CITY OF LAKE QUIVIRA

ORDINANCE NO. \_\_\_\_\_\_

**AN ORDINANCE AMENDING TITLE V SECTION 7 OF THE CODE OF THE CITY OF LAKE QUIVIRA, KANSAS, TO INCORPORATE BY REFERENCE THE INTERNATIONAL MECHANICAL CODE, 2018 EDITION, WITH OMISSIONS AND ADDITIONS, TO REGULATE THE CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, OCCUPANCY, AND MAINTENANCE OF PROPERTY, BUILDINGS OR STRUCTURES IN THE CITY OF LAKE QUIVIRA, KANSAS.**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAKE QUIVIRA, KANSAS, THAT:

INTERNATIONAL MECHANICAL CODE ADOPTED.

PARAGRAPH ONE.

Title V, Section 7, of the Code of the City of Lake Quivira, Kansas, adopting the International Mechanical Code with amendments, is hereby amended to read as follows:

A. Incorporation by Reference.

There is hereby incorporated by reference the International Mechanical Code, 2018 Edition, prepared and published in book form by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, and hereby referenced as the IMC.

B. Amendments and Additions.

The following sections of the IMC are amended as follows:

Amend Section 101.1 Title, of the IMC by replacing “[NAME OF JURISDICTION]” with “City of Lake Quivira, Kansas.”

Amend by omitting Sections 103, 104, 105, 106, 108, and 109, of the IMC, in their entirety, and amend by adding a new Section 103, which reads:

SECTION 103 ADMINISTRATIVE PROVISIONS

The Administrative Provisions of the 2018 International Building Code, Chapter 1, in its entirety, and as modified by the Code of the City of Lake Quivira, along with Sections 101, 102 and 107 of the IMC, shall govern all matters within the scope of the IMC.

Amend the IMC by adding a new Section 102.12 State Boiler Inspector., which reads:

102.12 State Boiler Inspector. Where permits are issued and portions of the work require inspection and approval of boilers and pressure vessels by the state of Kansas, those portions of the work will comply with the state requirements in lieu of compliance with the technical provisions of this Code. Contact the State Boiler Inspector at the State Department of Human Resources for complete information regarding state requirements. State approval is generally required for all boilers that require permits.

EXCEPTIONS:

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

Amend by omitting Section 401.2 Ventilation Required., of the IMC, and adding a new Section 401.2 Ventilation Required., which reads:

401.2 Ventilation Required. Every occupied space shall be ventilated by natural means in accordance with Section 402 or by mechanical means in accordance with Section 403. Where the air infiltration rate in a dwelling unit is less than 3 air changes per hour when tested with a blower door at a pressure of 0.2-inch water column (50 Pascals) in accordance with Section 402.4.1.2 of the International Energy Conservation Code, the dwelling unit shall be ventilated by mechanical means in accordance with Section 403.

C. Presumptions.

For purposes of this Section and the enforcement of the provisions thereof, there shall be a prima facie presumption that the owner of the real property shall be that Person reflected on the most recent evidence of ownership for the real property filed of record with the County wherein such real property is situated. The prima facie presumption of ownership shall be effective upon affidavit of an authorized agent or employee of the County wherein such property is located, attesting that deed or deeds attached thereto are a true and accurate copy of the official record, and are the most recent evidence of ownership for the described real property.

For purposes of this Section and the enforcement of the provisions thereof, there shall be a prima facie presumption that the Person who owns or controls property on which a violation occurs, has caused or permitted such violation.

D. Copies on File.

Not less than three (3) copies of the code hereinbefore incorporated by reference shall be marked or stamped "Official Copy as Adopted by Ordinance No. \_\_\_\_” and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The Municipal Judge, and all administrative departments of the city charged with the enforcement of this Section shall be supplied, at the cost of the city, such number of official copies of such code as may be deemed expedient.

E. Penalty.

Any person or entity violating any provisions of this Section shall, upon conviction, be punished by a fine of not less than fifty dollars and no more than two thousand five hundred dollars. Each day that any violation occurs or continues shall constitute a separate offense. The imposition of a penalty for any violation or noncompliance shall not excuse any violation, permit a violation to continue, or excuse any obligation to remedy any violation. The imposition of a penalty shall not prohibit any action to enforce compliance, prevent a violation, or remedy a violation, nor shall it prohibit the imposition of liens or assessments necessary to remedy a violation.

SECTION TWO.

The previously existing provisions of Title V, Section 7, of the Code of the City of Lake Quivira, Kansas shall be hereby repealed upon the effective date of this Ordinance.

SECTION THREE.

If any part or parts of this Ordinance shall be held to be invalid, such invalidity shall not affect the validity of the remaining parts of this ordinance. The Governing Body hereby declares that it would have passed the remaining parts of this Ordinance if it had known that such part or parts thereof would be declared invalid.

SECTION FOUR.

Neither the adoption of this Ordinance, nor the future repeal or amendment of any section or part or portion thereof, shall in any manner affect the prosecution for violation of this Ordinance or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance, and all rights and obligations there under shall continue in full force and effect.

SECTION FIVE.

This Ordinance shall take effect and be in full force and effect July 1, 2019 from and after publication in an official city newspaper as provided by law.

PASSED by the Governing Body this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2019.

APPROVED AND SIGNED by the Mayor this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2019.

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

Ben Kalny, Mayor

ATTEST:

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

City Clerk

APPROVED AS TO FORM:

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

Ellis Rainey, City Attorney

CITY OF LAKE QUIVIRA, KANSAS

Summary of Ordinance No. \_\_\_

On the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_ 2019, the Governing Body of the City of Lake Quivira, Kansas passed Ordinance No. \_\_\_, to amend Title V, Section 7 of the Code of the City of Lake Quivira, Kansas to adopt the 2018 Edition of the International Mechanical Code, with additions and omissions.

A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk or at www.cityoflakequivira.org.

The undersigned hereby certifies as prescribed by KSA 12-3007 that the foregoing Summary of Ordinance No. \_\_\_\_\_\_\_ is legally accurate and sufficient.

Dated: the \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_ 2019.

CITY ATTORNEY

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Ellis Rainey, City Attorney