving the exit door per R311.4 and R311.5.

D. Section R108.2 of the International Residential Code, 2018 Edition, Fees, is hereby amended to read as follows:

The Schedule of Permit Fees shall be established by the Governing Body by resolution.

E. Section R108.5 of the International Residential Code, 2018 Edition, is hereby amended to read as follows:

The Code Official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than seventy-five (75) percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The Code Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 60 days after the date of fee payment.

F. Section R108.7 of the International Residential Code, 2018 Edition, is hereby added to read as follows:

A re-inspection fee of \$100.00 may be required for contractor interference, failure to correct prior items, not ready, and no address posted.

G. Section R109.1.7 of the International Residential Code, 2018 Edition, is hereby added to read as follows:

If the required erosion control measures are not in place and operational as required by the Public Works Engineering Division, all inspections related to that permitted site from that date forward will not be conducted until the erosion control measures have been reinstalled and inspected.

H. Section R109.1.8 of the International Residential Code, 2018 Edition, is hereby added to read as follows:

If mud, dirt, rock or any other type of debris from the permitted building site has been found in the public right-of-way, then all inspections for that permitted building will not be conducted until the right-of-way has been cleaned and inspected.

I. Section R112 of the International Residential Code, 2018 Edition, Board of Appeals, is hereby amended to read as follows:

The same board as appointed to act as a Board of Appeals for the Building Code, Section [15.05.020 J](#) shall act as a Board of Appeals for the Residential Code.

J. Section 113.4 of the International Residential Code, 2018 Edition, Violation Penalties, is hereby amended to read as follows:

The violation of any provision of this code shall be deemed to be a misdemeanor; and any person, firm, association, partnership or corporation convicted thereof shall be punished by a fine of not less than \$100.00 or greater than \$500.00 per offense; and the City shall further have authority to maintain suits or actions in any court of competent jurisdiction for the purpose of enforcing any provisions of this code and seek civil penalties in the amount of not less than \$100.00 or greater than \$500.00 per offense; and to abate nuisances maintained in violation thereof, and, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent the occupancy of said building, structure or land. Each day a violation of this Code shall continue shall constitute a separate offense.

K. Table R301.2(1) of the International Residential Code, 2018 Edition, is hereby amended to read as follows:

Climatic and Geographic Design Criteria.

GROUND SNOW LOAD ²	WIND DESIGN				SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP ⁶	ICE BARRER UNDERLAYMENT REQUIRED ¹	FLOOD HAZARDS ³	AIR FREEZING INDEX ⁴	MEAN ANNUAL TEMP ⁵
	Speed ⁴ (mph)	Topographic effects ⁵	Special wind region ¹	Windborne debris zone ^m		Weathering ³	Frost line depth ³	Termites ³					
20	115	NO	NO	NO	A	Severe	36"	Mod-Hvy	6	Yes	-	824	54.8
MANUAL J DESIGN CRITERIA ⁶													
Elevation			Latitude	Winter heating	Summer cooling	Altitude correction factor		Indoor design temperature	Design temperature cooling		Heating temperature difference		
-			-	-	-	-		-	-		-		-
Cooling temperature difference			Wind velocity heating	Wind velocity cooling	Coincident wet bulb	Daily range		Winter humidity	Summer humidity				
-			-	-	-	-		-	-				-

L. Section 302.2 of the International Residential Code, 2018 Edition, Townhouses, is hereby amended to read as follows:

Each townhouse shall be considered a separate building and shall be separated by fire-resistance rated wall assemblies of 2-hour and meeting the corresponding UL detail. All utility connections serving two-family dwellings and townhouses shall be separate.

M. Section R302.3 of the International Residential Code, 2018 Edition, Two-family dwellings, is hereby amended to read as follows:

Each dwelling unit shall be considered a separate building. Dwelling unit separation for two-family dwellings shall be constructed in the same manner as that of townhouses with all fire-resistance rated walls a minimum of 2-hour. 2-hour walls must meet a UL standard for design. All utility connections serving two-family dwellings and townhouses shall be separate.

N. Section R303.4 of the International Residential Code, 2018 Edition, Mechanical ventilation, is hereby amended to read as follows:

Where the air infiltration rate of a dwelling unit is less than three (3) air changes per hour when tested with a blower door at a pressure of 0.2 inch wick. (50 Pa) in accordance with Section R402.4.1.2 of the International Energy Conservation Code, the dwelling unit shall be provided with whole-house mechanical ventilation in accordance with Section M1505.4.

O. Section R306.5 of the International Residential Code, 2018 Edition, New single-family toilet facilities, is hereby added to read as follows:

Toilet facilities shall be provided within 500 feet, measured from the property line adjacent to the street, for all new one and two family dwellings starting from the time of the footing inspection until the issuance of a temporary certificate of occupancy or when toilet facilities in the dwelling unit become available. Temporary toilet facilities shall be removed once the temporary certificate of occupancy is issued. A minimum of one (1) unit is required for every 5 dwelling units under construction.

Exception:

1. On lots of multiple permit issuance by the same builder the temporary toilet facility may remain past the temporary occupancy certificate issuance as long as the toilet facility is not adjacent to an occupied dwelling and there are active building permit(s) for the builder within 500 feet of the jobsite.

2. A temporary toilet facility is to be removed before a certificate of occupancy is issued.

3. The Building official shall have the final approval on the location of all temporary toilet facilities.

P. Section R309.5 of the International Residential Code, 2018 Edition, Fire sprinklers, is hereby amended to read as follows:

Private garages may be protected by fire sprinklers where the garage wall has been designed based on Table R302.1(2), Note a. Sprinklers in garages shall be connected to an automatic sprinkler system that complies with Section P2904. Garage sprinklers shall be residential sprinklers or quick-response sprinklers, designed to provide a density of 0.05 gpm/ft². Garage doors shall not be considered obstructions with respect to sprinkler placement.

Q. Section R313.1 of the International Residential Code, 2018 Edition, Townhouse automatic fire sprinkler systems, is hereby amended to read as follows:

An automatic residential fire sprinkler system may be installed in townhouses.

Exception: An automatic residential fire sprinkler system shall not be required where additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed.

R. Section R313.2 of the International Residential Code, 2018 Edition, One- and two-family dwellings automatic fire sprinkler systems, is hereby amended to read as follows:

An automatic residential fire sprinkler system may be installed in one- and two-family dwellings.

Exception: An automatic residential fire sprinkler system shall not be required for additions or alterations to existing buildings that are not already provided with an automatic residential sprinkler system.

S. Section R314.8 of the International Residential Code, 2018 Edition, is hereby added to read as follows:

Heat sensors shall be installed in garages and interconnected with the related smoke and carbon monoxide detectors.

T. Section R 323.2.1 of the International Residential Code, 2018 Edition, is hereby added to read as follows:

Required occupant capacity. The required occupant capacity of the storm protection area in all residential occupancies under the IRC shall be calculated as two (2) for the first bedroom plus one (1) for each additional bedroom. Adequate ventilation shall be required.

- U. Section R326.1 of the International Residential Code, 2018 Edition, General, is hereby amended to read as follows:

The design and construction of pools, hot tubs, and spas shall comply with Chapter 42 of the 2012 International Residential Code in its entirety.

- V. Section R401.1 of the International Residential Code, 2018 Edition, Application is hereby amended to add the following paragraph:

The construction of foundations shall be in accordance with the latest edition of the Johnson County Building Officials Residential Foundation Guidelines.

- W. Section R403.1.1.1 of the International Residential Code, 2018 Edition, Minimum size, is hereby added to read as follows:

The minimum size for all residential concrete footings shall be 8 inches in depth and 16 inches in width. Steel shall be minimum 1/2" in size with two (2) bars running parallel in the footing. Single story trench footings are to be a minimum of 12 inches in width. Footings for all three story structures shall be designed by a licensed Kansas engineer.

- X. Section R404.4.1 of the International Residential Code, 2018 Edition, Decks, is hereby added to read as follows:

Retaining wall permit fees. The Governing Body shall establish the permit fees by resolution.

- Y. Section R507.1.1 of the International Residential Code, 2018 Edition, Decks, is hereby added to read as follows:

The construction of decks and balconies shall be done by using the latest edition of the Johnson County Building Officials Deck Design publication.

- Z. Section R507.1.2 of the International Residential Code, 2018 Edition, Decks, is hereby added to read as follows:

Deck permit fees. The Governing Body shall establish the permit fees by resolution

- AA. Section R506.1.1 of the International Residential Code, 2018 Edition, Garage Floors, is hereby added to read as follows:

All garage floors are to be constructed of concrete and shall be installed according to the Johnson County Foundation Guideline.

BB. Section R602.10.6.3.1 of the International Residential Code, 2018 Edition, Braced wall panel construction methods, is hereby added to read as follows:

The Johnson County Braced Wall Report will be required as the braced wall standard for all garages, including the H frame detail. Other methods of portal frames at garage door openings shall be engineered.

CC. Section R905.4.2 of the International Residential Code, 2018, Wind resistance of asphalt shingles, is hereby added to read as follows:

Asphalt shingles shall be listed and warrantied by the manufacturer to withstand a minimum 115 mile per hour wind load.

DD. Section R908.3 of the International Residential Code, 2018 Edition, Roof replacement, is hereby amended to read as follows:

New roof covering shall not be installed without first removing all existing layers of roof covering down to the roof decking. All re-roofing shall require two courses of ice and water.

Exception: Where the existing roof assembly includes an ice barrier membrane that is adhered to the roof deck, the existing ice barrier membrane shall be permitted to remain in place and covered with an additional layer of ice barrier membrane in accordance with Section R905.

EE. Section N1101.1 of the International Residential Code, 2018 Edition, Scope, is hereby amended to add the following paragraphs following the first paragraph:

As an alternative to the provisions of Chapter 11 of this code, structures validated by an accepted certified energy auditor to meet a HERS rating score of 80 or less shall be deemed to meet this Code. The energy auditor shall present their national certification credentials for review and approval by the Building Official prior to issuance of the permit, and no Certificate of Occupancy shall be issued for the structure until all documentation has been received and accepted that compliance has been met.

Table N1102.1.2

Insulation and Fenestration Requirements by Component

Climate Zone	Fenestration U-factor ^b	Skylight U-factor ^b	Glazed Fenestration SHGC ^b	Ceiling R-Value ^f	Wood Frame Wall R-Value	Mass Wall R-Value	Floor R-Value	Basement Wall R-Value ^c	Slab R-Value & Depth ^d	Crawl Space Wall R-Value ^c
4	0.32	0.55	0.4	49	13	8/13	19	10/13	NR	10/13

a. R-values are minimums. U-factors and SHGC are maximums. When insulation is installed in a cavity which is less than the label or design thickness of the insulation, the installed R-value of the insulation shall not be less than the R-value specified in the table.

b. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.

c. "10/13" means R-10 continuous insulation on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement walls, when basement walls are more than 50% below grade.

d. R-5 shall be added to the required slab edge R-values for heated slabs.

e. The second R-value applies when more than half the insulation is on the interior of the mass wall.

f. Loose-fill insulation shall be installed at the rate recommended by the manufacturer's statement "so many bags per 1000 sq ft." Where the pitch of the roof restricts the "minimum thickness" at the exterior wall line, the insulation shall be blown into the cavity so as to achieve a greater compacted density to a point where the "minimum thickness" can be achieved. An alternative is to install high-density batts around the perimeter edge per R1102.2.

FF. Section N1103.3.5 of the International Residential Code, 2018 Edition, Building cavities (Mandatory), is hereby deleted.

GG. Section N1103.5.3 of the International Residential Code, 2018 Edition, Hot water pipe insulation (prescriptive), is hereby amended to read as follows:

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

1. Piping serving more than one dwelling unit
2. Piping located outside the conditioned space
3. Piping from the water heater to a distribution manifold
4. Piping located under a floor slab
5. Buried piping
6. Supply and return piping in recirculation systems other than demand recirculation systems

HH. Section N1104 of the International Residential Code, 2018 Edition, Electrical Power and Lighting Systems (Mandatory), is hereby deleted in its entirety.

II. Table N1106.4 (R406.4) of the International Residential Code, 2018 Edition, is hereby amended to read as follows:

Table N1106.4 (R406.4)

Maximum Energy Rating Index.

Climate Zone	Energy Rating Index ^a
1	57
2	57
3	57
4	80
5	61
6	61
7	58
8	58

a. Where on-site renewable energy is included for compliance using the ERI analysis of Section N1106.4, the building shall meet the mandatory requirements of Section N1106.2, and the building thermal envelope shall be greater than or equal to the levels of efficiency and SHGC in Table N1102.2.1 or Table N1102.1.4

JJ. Section G2414.5.3 of the International Residential Code, 2018 Edition, Copper or copper alloy tubing, is hereby deleted in its entirety.

KK. Section G2417.4.1 of the International Residential Code, 2018 Edition, Test pressure, is hereby amended to read as follows:

The test pressure to be used shall not be less than 1 1/2 times the proposed maximum working pressure, but not less than 10 psig (69 kPa gauge), irrespective of design pressure. Where the test pressure exceeds 125psig (862 kPa gauge), the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe.

LL. Section P2503.4 of the International Residential Code, 2018 Edition, Building Sewer Testing, is hereby amended to read as follows:

The building sewer shall 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 five (5) foot head

of water and be able to maintain such pressure for fifteen (15) minutes or by air maintain five (5) PSI for fifteen (15) minutes. This testing will be required when ordered by the Building Official.

MM. Section P2603.5.1 of the International Residential Code, 2018 Edition, Sewer depth, is hereby amended to read as follows:

Building sewers that connect to private sewage disposal systems shall be not less than 18 inches (457.2 mm) below finished grade at the point of septic tank connection. Building sewers shall be not less than 18 inches (457.2 mm) below grade.

NN. Section P2903.4 of the International Residential Code, 2018 Edition, Thermal expansion control, is hereby amended to read:

A means for controlling increased pressure caused by thermal expansion shall be installed in each dwelling unit. A thermal expansion tank shall be the means in which to control thermal expansion. At the time a water heater is new or replaced a thermal expansion tank shall be installed.

Exception: in cases where a thermal expansion tank is not feasible the Code Official shall determine an approved method of thermal expansion control.

OO. Section E3901.7 of the International Residential Code, 2018 Edition, Outdoor outlets, is hereby amended to add the following exception:

Exception: Balconies less than nine square feet.

PP. Section E3902.2 of the International Residential Code, 2018 Edition, Garage and accessory building receptacles, is hereby amended to read as follows:

All 125-volt single phase, 15 or 20 ampere receptacles installed in garages and grade-level portions of accessory buildings used for storage or work areas shall have ground-fault circuit-interrupter protection for personnel.

Exception:

Dedicated receptacles supplying garage door openers.

QQ. Section E3902.5 of the International Residential Code, 2018 Edition, Unfinished basement receptacles, is hereby amended to read as follows:

All 125-volt single phase, 15 and 20 ampere receptacles installed in unfinished basements shall have ground-fault circuit interrupter protection for personnel. For purposes of this section, unfinished basements are defined as portions or areas of the basement not intended as habitable rooms and limited to storage areas, work areas, and the like.

Exception:

1. A dedicated receptacle supplying only a permanently installed fire alarm or burglar alarm system.
2. Dedicated receptacles supplying sump pumps.

RR. Section E3902.18 of the International Residential Code, 2018 Edition, Arc-fault circuit interrupter protection for branch circuit extensions or modifications, is hereby added to read as follows:

Arc-fault circuit interrupter protection for branch circuit extensions or modifications. This section shall not apply where existing dwelling unit premises wiring circuits make application of this section impracticable as determined by the building official.

SS. Chapter 42 of the International Residential Code, 2018 Edition, Swimming Pools, is hereby deleted in its entirety

SECTION TWO: This Ordinance shall take effect on the 15th day of October, 2022, and be in force from and after its passage, approval, and publication as provided by law.

PASSED by the City Council this 19th day of September, 2022.

SIGNED by the Mayor this 19th day of September, 2022.

CITY OF GARDNER, KANSAS

(SEAL)

_____/s/_____
Todd Winters, Mayor

Attest:

_____/s/_____
Sharon Rose, City Clerk

Approved as to Form:

_____/s/_____
Ryan Denk, City Attorney