

Members of the Governing Body will participate by video call-in only due to the COVID19 pandemic. The public will be able to view the meeting at <https://www.facebook.com/CityofPrairieVillage>

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
Council Chambers
Tuesday, February 16, 2021
6:00 PM**

- I. **CALL TO ORDER**
- II. **ROLL CALL**
- III. **PLEDGE OF ALLEGIANCE**
- IV. **APPROVAL OF THE AGENDA**
- V. **PUBLIC PARTICIPATION**

If you would like to speak live during the public participation portion of the meeting, please notify Deputy City Clerk Ashley Freburg at afreburg@pvkansas.com, and provide your name, address, and email address prior to 3 p.m. on February 16. The City will provide you with a link to join the meeting and will call on those who signed up to speak for up to 3 minutes once public participation begins.

To submit written comment to Council, please email afreburg@pvkansas.com prior to 3 p.m. on February 16 to be shared with Councilmembers prior to the meeting.

VI. **CONSENT AGENDA**

All items listed below are considered to be routine by the Governing Body and will be enacted by one motion (Roll Call Vote). There will be no separate discussion of these items unless a Council member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the regular agenda.

By Staff

- 1. Approval of regular City Council meeting minutes - February 1, 2021
- 2. Approval of Expenditure Ordinance #2999
- 3. Consider appointment of committee members
- 4. Consider approval of the 2021 agreements with Johnson County Park and Recreation District
- 5. Consider interlocal agreement with Kansas City, Missouri for Project STST0001: State Line Road - 71st Street to 75th Street
- 6. Consider 2021 recreation fee schedule

VII. **COMMITTEE REPORTS**

VIII. **MAYOR'S REPORT**

IX. **STAFF REPORTS**

X. **OLD BUSINESS**

XI. **NEW BUSINESS**

COU2021-22 Consider addendum to the Renewables Direct participation agreement with Evergy
Rebecca Galati / Kevin Brannan

Update on deed restriction research
Tim Schwartzkopf / David Waters

COU2021-23 Consider design agreement with Affinis Corp. for the design of MIRD0007 - Mission Road at 68th Street flood control project
Keith Bredehoeft

COU2021-24 Consider traffic calming on Belinder Avenue from 71st Street to 75th Street
Keith Bredehoeft

XII. **COUNCIL COMMITTEE OF THE WHOLE** (Council President presiding)

2022 budget calendar
Nickie Lee

COU2021-25 Discuss adoption of the ICC 2018 Building Codes
Jamie Robichaud

Discuss the 2021 pool reopening plan

XIII. **ANNOUNCEMENTS**

XIV. **ADJOURNMENT**

If any individual requires special accommodations - for example, qualified interpreter, large print, reader, etc., please notify the City Clerk at 385-4616, no later than 48 hours prior to the beginning of the meeting. If you are unable to attend this meeting, comments may be received by e-mail at cityclerk@pvkansas.com.



**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
FEBRUARY 1, 2021**

The City Council of Prairie Village, Kansas, met in regular session on Monday, February 1, 2021, at 6:00 p.m. Due to the COVID-19 pandemic, Councilmembers attended a virtual meeting via the Zoom software platform. Mayor Mikkelson presided.

ROLL CALL

Roll was called by the City Clerk with the following Councilmembers in attendance remotely via Zoom: Chad Herring, Jori Nelson, Ron Nelson, Tucker Poling, Bonnie Limbird, Piper Reimer, Dan Runion, Courtney McFadden, Ian Graves and Terrence Gallagher. Staff present via Zoom: Byron Roberson, Chief of Police; Keith Bredehoeft, Director of Public Works; City Attorney David Waters, attorney with Lathrop & Gage; Wes Jordan, City Administrator; Jamie Robichaud, Deputy City Administrator; Meghan Boom, Assistant City Administrator; Tim Schwartzkopf, Assistant City Administrator; Nickie Lee, Finance Director; Adam Geffert, City Clerk.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Mrs. McFadden made a motion to approve the agenda for February 1, 2021. Mr. Poling seconded the motion, which passed 10-0.

PUBLIC PARTICIPATION

No requests to address the Council were received.

CONSENT AGENDA

Mayor Mikkelson asked if there were any items to remove from the consent agenda for discussion.

1. Approval of regular City Council meeting minutes - January 19, 2021
2. Approval of expenditure ordinance #2998
3. Approval of installation of stop signs at the intersection of 71st Terrace and Eaton
4. Approval of revisions to Council Policy 001

Mrs. McFadden made a motion to approve the consent agenda as presented. A roll call vote was taken with the following votes cast: "aye": Herring, J. Nelson, R. Nelson, Poling, Limbird, Reimer, Runion, McFadden, Graves, Gallagher. The motion passed 10-0.



COMMITTEE REPORTS

- Ms. Reimer stated that she had attended a UCS Drug and Alcohol Council meeting on January 21. The Council began the process of creating its agenda for the year, and a speaker gave a presentation on the “Signs of Suicide” (S.O.S.) program used by many local school districts.
- Mr. Graves noted that the Environmental Committee met on January 27. Agenda items for 2021 were discussed, as were continuing efforts to examine chemical use at City parks and plans to host a recycling event. Additionally, a native plant sale was being considered for April.
- Mrs. McFadden said that the VillageFest Committee met on January 28. The Committee will consider several options for the VillageFest event based on the state of the COVID-19 pandemic throughout the spring.
- Ms. Limbird stated that the Arts Council would host an online music event on Presidents Day titled “A Patriotic Valentine”, featuring a performance by a local violinist. The event will be broadcast live on Facebook.
- Ms. Nelson reported that special education teachers in the Shawnee Mission School District were beginning to receive COVID vaccinations. The school board also voted to shorten the school year by approximately two weeks based on a decision made by the State Board of Education to reduce the number of required school hours for the year. Lastly, the school bond issue passed with almost 70% of voters in support.

MAYOR’S REPORT

- The Mayor provided an update on the COVID-19 pandemic, noting that second phase of vaccinations continued in Johnson County. The percent positive rate in the county had dropped to a 7.6% rolling average, and both deaths and hospitalizations were trending downward.
- The Mayor noted that February was Black History Month, and that the City was working with Stand Up for Black Lives+ Prairie Village and the Johnson County NAACP on a joint recognition event.
- A meeting with area state legislators was scheduled for February 4.
- The Northeast Johnson County Chamber of Commerce held a virtual State of the Cities event on January 21. At the meeting, mayors from several cities highlighted their 2020 accomplishments.
- The Mayor noted that the Brighton Gardens senior living center was holding a canned soup drive entitled “Souper Bowl Week” to coincide with the Super Bowl. Donations will be given to area food banks.



- The Mayor stated that the next Council meeting would be held on Tuesday, February 16 due to the Presidents Day holiday.
- The Mayor recognized Teen Council member Sydney Newton's attendance at the meeting.

STAFF REPORTS

- Mr. Jordan stated that the February Plan of Action was included in the meeting packet.

Ms. Nelson asked when the proposed tree protection ordinance would be brought back to Council for consideration. Ms. Robichaud stated that a public hearing would be held at the March 2 Planning Commission meeting, after which the ordinance would be presented to Council for final approval at its second meeting in March.

Ms. Limbird asked when the approved stop signs at 71st Terrace and Eaton would be installed. Mr. Bredehoeft said that he planned to speak to the crew leader about the project timeline later in the week, and would contact Ms. Limbird once he had more information.

- Chief Roberson shared several updates from the Police Department:
 - 25 Police Department employees had thus far received the COVID-19 vaccine, and another 10 would be vaccinated on February 2.
 - The Chief attended a virtual Diversity, Equality and Inclusion (DEI) symposium the prior week.
 - The Chief provided a summary of the 2020 forfeiture trust fund report.
 - The Chief discussed the 2020 crime report, noting that both crime and traffic accidents were down for the year, though mental health calls had increased. He added that the Johnson County Co-responder had been helpful in addressing mental health issues.

OLD BUSINESS

There was no old business to come before the Council.

NEW BUSINESS

COU2021-18 Consider Resolution 2021-11 adopting the hazard mitigation plan

Mr. Schwartzkopf stated that The Disaster Mitigation Act of 2000 required all political entities in the United States to have an approved hazard mitigation plan. Adopting the Region L plan, which included communities in Johnson, Leavenworth and Wyandotte



Counties, would allow the City to address hazards, develop mitigation actions and incorporate them with the mitigation actions of other jurisdictions.

The proposed plan was completed and approved by the Federal Emergency Management Agency (FEMA) pending approval by the governing bodies of all participating entities. The plan's adoption was required for the City's eligibility for potential FEMA funds that become available for hazard mitigation activities.

Mr. Nelson noted that the plan report listed 15 properties in Prairie Village that were located in a flood plain, 14 of which were single-family homes. He asked if the properties were located along Mission Road, and if they would be removed from the list once the Mission Road drainage project was completed. Mr. Bredehoeft said that he was unsure of the locations of the homes, but would verify the information.

Mrs. McFadden made a motion to approve Resolution 2021-11 adopting the hazard mitigation plan. Mr. Herring seconded the motion, which passed 10-0.

COU2021-19 Consider small-cell facility deployment and master right-of-way license agreement

Mr. Waters said that a small-cell facility deployment agreement with AT&T was included in the packet. The agreement was similar to others Council had approved in the past with Verizon and Mobilitie; however, each of those required both a franchise agreement and a master right-of-way agreement. In 2019, the Kansas Legislature passed legislation prohibiting cities from requiring franchise agreements or collecting franchise fees from wireless services providers. As a result, cities must use small-cell facility deployment agreements. Other factors of the agreements, such as payment terms, application processes and insurance requirements remained the same.

Mr. Waters added that there were no installation applications to come before the Council at this time. The proposed agreement would simply serve as the "master" agreement, and when applications were received, they would be added as supplements. Mr. Waters noted that he had worked with attorneys from several surrounding cities to develop a consistent agreement that could be used throughout the area, and that similar agreements had already been approved by other jurisdictions.

Chris Carroll and Paul Snider from AT&T were present to answer questions. Mr. Runion asked how providers would go about adding equipment to City infrastructure. Mr. Carroll stated that whichever provider was able to secure a location first would have rights to that location, though co-location was possible in some circumstances.

After further discussion, Mr. Gallagher made a motion to approve the small-cell facility deployment and the master right-of-way license agreement with AT&T. Mr. Nelson seconded the motion. A roll call vote was taken with the following votes cast: "aye":



Herring, J. Nelson, R. Nelson, Poling, Limbird, Reimer, Runion, Graves, Gallagher. The motion passed 9-0, with Mrs. McFadden in abstention.

COU2021-20 Consider reaffirming expenditures to date and authorize City staff to spend any additional Coronavirus Relief Funds (CRF) for ongoing COVID-related expenses

Mr. Schwartzkopf said that on November 2, 2020, the City Council approved the subrecipient grant agreement with Johnson County, and affirmed expenditures at that date of \$533,705.15. Prairie Village was eligible to receive a total of \$689,201.15 in funding, leaving \$155,496.00 in eligible funds that had not yet been allocated to the City.

After initial Council approval, the county relaxed its spending requirements, which allowed the City to capture the remaining funding through police department salaries during the pandemic. Those funds were set aside to be used for future COVID-related costs. In addition to the \$533,705.15 for new projects and equipment, the City spent \$58,951.54 to complete information technology projects and video conferencing capabilities that were previously approved but required additional funding.

The City also had other miscellaneous COVID-related expenses, including disinfecting facilities and employee testing which were paid for with these funds.

As of February 1, 2021, The City had spent:

Subrecipient Allocation:	\$689,201.15
Submittals 1-3:	(\$60,982.12)
Submittal 4:	(\$16,540.97)
Current expenditures:	(\$515,133.60)
Balance:	\$96,544.46

City staff anticipated that there would be additional COVID-related expenses in the future, and requested Council approval to spend the unallocated funds for future expenses associated to the pandemic.

Mr. Gallagher made a motion to reaffirm the Coronavirus Relief Funds to date and give staff authorization to spend remaining funds for COVID-related expenses. Mr. Nelson seconded the motion, which passed 10-0.

Ms. Nelson made a motion that the City Council move to the Council Committee of the Whole portion of the meeting. The motion was seconded by Ms. Reimer and passed unanimously.



COUNCIL COMMITTEE OF THE WHOLE

COU2021-21 Consider 2021 recreation fee schedule

Ms. Buum said that, per Council direction, staff annually reviewed recreation fees to ensure they were reasonable and kept pace with any operational increases. The Parks and Recreation Committee voted at its November 18, 2020 meeting to recommend no changes to the fee schedule in 2021. The recommended fees were based on a typical year with no COVID-19 impacts. She added that changes could be proposed to the governing body later in the spring as accommodations related to the pandemic were considered. Ms. Buum noted that pool fees were included, as staff currently planned for the pool complex to open at some point in 2021.

Mr. Herring and Ms. Reimer expressed concern over the possibility of the pool opening and the safety of pool staff. Mr. Poling stated that the Parks and Recreation Committee considered the pool opening at its most recent meeting, and recommended moving forward with a plan to open the pools. Mr. Jordan added that staff would advise Council of pool opening plans as they became more firm.

Mr. Nelson made a motion to approve the 2021 recreation fee schedule as presented, with the provision that staff have flexibility to make adjustments as matters arise due to the pandemic. Mr. Gallagher seconded the motion, which passed 10-0.

Ms. Nelson moved that the City Council end the Council Committee of the Whole portion of the meeting. The motion was seconded by Mr. Gallagher and passed 10-0.

ANNOUNCEMENTS

Announcements were included in the Council meeting packet.

ADJOURNMENT

Ms. Limbird made a motion to adjourn the meeting. The motion was seconded by Ms. Reimer, and passed 10-0.

Mayor Mikkelson declared the meeting adjourned at 7:16 p.m.

Adam Geffert
City Clerk

CITY TREASURER'S WARRANT REGISTER

DATE WARRANTS ISSUED:

Warrant Register Page No. 1

February 1, 2021

Copy of Ordinance
2999

Ordinance Page No. _____

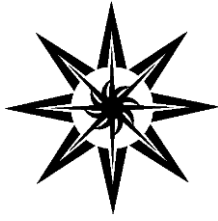
An Ordinance Making Appropriate for the Payment of Certain Claims
Be it ordained by the governing body of the City of Prairie Village, Kansas.

Section 1. That in order to pay the claims hereinafter stated which have been properly audited and approved, there is hereby appropriated out of funds in the City treasury the sum required for each claim.

NAME	DATE	AMOUNT	TOTAL
EXPENDITURES:			
Accounts Payable			
23246-23352	1/8/2021	√1,684,712.02	✓
23366-23370	1/15/2021	√ 350.67	✓
23371-23455	1/22/2021	√ 576,021.99	✓
23456-23472	1/29/2021	√358,027.44	✓
Payroll Expenditures			
1/15/2021		√360,126.38	✓
1/29/2021		√333,975.72	✓
Electronic Payments			
Electronic Pmnts	1/1/2021	√ 83.10	✓
	1/5/2021	√24,670.12	✓
	1/12/2021	\$ √ 51.80	✓
	1/13/2021	√1,177.24	✓
	1/14/2021	√1,926.16	✓
	1/15/2021	√ 450.07	✓
	1/19/2021	√4,613.03	✓
	1/20/2021	√9,471.56	✓
	1/26/2021	√62,064.08	✓
TOTAL EXPENDITURES:			3,417,701.48 ✓
Voided Checks			
	Check #	(Amount)	
Council Yearly Checks	23353-23365	√(13.00)	
All City Management	23371	√(4,119.76)	
AT&T	23374	√(3,115.14)	
AT&T	23375	√ (74.49)	
Baysingers Police Supply	23378	√(829.57)	
Cat 5 Commerce	23384	√(1,166.00)	
DH Pace	23392	√(1,606.00)	
Gt Distributors	23404	√(3,193.76)	
Hy Vee	23407	√ (10.98)	
Insight Public Sector	23411	√(76,828.74)	
Johnson County Mental Health	23416	√(8,401.05)	
MJV-A Pride Cleaners	23434	√(693.00)	
TOTAL VOIDED CHECKS:			(100,051.49) ✓
GRAND TOTAL CLAIMS ORDINANCE			3,317,649.99 ✓

Section 2. That this ordinance shall take effect and be in force from and after its passage.
Passed this 1st day of February 2021.
Signed or Approved this 1st day of February 2021.

ATTEST: *Courtney James* 2/4/2021 City Treasurer ATTEST: *Wade M. Lee* 2-1-2021 Finance Director



MAYOR

**Council Meeting Date: February 16, 2021
CONSENT AGENDA**

Consider appointment of committee members

RECOMMENDATION

Mayor Mikkelson requests Council ratification of the appointment/reappointment of the following individuals:

Committee	First Name	Last Name	Term	New/Reappoint
Planning Commission	Nancy	Wallerstein	2021-24	Reappointment
Planning Commission	Jonathan	Birkel	2021-24	Reappointment
Planning Commission	Patrick	Lenahan	2021-24	Reappointment
Planning Commission	Jeffrey	Valentino	2021-24	Reappointment
Tree Board	Tricia	Suellentrop	2021-24	New
Insurance Committee	Mike	Sill	2021-23	Reappointment
Insurance Committee	Erik	Hansey	2021-23	Reappointment
Diversity Committee	Etienne	Clatinoff Orozco	2021-22	Reappointment
Diversity Committee	Todd	Harris	2021-22	Reappointment
Diversity Committee	Michael	Skook	2021-22	Reappointment
Diversity Committee	Jameelah	Lang	2021-23	Reappointment
Diversity Committee	George	Williams	2021-23	Reappointment
Diversity Committee	Denis	Solis	2021-23	Reappointment
Diversity Committee	Melissa	Brown	2021-23	Reappointment

BACKGROUND

The individuals listed above have expressed interest in service on the indicated Prairie Village committees. Committee Chairs and staff have reviewed all applications, met with the individuals and desire to have these committee members appointed. New volunteer applications are attached. Further committee appointments will be made at the March 1, 2021 City Council meeting.

ATTACHMENTS

Volunteer Applications

PREPARED BY

Adam Geffert

City Clerk

Date: February 11, 2021

* Full Name
Tricia Suellentrop

* Full Address
7839 JUNIPER DR
Kansas Overland Park 66208-4432

* **Email**
triciasuellentrop@gmail.com

* Phone
(816) 674-2470

* Select your City Ward
Ward 4

* **Please select your FIRST committee choice**
Tree Board

* **Please select your SECOND committee choice**
Arts Council

* **Please select your THIRD committee choice**
Parks and Recreation

* **Please tell us about yourself, listing any special skills or experiences you have.**
I am a librarian, have lived in PV for 4 yrs, I garden & travel and am interested in public space development.



PARKS AND RECREATION

City Council Meeting Date: February 16, 2021

Consent Agenda: Consider approval of the 2021 agreements with Johnson County Park and Recreation District

RECOMMENDATION

Recommend approval of the Group Swim Lesson Program, Day Camp, and Tennis Program agreements with Johnson County Park and Recreation District.

BACKGROUND

The City contracts with Johnson County Park and Recreation District annually to offer these recreation programs. The contracts are similar to those signed in previous years. Full details are outlined in the agreement.

FINANCIAL IMPACT

There are no direct costs to the City in administering these contracts outside of normal park maintenance costs and minimal administrative staff time. The service providers directly charge and collect fees of which a nominal portion is passed on to the City to cover the above costs.

ATTACHMENTS

Group Swim Lesson Program agreement
Day Camp agreement
Tennis Program agreement

PREPARED BY

Meghan Boom
Assistant City Administrator
Date: February 10, 2021

DRAFT

**Johnson County Park and Recreation District
Group Swim Lesson Program
~~2020-2021~~ Participation Agreement**

As a Community Service, the Johnson County Park and Recreation District (JCPRD) agrees to provide the Group Swim Lesson program for the City of Prairie Village (the City). The program will be held at the Prairie Village Pool Complex at 7711 Delmar in Prairie Village, Kansas.

1. The Johnson County Park and Recreation District will provide:
 - Group Swim Lessons
 - The scheduling for the lessons in the program
 - Sufficient certified staff
 - A staff member to monitor and control the entrance
 - Promotion of the program
 - Registration of the participants
 - Equipment needed for the program
 - Emergency action plans and first aid kit

The City of Prairie Village will provide a temporary barrier at the entrance to assist staff in the control of patrons at the entrance.

2. The Johnson County Park and Recreation District will have use of the facility beginning June ~~8~~, ~~2020-2021~~ and ending August 6, ~~2020~~~~2021~~. Morning lessons will be held in the Yard Pool and Diving Well until 11:00 a.m. and at 11 a.m. in the Splash down Pool and the Meter Pool. Exceptions can be made at the discretion of the City Management. The Adult Pool is off-limits during lessons.

- Lessons offered Monday through Thursday, with Friday as a make-up session.
- Morning lessons held between 9 a.m. – ~~12 p.m.~~11:00 a.m. Session dates: (all 8-day sessions):

Session 1 – ~~June 8-18, 2020~~ June 7 – June 17

Session 2 – ~~June 22-July 2~~ June 21 – July 1

Session 3 – ~~July 6-16~~ July 12-21 – July 22

—Session 4 – ~~July 20-30~~ July 26 – August 5

- Courses may be cancelled due to low-enrollment or unavailability of instructors.

—Course may be cancelled due to raising Covid-19 cases

3. The Johnson County Parks and Recreation District courses offered:

- Baby & Me (6 months – 2 years) ~~Parent Tot 6 months to 2 ½ years~~

- Tot & Me (1.5 years – 3 years)

- Preschool Level A (3 years – 5 years)

- Preschool Level B (3 years – 5 years)

—~~Aqua Tot 2 ½ – 5 years~~

- Level 1 (5 years – 12 years)

- Level 2 (5 years – 12 years)

- Level 3 (6 years – 12 years)

- Level 4 (6 years – 12 years)

—~~Novice 5-12 years~~

—~~Advanced Novice 5-12 years~~

4. Course Fees will be:

8-30 Minutes Sessions:

- \$60 Learn to Swim per Session (Johnson County Resident)
- \$66 Learn to Swim per Session (Non-Johnson County Resident)

5. Non-Discrimination Clause

JCPRD shall comply with all applicable, local, state and federal laws in carrying out this agreement, including but not limited to Section 5-801 *et seq.* of the Prairie Village City Code.

In connection with the performance of this agreement, JCPRD agrees to comply with the applicable provisions of all local, state and federal discrimination laws.

JCPRD further agrees not to discriminate against any person because of race, religion, color, sex, sexual orientation, gender identity, disability, age, national origin or ancestry in the admission or access to, or participation or employment in, its programs, services and activities.

If the City determines that JCPRD has violated any applicable provision of any local, state or federal law, or has discriminated against any person because of race, religion, color, sex, sexual orientation, gender identity, disability, age, national origin, or ancestry in the admission or access to, or participation or employment in its programs, services and activities, such violation and/or discrimination shall constitute a breach of contract and the City may cancel, terminate or suspend this agreement in whole or in part. The parties do not intend this provision to subject any party to liability under local, state or federal laws unless it applies.

6. JCPRD shall furnish to the City a valid certificate of insurance providing the following coverage:

General Aggregate	\$2,000,000
Products and Completed Operations	\$2,000,000
Personal/Advertisement Injury	\$ 500,000
Fire Damage	\$ 300,000
Each Occurrence	\$ 500,000

Workers Compensation and Employers Liability as determined by Kansas Statutes.

Copies of said policies shall be provided to the City on or before May 31, 2020.

JCPRD agrees to defend, indemnify, and hold harmless the City and its agents and/or employees from any and all claims, settlements, and judgments for personal injury, bodily injury, property damage, and/or death arising out of JCPRD's or any of its agents', servants', and/or employees' negligent acts and/or failures to act in the performance of this agreement provided, however, that in no event shall JCPRD be subjected to any liability greater than found in the Kansas Tort Claims Act, K.S.A. 75-6101, *et seq.*, and amendments thereto.

JCPRD and its employees are independent contractors and are not employees, servants, or agents of the City. JCPRD has the sole responsibility of providing worker's compensation coverage for its employees and the City shall not be responsible for injuries or bodily damage sustained by JCPRD volunteers, employees, representatives and/or staff.

This agreement evidences the entire agreement between parties hereto and supersedes any and all prior agreements and understandings between the parties pertaining to the provision of swimming lessons at the Prairie Village Pool Complex.

Changes can be made to any part of this agreement with the consent of both parties. If the agreement is suitable to the parties involved, please sign below.

CITY OF PRAIRIE VILLAGE, KANSAS

BOARD OF PARK AND RECREATION COMMISSIONERS
JOHNSON COUNTY PARK AND RECREATION DISTRICT

Mayor Eric Mikkelson

~~George J. Schlage~~Leslee Rivarola, Chair

ATTEST:

ATTEST:

Adam Geffert, City Clerk

~~Paul Snider~~Robert Carlson, Secretary

APPROVED AS TO FORM:

APPROVED AS TO FORM:

David E. Waters, City Attorney

Fred J. Logan, Jr., JCPRD Legal Counsel

**Johnson County Park and Recreation District
Group Swim Lesson Program
2021 Participation Agreement**

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1. The Johnson County Park and Recreation District will provide:
 - Group Swim Lessons
 - The scheduling for the lessons in the program
 - Sufficient certified staff
 - A staff member to monitor and control the entrance
 - Promotion of the program
 - Registration of the participants
 - Equipment needed for the program
 - Emergency action plans and first aid kit

The City of Prairie Village will provide a temporary barrier at the entrance to assist staff in the control of patrons at the entrance.

2. The Johnson County Park and Recreation District will have use of the facility beginning June 7, 2021 and ending August 6, 2021. Morning lessons will be held in the Yard Pool and Diving Well until 11:00 a.m. and at 11 a.m. in the Splash down Pool and the Meter Pool. Exceptions can be made at the discretion of the City Management. The Adult Pool is off-limits during lessons.
 - Lessons offered Monday through Thursday, with Friday as a make-up session.
 - Morning lessons held between 9 a.m. – 11:00 a.m. Session dates: (all 8-day sessions):
 - Session 1 – June 7 – June 17
 - Session 2 – June 21 – July 1
 - Session 3 – July 12 – July 22
 - Session 4 – July 26 – August 5
 - Courses may be cancelled due to low-enrollment or unavailability of instructors.

3. The Johnson County Parks and Recreation District courses offered:
 - Baby & Me (6 months – 2 years)
 - Tot & Me (1.5 years – 3 years)
 - Preschool Level A (3 years – 5 years)
 - Preschool Level B (3 years – 5 years)
 - Level 1 (5 years – 12 years)
 - Level 2 (5 years – 12 years)
 - Level 3 (6 years – 12 years)
 - Level 4 (6 years – 12 years)

4. Course Fees will be:

8-30 Minutes Sessions:

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If the City determines that JCPRD has violated any applicable provision of any local, state or federal law, or has discriminated against any person because of race, religion, color, sex, sexual orientation, gender identity, disability, age, national origin, or ancestry in the admission or access to, or participation or employment in its programs, services and activities, such violation and/or discrimination shall constitute a breach of contract and the City may cancel, terminate or suspend this agreement in whole or in part. The parties do not intend this provision to subject any party to liability under local, state or federal laws unless it applies.

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Workers Compensation and Employers Liability as determined by Kansas Statutes.

Copies of said policies shall be provided to the City on or before May 31, 2020.

JCPRD agrees to defend, indemnify, and hold harmless the City and its agents and/or employees from any and all claims, settlements, and judgments for personal injury, bodily injury, property damage, and/or death arising out of JCPRD's or any of its agents', servants', and/or employees' negligent acts and/or failures to act in the performance of this agreement provided, however, that in no event shall JCPRD be subjected to any liability greater than found in the Kansas Tort Claims Act, K.S.A. 75-6101, *et seq.*, and amendments thereto.

JCPRD and its employees are independent contractors and are not employees, servants, or agents of the City. JCPRD has the sole responsibility of providing worker's compensation coverage for its employees and the City shall not be responsible for injuries or bodily damage sustained by JCPRD volunteers, employees, representatives and/or staff.

This agreement evidences the entire agreement between parties hereto and supersedes any and all prior agreements and understandings between the parties pertaining to the provision of swimming lessons at the Prairie Village Pool Complex.

Changes can be made to any part of this agreement with the consent of both parties. If the agreement is suitable to the parties involved, please sign below.

CITY OF PRAIRIE VILLAGE, KANSAS

BOARD OF PARK AND RECREATION COMMISSIONERS
JOHNSON COUNTY PARK AND RECREATION DISTRICT

Mayor Eric Mikkelson

Leslee Rivarola, Chair

ATTEST:

ATTEST:

Adam Geffert, City Clerk

Robert Carlson, Secretary

APPROVED AS TO FORM:

APPROVED AS TO FORM:

David E. Waters, City Attorney

Fred J. Logan, Jr., JCPRD Legal Counsel

2020-2021 CITY OF PRAIRIE VILLAGE DAY CAMP AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of _____, 2020-2021 by and between the City of Prairie Village, Kansas, hereinafter referred to as City, and the Johnson County Park and Recreation District, hereinafter referred to as JCPRD, each party having been organized and now existing under the laws of the State of Kansas.

WHEREAS, K.S.A. 19-2862 authorizes JCPRD to enter into contracts; and the City is authorized to enter into contracts by virtue of Article 12, Section 5, of the Kansas Constitution and K.S.A. 12-101; and

WHEREAS, JCPRD has established and conducts a program to provide for the recreational, cultural, educational and social needs of children; and

WHEREAS, the City owns and operates Harmon Park, hereinafter referred to as the "Park", and the Prairie Village Municipal Swimming Pool, hereinafter referred to as the "Pool"; and

WHEREAS, JCPRD desires to obtain permission of the City to operate a summer day camp program at the Park and to lease from the City the right to use parts of the Pool and the Park in program activities and the City is willing to lease the Park and parts of the Pool to JCPRD; and

WHEREAS, the Governing Body of the City did approve and authorize its Mayor to execute this Agreement by official vote on the ____ day of _____, 20202021; and

WHEREAS, the Governing Body of JCPRD did authorize its chairperson to execute this agreement by official vote of said body on the ____ day of _____, 20202021.

NOW, THEREFORE, in consideration of the above recitals, the mutual covenants and agreements herein contained, and for other good and valuable consideration, the parties agree as follows:

1. JCPRD shall have access to and the use of the Park, including its shelter, restroom and playground facilities, and the Pool for the terms, times and use as mutually agreed upon herein.
2. Duration of Agreement and Termination. This Agreement shall be in effect from May ~~1312~~, 2020-2021 through the period ending July ~~3130~~, 2020-2021 provided that this Agreement may be terminated by either party, giving at least 30 days' prior written notice to the other party of its intention to terminate this Agreement; further provided that if the City or District shall fail or refuse to comply with any of the obligations or provisions herein agreed, the non-defaulting party shall have the right to notify the defaulting party in writing of such default; and if the defaulting party so notified shall remain in default for 10 days thereafter, the non-defaulting party may elect to cancel this Agreement immediately thereafter.
3. No Legal Entity Created. There will be no separate legal entity created under this Agreement.
4. Purpose of the Agreement. The purpose of this Agreement is to allow JCPRD to operate a summer day camp at the Park and for the City to lease to JCPRD the right to use the Park and parts of the Pool as hereinafter set forth in operating JCPRD's day camp activities.
5. Financing. Except as may be otherwise provided herein, JCPRD shall provide all funding and personnel necessary to manage the day camp program.
6. Acquisition Holding and Disposal of Property. The Park and Pool shall remain the property of the City. JCPRD may not install any fixtures or make any physical changes to the premises and facilities of the Park

or Pool except as otherwise provided in this Agreement. Any equipment used in the Park or Pool will either be owned by the City or JCPRD. No equipment is to be jointly owned. In the event that this Agreement is terminated all property shall be returned to the owner agency. The maintenance, repair, replacement, and general upkeep of equipment shall be the responsibility of the owner except as otherwise provided by this Agreement.

7. Administration of Program. The day camp program shall be administered, staffed, and operated solely by JCPRD.

8. Responsibilities

JCPRD:

- a. Shall operate a fully licensed day camp program for children, ages 5 – 10. It is the responsibility of JCPRD to ensure the program meets all licensing requirements established by the Kansas Department of Health and Environment.
- b. Shall pay the City a shelter rental fee for each day or part of a day of Park usage at a rate of \$25 per day.
- c. Shall pay the City a Pool usage fee for each day of Pool usage. The fee for day camp attendance will be \$5.00 per person per visit and must be paid in advance on dates listed in the Agreement in accordance with Prairie Village Council Policy #620. Pool usage will be as approved by the pool manager.
- d. Shall provide the City an annual report that includes the number of camp participants and a zip code summary of where they reside no later than September 30, ~~2020~~2021.
- e. Will make arrangement to transport participants to another location, not the Municipal Building, when there is inclement weather. City property may be used if necessary, during tornado warnings or lightning storms.
- f. Shall provide an adequate number of supervisors at all times to operate the program with at least one adult on the site to manage the staff and program.
- g. Will provide supervised activities to interest the campers.
- h. Will provide trash containers and on each day of camp will collect trash created by participants in and around the facility and deposit in the City's trash dumpster.
- i. Will provide a telephone to eliminate use of City telephones.
- j. Will repair and/or replace property or equipment damage that is directly attributed to participants and/or District staff while the program is in session. This will be required to meet the standards of the City.
- k. Will provide locked storage box to be located in the park shelter for the storage of camp supplies.
- ~~l. Will provide refrigerator to be located in the Prairie Village Community Center for storage of participant lunches.~~

The City:

- a. Shall provide JCPRD exclusive use of the park shelter from 7:00 a.m. to 5:30 p.m., each Monday through Friday, from May ~~13-12~~, through July ~~31-30, 2020-2021~~ except as otherwise provided herein.
 - b. Shall provide JCPRD with exclusive use of the park shelter on Wednesday, May ~~13-12, 2020-2021~~, from 6 p.m. to 8:00 p.m. for parent orientation.
 - c. Shall provide JCPRD with entrance to the Pool per a schedule to be approved by the Pool manager on behalf of the City at the beginning of the swim season.
 - d. Shall allow JCPRD to park a school bus in the south Harmon Park parking lot when not in use for participant transportation from May ~~13-12~~ through July ~~31-30, 2020-2021~~.
 - e. Shall allow JCPRD use of ~~the Prairie Village Community Center~~ alternate space between the hours of 7:00 a.m. – 5:30 p.m., Monday-Friday, from May ~~15-14~~ through August ~~21, 2020-2021~~ as an inclement weather location on an as needed (by JCPRD) and as available (by City) basis. The rental fee for the facility is covered by the shelter rental fee established in Section 8b and reservation of the facility will be made no more than 24 hours in advance. If dangerous weather is imminent, access to the City Hall basement will be provided.
9. Indemnification. JCPRD agrees to defend, indemnify, and hold harmless the CITY and its agents and/or employees from any and all claims, settlements, and judgments for personal injury, bodily injury, property damage, and/or death arising out of JCPRD's or any of its agents', servants', and/or employees' negligent acts and/or failures to act in the performance of this Agreement, provided, however, that in no event shall JCPRD be subjected to any liability greater than found in the Kansas Tort Claims Act, K.S.A. 75-6101, et seq., and amendments thereto.
10. Disclaimer of Liability. The City shall not be liable or obligated to JCPRD for damage incurred by JCPRD upon the premises by fire, theft, casualty, acts of God, civil disaster and such other occurrences and events beyond the control of the City.
11. Insurance. JCPRD shall secure and maintain, or have maintained throughout the duration of this Agreement, insurance of such types and in such amounts as may be necessary to protect JCPRD and the City against all hazards or risks generated by JCPRD or any of its agents. JCPRD shall offer to the City evidence of such insurance coverage, and any and all renewals thereof, in the form of a Certificate of Insurance. This Certificate of Insurance shall list the City of Prairie Village as an additional insured. The Certificate of Insurance shall list the following insurance coverage:
- | | |
|-----------------------------------|-------------|
| Commercial General Liability: | |
| General Aggregate | \$2,000,000 |
| Products and Complete Operations | \$2,000,000 |
| Personal and Advertisement Injury | \$ 500,000 |
| Fire Damage | \$ 300,000 |
| Each Occurrence | \$ 500,000 |
- Workers Compensation and Employers Liability as determined by Kansas Statutes
12. Miscellaneous Provisions
- a. JCPRD shall pay to the City shelter rental on or before September 30, ~~2020-2021~~.

- b. JCPRD shall pay to the City Pool fees in two installments, based on usage from June 2 through June 30 (first payment) and from ~~July 1~~June 29 through July 30, ~~2020-2021~~ (second payment), upon receipt of invoice by the City.
- c. Residents of the City shall have permission to use the shelter during camp hours when JCPRD program is off-site for field trips. JCPRD shall provide the City with a notice of off-site scheduling on first day of each week.
- d. All surface cleaning in the park shelter and restroom shall be the responsibility of JCPRD. Trash removal of general Park trash from containers and general maintenance shall remain the responsibility of the City.
13. Verbal Statements Not Binding. It is understood and agreed that the written terms and provisions of this Agreement shall supersede all prior verbal statements of any and every official and/or other representatives of the City and District, and such statements shall not be effective or be construed as entering into, forming a part of, or altering in any way whatsoever the written Agreement.
14. Inspection of Premises by City. The City shall have the right to inspect the premises and facilities occupied by JCPRD within the Park and the Pool at all reasonable times.
15. Provisions Separable. It is the intent of the parties hereto in the preparation and execution of the Agreement to avoid a conflict with the applicable laws or regulations of the State of Kansas; and if any provision herein is found to be in conflict with the regulation, it is the intent of the parties hereto that such provision shall have no force and effect, and the remainder of the Agreement shall be valid as though such conflicting provision had not been written or made a part hereof.
16. No assignability of Agreement. This Agreement shall not be assigned, transferred, or sold, nor the premises and facilities, in whole or part, except with the express written consent of the City.
17. Non-Discrimination Clause. JCPRD shall comply with all applicable local, state and federal laws in carrying out this Agreement, including but not limited to Section 5-801 *et seq.* of the Prairie Village City Code. In connection with the performance of this Agreement, JCPRD agrees to comply with the applicable provisions of all local, state and federal non-discrimination laws. JCPRD further agrees to not discriminate against any person because of race, religion, color, sex, sexual orientation, gender identity, disability, age, national origin or ancestry in the admission or access to, or participation or employment in, its programs, services and activities.

If the City determines that JCPRD has violated any applicable provision of any local, state or federal law, or discriminated against any person because of race, religion, color, sex, sexual orientation, gender identity, disability, age, national origin or ancestry in the admission or access to, or participation or employment in, its programs, services and activities, such violation and/or discrimination shall constitute a breach of this Agreement and the City may cancel, terminate or suspend this agreement in whole or in part, pursuant to the terms contained in paragraph 2.

The parties do not intend this provision to subject any party to liability under any local, state or federal law unless it applies.

IN WITNESS WHEREOF, three copies of the above and foregoing Agreement have been executed by each of the parties on the day and year first written above.

CITY OF PRAIRIE VILLAGE, KANSAS

Date

Eric Mikkelson, Mayor

ATTEST:

Adam Geffert, City Clerk

APPROVED AS TO FORM:

David E. Waters, City Attorney

BOARD OF PARK AND RECREATION COMMISSIONERS
JOHNSON COUNTY PARK AND RECREATION DISTRICT

| _____
Date

~~George J. Schlage~~ Leslee Rivarola, Chair

ATTEST:

| _____
~~Paul Snider~~ Robert Carlson, Secretary

APPROVED AS TO FORM:

Fred J. Logan, Jr., JCPRD Legal Counsel

The following is list of dates and times the **2020-2021** Summer Escapades Camp run by Johnson County Park and Recreation District would like the use of the large pavilion at Harmon Park:

<u>Day</u>	<u>Date</u>	<u>Time</u>	<u>Use</u>
<u>Wednesday,</u>	<u>May 12</u>	<u>6:00 p.m. - 8:00 p.m.</u>	<u>Set-up / Parent Orientation</u>
<u>Tuesday- Friday</u>	<u>June 1 – June 4</u>	<u>8:00 a.m. - 5:00 p.m.</u>	<u>Set-up</u>
<u>Monday-Friday</u>	<u>June 7 - June 11</u>	<u>7:00 a.m. - 5:30 p.m.</u>	<u>Day Camp</u>
<u>Monday-Friday</u>	<u>June 14 – June 18</u>	<u>7:00 a.m. - 5:30 p.m.</u>	<u>Day Camp</u>
<u>Monday-Friday</u>	<u>June 21 – June 25</u>	<u>7:00 a.m. - 5:30 p.m.</u>	<u>Day Camp</u>
<u>Monday-Friday</u>	<u>June 28 – July 2</u>	<u>7:00 a.m. - 5:30 p.m.</u>	<u>Day Camp</u>
<u>Tuesday-Friday</u>	<u>July 5 – 9</u>	<u>7:00 a.m. - 5:30 p.m.</u>	<u>Day Camp</u>
<u>Monday-Friday</u>	<u>July 12 – July 16</u>	<u>7:00 a.m. - 5:30 p.m.</u>	<u>Day Camp</u>
<u>Monday-Friday</u>	<u>July 19- July 23</u>	<u>7:00 a.m. - 5:30 p.m.</u>	<u>Day Camp</u>
<u>Monday-Friday</u>	<u>July 26 - July 30</u>	<u>7:00 a.m. - 5:30 p.m.</u>	<u>Day Camp</u>

The following is list of dates and times the **2020-2021** Summer Escapades Camp run by Johnson County Park and Recreation District would like to swim at the Prairie Village Pool:

<u>Day</u>	<u>Date</u>	<u>Time</u>
		<u>1:00 p.m. - 3:30 p.m. on all dates</u>
	<u>June</u>	
<u>Tuesday</u>	<u>6</u>	
<u>Wednesday,</u>	<u>7</u>	
<u>Thursday,</u>	<u>8</u>	
<u>Tuesday,</u>	<u>15</u>	
<u>Wednesday,</u>	<u>16</u>	
<u>Thursday,</u>	<u>17</u>	
<u>Tuesday,</u>	<u>22</u>	
<u>Wednesday,</u>	<u>23</u>	
<u>Thursday,</u>	<u>24</u>	
<u>Tuesday,</u>	<u>29</u>	
<u>Wednesday,</u>	<u>30</u>	
	<u>July</u>	
<u>Thursday,</u>	<u>1</u>	
<u>Tuesday,</u>	<u>6</u>	
<u>Wednesday,</u>	<u>7</u>	
<u>Thursday</u>	<u>8</u>	
<u>Tuesday,</u>	<u>13</u>	
<u>Wednesday,</u>	<u>14</u>	
<u>Thursday,</u>	<u>15</u>	
<u>Tuesday,</u>	<u>20</u>	
<u>Wednesday,</u>	<u>21</u>	
<u>Thursday,</u>	<u>22</u>	
<u>Tuesday,</u>	<u>27</u>	
<u>Wednesday,</u>	<u>28</u>	
<u>Thursday,</u>	<u>29</u>	

2021 CITY OF PRAIRIE VILLAGE DAY CAMP AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of _____, 2021 by and between the City of Prairie Village, Kansas, hereinafter referred to as City, and the Johnson County Park and Recreation District, hereinafter referred to as JCPRD, each party having been organized and now existing under the laws of the State of Kansas.

WHEREAS, K.S.A. 19-2862 authorizes JCPRD to enter into contracts; and the City is authorized to enter into contracts by virtue of Article 12, Section 5, of the Kansas Constitution and K.S.A. 12-101; and

WHEREAS, JCPRD has established and conducts a program to provide for the recreational, cultural, educational and social needs of children; and

WHEREAS, the City owns and operates Harmon Park, hereinafter referred to as the "Park", and the Prairie Village Municipal Swimming Pool, hereinafter referred to as the "Pool"; and

WHEREAS, JCPRD desires to obtain permission of the City to operate a summer day camp program at the Park and to lease from the City the right to use parts of the Pool and the Park in program activities and the City is willing to lease the Park and parts of the Pool to JCPRD; and

WHEREAS, the Governing Body of the City did approve and authorize its Mayor to execute this Agreement by official vote on the ____ day of _____, 2021; and

WHEREAS, the Governing Body of JCPRD did authorize its chairperson to execute this agreement by official vote of said body on the ____ day of _____, 2021.

NOW, THEREFORE, in consideration of the above recitals, the mutual covenants and agreements herein contained, and for other good and valuable consideration, the parties agree as follows:

1. JCPRD shall have access to and the use of the Park, including its shelter, restroom and playground facilities, and the Pool for the terms, times and use as mutually agreed upon herein.
2. Duration of Agreement and Termination. This Agreement shall be in effect from May 12, 2021 through the period ending July 30, 2021 provided that this Agreement may be terminated by either party, giving at least 30 days' prior written notice to the other party of its intention to terminate this Agreement; further provided that if the City or District shall fail or refuse to comply with any of the obligations or provisions herein agreed, the non-defaulting party shall have the right to notify the defaulting party in writing of such default; and if the defaulting party so notified shall remain in default for 10 days thereafter, the non-defaulting party may elect to cancel this Agreement immediately thereafter.
3. No Legal Entity Created. There will be no separate legal entity created under this Agreement.
4. Purpose of the Agreement. The purpose of this Agreement is to allow JCPRD to operate a summer day camp at the Park and for the City to lease to JCPRD the right to use the Park and parts of the Pool as hereinafter set forth in operating JCPRD's day camp activities.
5. Financing. Except as may be otherwise provided herein, JCPRD shall provide all funding and personnel necessary to manage the day camp program.
6. Acquisition Holding and Disposal of Property. The Park and Pool shall remain the property of the City. JCPRD may not install any fixtures or make any physical changes to the premises and facilities of the Park

or Pool except as otherwise provided in this Agreement. Any equipment used in the Park or Pool will either be owned by the City or JCPRD. No equipment is to be jointly owned. In the event that this Agreement is terminated all property shall be returned to the owner agency. The maintenance, repair, replacement, and general upkeep of equipment shall be the responsibility of the owner except as otherwise provided by this Agreement.

7. Administration of Program. The day camp program shall be administered, staffed, and operated solely by JCPRD.

8. Responsibilities

JCPRD:

- a. Shall operate a fully licensed day camp program for children, ages 5 – 10. It is the responsibility of JCPRD to ensure the program meets all licensing requirements established by the Kansas Department of Health and Environment.
- b. Shall pay the City a shelter rental fee for each day or part of a day of Park usage at a rate of \$25 per day.
- c. Shall pay the City a Pool usage fee for each day of Pool usage. The fee for day camp attendance will be \$5.00 per person per visit and must be paid in advance on dates listed in the Agreement in accordance with Prairie Village Council Policy #620. Pool usage will be as approved by the pool manager.
- d. Shall provide the City an annual report that includes the number of camp participants and a zip code summary of where they reside no later than September 30, 2021.
- e. Will make arrangement to transport participants to another location, not the Municipal Building, when there is inclement weather. City property may be used if necessary, during tornado warnings or lightning storms.
- f. Shall provide an adequate number of supervisors at all times to operate the program with at least one adult on the site to manage the staff and program.
- g. Will provide supervised activities to interest the campers.
- h. Will provide trash containers and on each day of camp will collect trash created by participants in and around the facility and deposit in the City's trash dumpster.
- i. Will provide a telephone to eliminate use of City telephones.
- j. Will repair and/or replace property or equipment damage that is directly attributed to participants and/or District staff while the program is in session. This will be required to meet the standards of the City.
- k. Will provide locked storage box to be located in the park shelter for the storage of camp supplies.

The City:

- a. Shall provide JCPRD exclusive use of the park shelter from 7:00 a.m. to 5:30 p.m., each Monday through Friday, from May 12, through July 30, 2021 except as otherwise provided herein.
 - b. Shall provide JCPRD with exclusive use of the park shelter on Wednesday, May 12, 2021, from 6 p.m. to 8:00 p.m. for parent orientation.
 - c. Shall provide JCPRD with entrance to the Pool per a schedule to be approved by the Pool manager on behalf of the City at the beginning of the swim season.
 - d. Shall allow JCPRD to park a school bus in the south Harmon Park parking lot when not in use for participant transportation from May 12 through July 30, 2021.
 - e. Shall allow JCPRD use of alternate space between the hours of 7:00 a.m. – 5:30 p.m., Monday-Friday, from May 14 through August 1, 2021 as an inclement weather location on an as needed (by JCPRD) and as available (by City) basis. The rental fee for the facility is covered by the shelter rental fee established in Section 8b and reservation of the facility will be made no more than 24 hours in advance. If dangerous weather is imminent, access to the City Hall basement will be provided.
9. Indemnification. JCPRD agrees to defend, indemnify, and hold harmless the CITY and its agents and/or employees from any and all claims, settlements, and judgments for personal injury, bodily injury, property damage, and/or death arising out of JCPRD's or any of its agents', servants', and/or employees' negligent acts and/or failures to act in the performance of this Agreement, provided, however, that in no event shall JCPRD be subjected to any liability greater than found in the Kansas Tort Claims Act, K.S.A. 75-6101, et seq., and amendments thereto.
10. Disclaimer of Liability. The City shall not be liable or obligated to JCPRD for damage incurred by JCPRD upon the premises by fire, theft, casualty, acts of God, civil disaster and such other occurrences and events beyond the control of the City.
11. Insurance. JCPRD shall secure and maintain, or have maintained throughout the duration of this Agreement, insurance of such types and in such amounts as may be necessary to protect JCPRD and the City against all hazards or risks generated by JCPRD or any of its agents. JCPRD shall offer to the City evidence of such insurance coverage, and any and all renewals thereof, in the form of a Certificate of Insurance. This Certificate of Insurance shall list the City of Prairie Village as an additional insured. The Certificate of Insurance shall list the following insurance coverage:

Commercial General Liability:	
General Aggregate	\$2,000,000
Products and Complete Operations	\$2,000,000
Personal and Advertisement Injury	\$ 500,000
Fire Damage	\$ 300,000
Each Occurrence	\$ 500,000

Workers Compensation and Employers Liability as determined by Kansas Statutes

12. Miscellaneous Provisions

- a. JCPRD shall pay to the City shelter rental on or before September 30, 2021.

- b. JCPRD shall pay to the City Pool fees in two installments, based on usage from June 2 through June 30 (first payment) and from June 29 through July 30, 2021 (second payment), upon receipt of invoice by the City.
 - c. Residents of the City shall have permission to use the shelter during camp hours when JCPRD program is off-site for field trips. JCPRD shall provide the City with a notice of off-site scheduling on first day of each week.
 - d. All surface cleaning in the park shelter and restroom shall be the responsibility of JCPRD. Trash removal of general Park trash from containers and general maintenance shall remain the responsibility of the City.
13. Verbal Statements Not Binding. It is understood and agreed that the written terms and provisions of this Agreement shall supersede all prior verbal statements of any and every official and/or other representatives of the City and District, and such statements shall not be effective or be construed as entering into, forming a part of, or altering in any way whatsoever the written Agreement.
14. Inspection of Premises by City. The City shall have the right to inspect the premises and facilities occupied by JCPRD within the Park and the Pool at all reasonable times.
15. Provisions Separable. It is the intent of the parties hereto in the preparation and execution of the Agreement to avoid a conflict with the applicable laws or regulations of the State of Kansas; and if any provision herein is found to be in conflict with the regulation, it is the intent of the parties hereto that such provision shall have no force and effect, and the remainder of the Agreement shall be valid as though such conflicting provision had not been written or made a part hereof.
16. No assignability of Agreement. This Agreement shall not be assigned, transferred, or sold, nor the premises and facilities, in whole or part, except with the express written consent of the City.
17. Non-Discrimination Clause. JCPRD shall comply with all applicable local, state and federal laws in carrying out this Agreement, including but not limited to Section 5-801 *et seq.* of the Prairie Village City Code. In connection with the performance of this Agreement, JCPRD agrees to comply with the applicable provisions of all local, state and federal non-discrimination laws. JCPRD further agrees to not discriminate against any person because of race, religion, color, sex, sexual orientation, gender identity, disability, age, national origin or ancestry in the admission or access to, or participation or employment in, its programs, services and activities.

If the City determines that JCPRD has violated any applicable provision of any local, state or federal law, or discriminated against any person because of race, religion, color, sex, sexual orientation, gender identity, disability, age, national origin or ancestry in the admission or access to, or participation or employment in, its programs, services and activities, such violation and/or discrimination shall constitute a breach of this Agreement and the City may cancel, terminate or suspend this agreement in whole or in part, pursuant to the terms contained in paragraph 2.

The parties do not intend this provision to subject any party to liability under any local, state or federal law unless it applies.

IN WITNESS WHEREOF, three copies of the above and foregoing Agreement have been executed by each of the parties on the day and year first written above.

CITY OF PRAIRIE VILLAGE, KANSAS

Date

Eric Mikkelson, Mayor

ATTEST:

Adam Geffert, City Clerk

APPROVED AS TO FORM:

David E. Waters, City Attorney

BOARD OF PARK AND RECREATION COMMISSIONERS
JOHNSON COUNTY PARK AND RECREATION DISTRICT

Date

Leslee Rivarola, Chair

ATTEST:

Robert Carlson, Secretary

APPROVED AS TO FORM:

Fred J. Logan, Jr., JCPRD Legal Counsel

The following is list of dates and times the 2021 Summer Escapades Camp run by Johnson County Park and Recreation District would like the use of the large pavilion at Harmon Park:

Day	Date	Time	Use
Wednesday,	May 12	6:00 p.m. - 8:00 p.m.	Set-up / Parent Orientation
Tuesday- Friday	June 1 – June 4	8:00 a.m. - 5:00 p.m.	Set-up
Monday-Friday	June 7 - June 11	7:00 a.m. - 5:30 p.m.	Day Camp
Monday-Friday	June 14 – June 18	7:00 a.m. - 5:30 p.m.	Day Camp
Monday-Friday	June 21 – June 25	7:00 a.m. - 5:30 p.m.	Day Camp
Monday-Friday	June 28 – July 2	7:00 a.m. - 5:30 p.m.	Day Camp
Tuesday-Friday	July 5 – 9	7:00 a.m. - 5:30 p.m.	Day Camp
Monday-Friday	July 12 – July 16	7:00 a.m. - 5:30 p.m.	Day Camp
Monday-Friday	July 19- July 23	7:00 a.m. - 5:30 p.m.	Day Camp
Monday-Friday	July 26 - July 30	7:00 a.m. - 5:30 p.m.	Day Camp

The following is list of dates and times the 2021 Summer Escapades Camp run by Johnson County Park and Recreation District would like to swim at the Prairie Village Pool:

Day	Date	Time
		1:00 p.m. - 3:30 p.m. on all dates
	June	
Tuesday	6	
Wednesday,	7	
Thursday,	8	
Tuesday,	15	
Wednesday,	16	
Thursday,	17	
Tuesday,	22	
Wednesday,	23	
Thursday,	24	
Tuesday,	29	
Wednesday,	30	
	July	
Thursday,	1	
Tuesday,	6	
Wednesday,	7	
Thursday	8	
Tuesday,	13	
Wednesday,	14	
Thursday,	15	
Tuesday,	20	
Wednesday,	21	
Thursday,	22	
Tuesday,	27	
Wednesday,	28	
Thursday,	29	

Johnson County Park and Recreation District
Tennis Lesson Program
~~2020-2021~~ Participation Agreement

As a Community Service, the Johnson County Park and Recreation District (JCPRD) agrees to provide the Tennis Lesson programs for the City of Prairie Village (the City). The programs will be held at the Harmon Park Complex at 77th Place and Delmar in Prairie Village, Kansas.

1. The Johnson County Park and Recreation District will provide:

- Group Tennis Lessons
- The scheduling for the lessons in the program
- Sufficient onsite staff
- Promotion of the program
- Registration of the participants
- Equipment needed for the program
- Emergency procedures and first aid kit

The City of Prairie Village will furnish staff with a key to the tennis equipment shed for the purpose of storing program equipment.

2. The Johnson County Park and Recreation District will have use of the facility beginning ~~June 2~~ May 25, 2020-2021 and ending July 31, ~~2020~~ 2021. Morning lessons will be held on the south western most (2) tennis courts in the Harmon Park complex from 7:30 a.m. until ~~11:00 a.m.~~ 12:30 p.m.

- Lessons offered Tuesdays ~~and~~ Thursdays, ~~with Fridays as a make-up session.~~
- (2) Morning Red Ball Tennis lessons held between 7:30 a.m. – 9:20 a.m. Session dates: (all ~~46~~-day sessions):
 - Session 1 – ~~June 2-12~~ June 8- June 17
 - Session 2 – ~~June 2-12~~ June 22- July 1
 - Session 3 – ~~June 16-26~~ July 6- July 15
 - Session 4 – July 20- July 29
 - Session 4 – ~~June 16-26~~
 - Session 5 – ~~June 30~~ July 10
 - Session 6 – ~~June 30~~ July 10
 - Session 7 – ~~July 21-31~~
 - Session 8 – ~~July 21-31~~
- Morning Orange and Green Ball Tennis lessons held between 9:30 a.m. – 11:20 a.m. Session dates: (all ~~68~~-day sessions):
 - Session 1 – ~~June 2-26~~ June 68- July 1
 - Session 2 – ~~June 30~~ July 31 July 6- July 29
- No lessons will be held the week of July ~~13-17~~ 19-23 ~~2020-2021~~ due to Junior Tennis League Tournament.
- Courses may be cancelled due to low-enrollment or unavailability of instructors.

3. The Johnson County Parks and Recreation District courses offered:

- Red Ball Tennis (Ages 5-8)
- Orange Ball Tennis (Ages 9-10)
- Green Ball Tennis (Ages 9-14)

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4. Course Fees will be:

4-50 Minutes Sessions:

- ~~\$42-44~~ Red Ball Tennis per Session (Johnson County Resident)
- ~~\$47-49~~ Red Ball Tennis per Session (Non-Johnson County Resident)

8-50 Minutes Sessions:

- ~~\$84-87~~ Orange and Green Ball Tennis per Session (Johnson County Resident)
- ~~\$94-95~~ Orange and Green Ball Tennis per Session (Non-Johnson County Resident)

5. Non-Discrimination Clause

JCPRD shall comply with all applicable, local, state and federal laws in carrying out this agreement, including but not limited to Section 5-801 *et seq.* of the Prairie Village City Code.

In connection with the performance of this agreement, JCPRD agrees to comply with the applicable provisions of all local, state and federal discrimination laws.

JCPRD further agrees not to discriminate against any person because of race, religion, color, sex, sexual orientation, gender identity, disability, age, national origin or ancestry in the admission or access to, or participation or employment in, its programs, services and activities.

If the City determines that JCPRD has violated any applicable provision of any local, state or federal law, or has discriminated against any person because of race, religion, color, sex, sexual orientation, gender identity, disability, age, national origin, or ancestry in the admission or access to, or participation or employment in its programs, services and activities, such violation and/or discrimination shall constitute a breach of contract and the City may cancel, terminate or suspend this agreement in whole or in part. The parties do not intend this provision to subject any party to liability under local, state or federal laws unless it applies.

6. JCPRD shall furnish to the City a valid certificate of insurance providing the following coverage:

General Aggregate	\$2,000,000
Products and Completed Operations	\$2,000,000
Personal/Advertisement Injury	\$ 500,000
Fire Damage	\$ 300,000
Each Occurrence	\$ 500,000

Workers Compensation and Employers Liability as determined by Kansas Statutes.

Copies of said policies shall be provided to the City on or before May 31, ~~2020~~2021.

JCPRD agrees to defend, indemnify, and hold harmless the City and its agents and/or employees from any and all claims, settlements, and judgments for personal injury, bodily injury, property damage, and/or death arising out of JCPRD's or any of its agents', servants', and/or employees' negligent acts and/or failures to act in the performance of this agreement provided, however, that in no event shall JCPRD be subjected to any liability greater than found in the Kansas Tort Claims Act, K.S.A. 75-6101, *et seq.*, and amendments thereto.

JCPRD and its employees are independent contractors and are not employees, servants, or agents of the City. JCPRD has the sole responsibility of providing worker's compensation coverage for its employees

and the City shall not be responsible for injuries or bodily damage sustained by JCPRD volunteers, employees, representatives and/or staff.

This agreement evidences the entire agreement between parties hereto and supersedes any and all prior agreements and understandings between the parties pertaining to the provision of tennis lessons at the Harmon Park Complex.

Changes can be made to any part of this agreement with the consent of both parties. If the agreement is suitable to the parties involved, please sign below.

CITY OF PRAIRIE VILLAGE, KANSAS

BOARD OF PARK AND RECREATION COMMISSIONERS
JOHNSON COUNTY PARK AND RECREATION DISTRICT

Mayor Eric Mikkelson

~~George J. Schlagel~~ Leslee Rivarola, Chair

ATTEST:

ATTEST:

Adam Geffert, City Clerk

~~Paul Snider~~ Bob Carlson, Secretary

APPROVED AS TO FORM:

APPROVED AS TO FORM:

David E. Waters, City Attorney

Fred J. Logan, Jr., JCPRD Legal Counsel

**Johnson County Park and Recreation District
Tennis Lesson Program
2021 Participation Agreement**

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CITY OF PRAIRIE VILLAGE, KANSAS

BOARD OF PARK AND RECREATION COMMISSIONERS
JOHNSON COUNTY PARK AND RECREATION DISTRICT

Mayor Eric Mikkelson

Leslee Rivarola, Chair

ATTEST:

ATTEST:

Adam Geffert, City Clerk

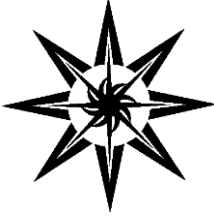
Bob Carlson, Secretary

APPROVED AS TO FORM:

APPROVED AS TO FORM:

David E. Waters, City Attorney

Fred J. Logan, Jr., JCPRD Legal Counsel



PUBLIC WORKS DEPARTMENT

Consent Agenda Date: February 16, 2021

CONSIDER INTERLOCAL AGREEMENT WITH KANSAS CITY, MISSOURI FOR PROJECT STST0001: STATE LINE ROAD- 71ST STREET TO 75TH STREET

RECOMMENDATION

Move to approve the interlocal agreement with Kansas City, Missouri for improvements on State Line Road, from 71st Street to 75th Street (Project STST0001).

BACKGROUND

An Interlocal Agreement has been received from Kansas City, Missouri for execution by the Prairie Village. This agreement will limit each City's share to 50% of the project's construction costs or an estimated \$90,000. The City of Prairie Village will be administering this project.

The improvements include a 2" mill and overlay from 71st Street to just north of 75th Street.

This project is a part of the 2021 CIP.

FUNDING SOURCE

Funding is available in the 2021 CIP project STST0001.

ATTACHMENTS

1. Interlocal Agreement with Kansas City, Missouri

PREPARED BY

Melissa Prenger, Sr Project Manager

February 10, 2021

**INTERLOCAL COOPERATION AGREEMENT
BETWEEN THE CITY OF PRAIRIE VILLAGE, KANSAS AND THE
CITY OF KANSAS CITY, MISSOURI,
FOR THE PUBLIC IMPROVEMENT OF STATE LINE ROAD FROM
71ST STREET TO 75TH STREET**

THIS INTERLOCAL COOPERATION AGREEMENT is made and entered into this ____ day of _____, 2021, by and between the **City of Prairie Village, Kansas** (hereinafter "Prairie Village"), and the **City of Kansas City, Missouri** (hereinafter "Kansas City") (hereinafter Prairie Village and Kansas City may be referred to singularly as the "Party" and collectively as the "Parties").

WITNESSETH:

WHEREAS, the Parties hereto have determined it is in their best interest to make certain public improvements to **State Line Road from 71st Street to 75th Street**, as such improvements are hereinafter described;

WHEREAS, Prairie Village is authorized under K.S.A. 12-2901 *et seq.* to enter into this Agreement for such public improvements;

WHEREAS, Kansas City is authorized under Chapter 70 of the Missouri Revised Statutes (RSMo.) to enter into this Agreement for such public improvements;

WHEREAS, the Governing Body of Prairie Village did approve and authorize its mayor to execute this Agreement by official vote of the Governing Body on the ____ day of _____, 20____; and

WHEREAS, the Director of Public Works for Kansas City is authorized to execute this Agreement;

NOW, THEREFORE, in consideration of the above recitals, the mutual covenants and agreements herein contained, and for other good and valuable considerations, the Parties hereto agree as follows:

1. PURPOSE OF AGREEMENT. The Parties hereto enter into this Agreement for the purpose of constructing those public improvements for **State Line Road from 71st Street to 75th Street**, as more particularly described in Prairie Village Project No. STST0001, and consisting generally of cold milling approximately two (2) inches of surface asphalt pavement, overlaying with two (2) inches of asphalt, installing new pavement markings, and other items incidental thereto (collectively, the "Improvements").
2. ESTIMATED COST OF PROJECT.
 - A. The estimated cost of construction of the Improvements covered by this Agreement, exclusive of the cost of right-of-way or easement acquisition, is **One Hundred Eighty Thousand and No/100 Dollars** (\$180,000.00).
 - B. The cost of making the Improvements shall include:
 - (1) Labor and material used in making the Improvements; and
 - (2) Such other expenses which are necessary in making the Improvements, exclusive of the cost of acquiring real property and any improvement thereon for the location

of the Improvement. These expenses include material testing.

- C. The cost of making the said Improvements shall be distributed between the Parties as follows:
- (1) Prairie Village shall pay **50%** of the cost of said Improvements (estimated to be **\$90,000.00**).
 - (2) Kansas City shall pay **50%** of the cost of said Improvements (estimated to be **\$90,000.00**).
 - (3) Each Party shall acquire and pay for separately all costs associated with right-of-way or easement acquisition for those portions of the Improvements located within such Party's respective boundaries. Each Party shall pay the cost of financing and/or bonding its share of the project cost.
3. FINANCING. Prairie Village and Kansas City shall each pay their portion of the cost with monies budgeted and appropriated funds.
4. PRAIRIE VILLAGE ADMINISTRATION OF PROJECT. The parties agree that no separate entity shall be created under this Agreement. It is acknowledged and understood between the Parties that since there are two separate entities included within the proposed Improvements, one of the entities should be designated as being "in charge" of the project to provide for its orderly design and construction. However, both entities shall have the right of review and comment on project decisions at any time throughout duration of this Agreement, and any subsequent agreements hereto. The Improvements shall be constructed and the job administered by Prairie Village acting by and through the Prairie Village Director of Public Works (hereinafter the "PW Director"), who shall be the principal public official designated to administer the Improvements; provided, the PW Director shall, among his or her several duties and responsibilities, assume and perform the following:
- A. Make all contracts for the Improvements, including soliciting bids by publication in the official newspaper of Prairie Village. In the solicitation of bids, the most favorable bid shall be determined by Prairie Village administering the project and the Governing Body of Prairie Village approving the lowest responsible bidder for the project, except that the Kansas City reserves the right to reject the successful bidder in the event that the bid price exceeds the engineer's estimate. If all bids exceed the estimated cost of the Improvements, then either Prairie Village or Kansas City shall have the right to reject the bid. In such case, the project shall rebid at a later date.
 - B. Submit to Kansas City on or before the 10th day of each month, or as received, estimates of accrued costs of constructing the Improvement for the month immediately preceding the month the statement of costs is received; provided that Kansas City shall within thirty (30) days after receipt of a statement of costs as aforesaid, remit its portion of the accrued costs to Prairie Village as herein agreed.
 - C. Upon completion of the Improvements, the PW Director shall submit to Kansas City a final accounting of all costs incurred in making the Improvement for the purpose of apportioning the same among the Parties as provided herein.

- D. Prairie Village shall require payment, performance and completion bonds for the Improvements from all contractors performing work on this Improvements (the "Contractors") and require that all Contractors discharge and satisfy any mechanics or materialman's liens that may be filed.
- E. Prairie Village shall require that any Contractor provide a two-year performance and maintenance bond for the Improvements. As administrator, Prairie Village will, upon request of Kansas City, make any claim upon the maintenance bond or performance bond and require that the Contractor fully perform all obligations under the performance and maintenance bonds, and this obligation shall survive the termination of this Agreement and shall be in force and effect for the full term of the performance and maintenance bond.
- F. Prairie Village shall require in all contracts for construction that the Contractor defend, indemnify and save Kansas City and Prairie Village harmless from and against all liability for damages, costs, and expenses arising out of any claim, suit or action for injuries or damages sustained to persons or property by reason of the acts or omissions of the Contractor and the performance of its contract.
- G. Prairie Village shall require that Kansas City to be named as additional insured on all applicable certificates of insurance issued by any contractor for the Improvements.
5. DURATION AND TERMINATION OF AGREEMENT. The Parties hereto agree that except for the obligations of Prairie Village which may arise after completion of the Improvements as set forth in Section 4, Paragraph F, above, this Agreement shall exist until the completion of the Improvements, which shall be deemed completed upon certification to each of the Parties hereto by the respective PW Directors advising that the Improvements have been accepted by him or her as constructed; provided that upon the occurrence of such certification by the PW Directors, this Agreement shall be deemed terminated and of no further force or effect.
6. PROPERTY. While it is not contemplated that either Party shall acquire, hold or dispose of property specifically pursuant to this Agreement, each Party shall be regarded as the owner of any and all property acquired by such party pursuant to the terms hereof. Except as set forth herein, each Party may use, maintain and dispose of such property with full rights of ownership, as authorized or permitted by law, without the consent or approval of the other Party.
7. PLACING AGREEMENT IN FORCE. The administering body described in Section 4 hereof shall cause this Agreement to be executed in triplicate. Each Party hereto shall receive a duly executed copy of this Agreement for their official records. Each individual executing this Agreement does hereby represent and warrant that he or she has been duly authorized to execute and deliver this Agreement for and on behalf of the Party for whom such person signed. Pursuant to K.S.A. 12-2904, this Agreement shall not be deemed effective unless and until it has been approved by the Kansas Attorney General.
8. NOTICES. Any notices, demands, or requests required by this Agreement shall be sent to the parties hereto by U.S. mail, postage prepaid, as follows:

City of Prairie Village, Kansas
Attn. Public Works Director
7700 Mission Road
Prairie Village, Kansas 66208

City of Kansas City, Missouri
Attn: Ralph Davis, Acting Director of Public Works
2300 City Hall
414 E. 12th Street
Kansas City, Missouri 64106

All notices are effective on the date mailed or upon receipt if delivered by a courier. Either party may provide the other party a change of address which change shall be effective ten (10) days after delivery.

9. **AMENDMENTS.** This Agreement cannot be modified or changed by any verbal statement, promise or agreement, and no modification, change nor amendment shall be binding on the Parties unless it shall have been agreed to in writing and signed by both Parties.
10. **WAIVER.** No consent or waiver, express or implied, by any party to this Agreement or of any breach or default by any other party in the performance by such other party of its obligations under this Agreement shall be deemed or construed to be a consent or waiver to or of any other breach or default in the performance by such other party of the same or any other obligations of such party hereunder. Failure on the part of any party to complain of any act or failure to act of any of the other parties or to declare any of the other parties in default, irrespective of how long such failure continues, shall not constitute a waiver by such party of its rights under this Agreement. Prairie Village and Kansas City reserve the right to waive any term, covenant, or condition of this Agreement; provided, however, such waiver shall be in writing and shall be deemed to constitute a waiver only as to the matter waived and the parties reserve the right to exercise any and all of its rights and remedies under this Agreement irrespective of any waiver granted.
11. **HEADINGS; CONSTRUCTION OF AGREEMENT.** The headings of each section of this Agreement are for reference only. Unless the context of this Agreement clearly requires otherwise, all terms and words used herein, regardless of the number and gender in which used, shall be construed to include any other number, singular or plural, or any other gender, masculine, feminine or neuter, the same as if such words had been fully and properly written in that number or gender.
12. **DEFAULT AND REMEDIES.** If a party shall be in default or breach of any provision of this Agreement, the other party may terminate this Agreement, suspend its performance and invoke any other legal or equitable remedy after giving the other party thirty (30) days written notice and opportunity to correct such default or breach. All rights and remedies granted to each party herein and any other rights and remedies which either party may have at law and in equity are hereby declared to be cumulative and not exclusive, and the fact that either party may have exercised any remedy without terminating this Agreement shall not impair that party's rights thereafter to terminate or to exercise any other remedy herein granted or to which that party may be otherwise entitled.
13. **SEVERABILITY OF PROVISIONS.** Except as specifically provided in this Agreement, all of the provisions of this Agreement shall be severable. In the event that any provision of this Agreement is found by a court of competent jurisdiction to be unconstitutional or unlawful, the remaining provisions of this Agreement shall be valid unless the court finds that the valid provisions of this Agreement are so essentially and inseparably connected with and so dependent upon the invalid provision(s) that it cannot be presumed that the parties to this Agreement could have included the valid provisions without the invalid provision(s); or unless the court finds that the valid provisions, standing alone, are incapable of being performed in accordance with the intentions of the parties.

14. **ASSIGNMENT.** Neither Prairie Village nor Kansas City shall sell, assign, transfer, or otherwise convey any of their rights under this Agreement without the prior and expressed written consent of the other party. Each party may, at its sole discretion, refuse to consent to any proposed sale, assignment, transfer, or other conveyance. Any attempted sale, assignment, transfer, or conveyance in violation of this paragraph shall be void and shall relieve the non-consenting party of any further liability under this Agreement, but shall not relieve the violating party of any liability. If a party consents in writing to a sale, assignment, transfer, or conveyance, unless specifically stated to the contrary in the consent, it shall not release or discharge the party receiving consent from any duty or responsibility set forth in the Agreement.
15. **CONFLICTS OF INTEREST.** Kansas City, Prairie Village and its Contractors shall certify that no officer or employee of Prairie Village or Kansas City has, or will have, a direct or indirect financial or personal interest in this Agreement, and that no officer or employee of Prairie Village or Kansas City, or member of such officer's or employee's immediate family, either has negotiated, or has or will have an arrangement, concerning employment to perform services on behalf of Prairie Village or Kansas City or the selected Contractors in this Agreement.
16. **NO PARTNERSHIP.** It is expressly understood that the parties are not now, nor will they be, engaged in a joint venture, partnership or any other form of business relationship except as expressly set forth herein, and that no party shall be responsible for the conduct, warranties, guarantees, acts, errors, omissions, debts, obligations or undertaking of any kind or nature of the other in performance of this Agreement.
17. **BINDING EFFECT.** This Agreement shall be binding upon the parties hereto and upon their assigns, transferees and successors in interest, provided neither party may assign this Agreement or the rights or obligations hereunder without the express written consent of the other party.
18. **COMPLIANCE WITH LAWS.** Kansas City, Prairie Village and its Contractors shall comply with all federal, state and local laws, ordinances and regulations applicable to the Project.
19. **FUTURE APPROPRIATIONS.** Nothing herein shall constitute, nor be deemed to constitute, an obligation of future appropriations by any party.

IN WITNESS WHEREOF, the above and foregoing Agreement has been executed in triplicate by each of the Parties hereto on the day and year first above written.

CITY OF PRAIRIE VILLAGE, KANSAS

By: _____
Eric Mikkelson, Mayor

ATTEST:

Adam Geffert, City Clerk

APPROVED AS TO FORM:

David E. Waters, City Attorney

CITY OF KANSAS CITY, MISSOURI

By: _____
Printed Name: _____
Kansas City, Missouri - Director of Public Works

Approved as to form:

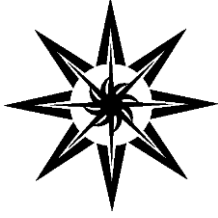
Assistant City Attorney

APPROVAL BY THE KANSAS ATTORNEY GENERAL'S OFFICE

The foregoing Interlocal Cooperation Agreement has been reviewed and approved by the Office of the Kansas Attorney General's Office on the ____ day of _____, 2021.

KANSAS ATTORNEY GENERAL'S OFFICE

By: _____
Printed Name: _____
Title: _____



PARKS AND RECREATION

Parks & Recreation Meeting Date: November 18, 2020

Council Committee Date: February 1, 2021

City Council Meeting Date: February 16, 2021

COU2021-21: Consider 2021 Recreation Fee Schedule

RECOMMENDATION

Recommend approval of the 2021 Recreation Fee Schedule as approved by the Parks & Recreation Committee.

BACKGROUND

Per Council direction, staff annually reviews recreation fees to ensure they are reasonable and keep pace with any operational increases. The Parks & Recreation Committee voted at their November 18, 2020 meeting to recommend no changes to the fee schedule in 2021. The recommended fees are based off a typical year with no COVID-19 impacts. Changes may be proposed to the governing body later in the spring as accommodations related to the pandemic are considered.

ATTACHMENTS

2021 Recreation Fee Schedule as approved by the Parks & Recreation Committee

PREPARED BY

Meghan Buum

Assistant City Administrator

Date: January 27, 2021

2021 Recreation Fee Schedule - PROPOSED

CATEGORY	2018	2019	2020	2021	Percent Change
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RESIDENT					
Individual*	\$45	\$50	\$50	\$50	0%
Senior Citizen (60+)*	\$40	\$45	\$45	\$45	0%
5 Swim Card	\$30	\$35	\$35	\$35	0%

*\$10 early bird special in April

Under Age 2 - Free

NON-RESIDENT					
Individual*	\$75	\$80	\$80	\$80	0%
Senior Citizen (60+)*	\$65	\$70	\$70	\$70	0%
5 Swim Card	\$35	\$40	\$40	\$40	0%

*\$10 early bird special in April

Under Age 2 - Free

DAILY	\$8	\$10	\$10	\$10	0%
TWILIGHT (after 4:30 pm)	\$5	\$5	\$5	\$5	0%
DAYCARE	\$5	\$5	\$5	\$5	0%

POOL RENTAL	\$350	\$350	\$350	\$350	0%
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AQUATICS					
Resident	\$110	\$110	\$110	\$110	0%
additional child	\$105	\$105	\$105	\$105	0%
Non-Resident without membership	\$165	\$165	\$165	\$165	0%
Non-Resident with membership	\$115	\$115	\$115	\$115	0%
Lessons (30 minutes)	\$45	\$45	\$45	\$45	0%

TENNIS					
JTL	\$105	\$105	\$105	\$105	0%
additional child	\$100	\$100	\$100	\$100	0%
Private (30 minutes)	\$25	\$25	\$25	\$25	0%
Semi-Private (30 minutes)	\$16	\$20	\$20	\$20	0%
Three & a Pro (1 hour)	\$18	\$20	\$20	\$20	0%

ATHLETIC FIELD RENTAL					
Individual Rental (hourly)	\$7.50	\$7.50	\$7.50	\$7.50	0%
Seasonal Practices	\$40	\$40	\$40	\$40	0%
Commercial Use (hourly)	N/A	\$20	\$20	\$20	0%

TENNIS COURT RENTAL					
Individual Rental (hourly)	\$7	\$7	\$7	\$7	0%
School Tournament	\$300/ tournament	\$150/day	\$150/day	\$150/day	0%
Private Tournament	\$300 + \$250 deposit	\$150/day + \$250 deposit	\$150/day + \$250 deposit	\$150/day + \$250 deposit	0%
Seasonal School Rental (per court)	\$50	\$50	\$50	\$50	0%



COU2021-22: Consider Addendum to the Renewables Direct Participation Agreement with Evergy

CONSIDERATION

The City of Prairie Village entered into an agreement (attached) with Evergy for electric energy to be purchased from a renewable energy resource on March 18, 2019. However, this service did not begin until December 2020. At the time of the original agreement, a conservative capacity factor was used to determine the estimated wind generation in comparison to our annual usage. Now that the Ponderosa Wind Farm is on-line, Evergy has a more accurate value and believes the capacity factor should be lowered as outlined in the attached addendum. Representatives from Evergy will be present to explain the request and the potential benefit to Prairie Village.

Evergy has requested this addendum be approved by the Council. Staff does believe that Evergy likely has the ability to proceed with the action based on the original agreement; however, Evergy requested this specific change be formally approved.

ATTACHMENTS

- Addendum dated February 9, 2021
- Original Agreement & Consideration dated March 18, 2019

PREPARED BY

Wes Jordan
City Administrator
Date: February 11, 2021

**ADDENDUM
TO THE RENEWABLES DIRECT PARTICIPATION AGREEMENT FOR KANSAS CUSTOMERS**



February 9, 2021

Dear City of Prairie Village,

Thank you for enrolling in Evergy's Renewables Direct program to meet your renewable energy needs. The program provides your company with a path towards achieving your sustainability goals using abundant, affordable wind energy from the Ponderosa wind farm.

The Ponderosa Wind Farm went in service in December 2020. Prairie Village, Kansas is enrolled in a 20-year term and will substitute the Energy Cost Adjustment (ECA) surcharge with a Renewable Participation Charge (RPC) of \$0.01986 per kWh for a twenty-year Participation Agreement, which totals under the agreed upon not to exceed amount outlined in the original agreement.

When you enrolled in the program, a conservative capacity factor was used to determine the estimated wind generation in comparison to your annual usage. A wind turbine capacity factor is its average power output divided by its maximum power capability. The capacity factor is subject to the location of the farm, height of the turbines, average airspeeds in the area, among other influences. Now that the Ponderosa wind farm is online, we have a more accurate value. The capacity factor is estimated to be around 51%. Due to this change in capacity factor, your subscription amount **will change from 400 kW to 200 kW.**

This update in subscription size would better align with your estimated annual energy usage, and therefore could reduce your costs by mitigating the chance of oversubscription. At the end of each calendar year, any excess generation will be credited to the customers' bill at 80% of the Renewable Participation Charge rate.

By signing the following page, Evergy, Inc. and the Prairie Village, KS hereby acknowledge the final RPC amount and agree to amend Section 1(a) of the Renewables Direct Participation Agreement (dated April 1, 2019).

The Customer agrees to offset its traditional electric energy usage by the Customer's pro rata share from Resource 1 which the Customer agrees shall be a fixed monthly kilowatt (kW) amount of **200 kW**.

If you have any questions, please feel free to reach out.

Sincerely,

ADDENDUM
TO THE RENEWABLES DIRECT PARTICIPATION AGREEMENT FOR KANSAS CUSTOMERS



Rebecca Galati

Rebecca Galati
Senior Customer Solutions Manager

Customer: Prairie Village, KS

Representative/Title:

Signed: _____

Date: _____

Evergy, Inc.

Representative/Title: Kim Winslow, Senior Director, Energy Solutions

Signed: _____

Date: _____



COU2019-19: Consider Approval of KCP&L Renewables Direct Agreement

BACKGROUND:

KCP&L hosted a luncheon on March 6th to learn more about their Renewables Direct Program. Mayor Mikkelson, Councilmember Jori Nelson, and I attended the luncheon on behalf of the City.

The Renewables Direct Program is a program offered by KCP&L which allows their large commercial and industrial customers to offset some or all of their energy usage through a renewable resource.

Drew Robinson with KCP&L will be present at the meeting to provide more information about the program.

If the Council would like to participate in the Renewables Direct Program, the City will be required to enter into the Renewables Direct Participation Agreement with KCP&L. The agreement is attached for the Council's review.

The City would have the option of choosing a renewable offset amount at 100%, 50%, or 25% of our annual energy use, or a custom capacity. If the City chooses to participate at 100% renewable energy, the subscribed kilowatt cap is recommended to be 400 and would result in an annual cost savings of 1.3%, or \$2,207.52 per year. This cost savings is based off of replacing the fuel factor charge on our current bill (known as the Energy Cost Adjustment - ECA) with a lower per-kWh price of no more than \$0.02 per kWh (which is known as the Renewable Participation Charge - RPC). If the ECA (fuel factor charge) goes down significantly from where it is today, the cost savings for the City would be less than currently projected. However, the history of the ECA shows a steady increase over the past 10 years, going from \$.00682 per kWh in October 2008 to \$0.02143 in March 2019, so it is not likely that this charge will go down significantly from where it is today based on historical rates. If the RPC ends up being higher than \$0.02 per kWh maximum that is set out in the agreement, the City has the option to terminate the Agreement by providing written notice within 90 days of receiving the finalized RPC amount.

The City also has the option of entering into a term of 5 years, 10 years, 15 years, or 20 years; however, if the City chooses any term besides the 20-year term, we will be charged an additional \$0.0003 per kWh as an administrative fee.

Entering into this agreement with KCP&L will place the City on the list of customers who have opted in to participate in this program. Participation is on a first-come, first-serve basis and only a certain amount of customers will be accepted into the program once the final renewable resource is purchased by KCP&L. KCP&L also reserves the right to void this agreement if a minimum program enrollment level is not met.

RECOMMENDATION

Make a motion to approve COU2019-18 and authorize the City to enter into the Renewables Direct Participation Agreement with KCP&L with a fixed monthly kilowatt amount of 400kW for a term of 20 years.

PREPARED BY

Jamie Robichaud
Deputy City Administrator
Date: March 13, 2019

Jamie Robichaud

From: Rebecca Galati <Rebecca.Galati@kcpl.com>
Sent: Monday, March 11, 2019 5:45 PM
To: Jamie Robichaud; Drew Robinson
Cc: Wes Jordan
Subject: RE: PV Council Meeting

Internal Use Only

Hi, Jamie -

The modeling for Prairie Village is provided below. Your 2018 usage was 1,294,488.02 (green box) kWh with an actual bill of \$169,504.21 (green box). The modeling provides what you save at 100% sign up (400 kW enrollment – orange box) could save \$2,207.52 which equates to 1.3% of your bill. All of this is dependent on the price matching what the model has set up today. Please let us know what other questions come up. We appreciate your interest in Renewables Direct.

Rebecca

Annual Offset (%)	100%	50%	25%	Custom Cap
Energy Use (kWh)	1,294,488.02	1,294,488.02	1,294,488.02	1,294,
Subscribed Cap. (kW)	351.84	175.92	87.96	

Fuel Savings

Avg Fuel Costs (\$)	\$ 27,831.49	\$ 27,831.49	\$ 27,831.49	\$ 27,
Renewable Direct Fuel (\$)	\$ 25,889.76	\$ 12,944.88	\$ 6,472.44	\$ 29,
Est. Total Fuel Cost (\$)	\$ 25,889.76	\$ 26,860.63	\$ 27,346.06	\$ 25,
Est. Fuel Savings (\$)	\$ 1,941.73	\$ 970.87	\$ 485.43	\$ 2,
Est. Fuel Savings (%)	6.98%	3.49%	1.74%	

Total Bill Savings

Actual Bill (\$)	\$ 169,504.21	\$ 169,504.21	\$ 169,504.21	\$ 169,
Green Tariff Bill (\$)	\$ 167,562.48	\$ 168,533.34	\$ 169,018.78	\$ 167,
Est. Bill Savings (\$)	\$ 1,941.73	\$ 970.87	\$ 485.43	\$ 2,
Est. Bill Savings (%)	1.15%	0.57%	0.29%	

kWh Difference

All-In Energy Cost (\$/kWh)	\$ 0.1309	\$ 0.1309	\$ 0.1309	\$
RD All-In Energy Cost (\$/kWh)	\$ 0.1294	\$ 0.1302	\$ 0.1306	\$

Capacity Factor	42%
Est. RPC (\$/kWh)	\$ 0.0200
Current ECA (\$/kWh)	\$ 0.0215



Energy companies

Renewables Direct

Businesses large and small benefit from renewables

Renewables Direct is a new program that allows commercial and industrial customers to offset a percentage of their energy usage through a renewable resource. This program is designed to provide large customers a path toward their sustainability goals with the abundant, affordable renewable energy of Kansas and Missouri.

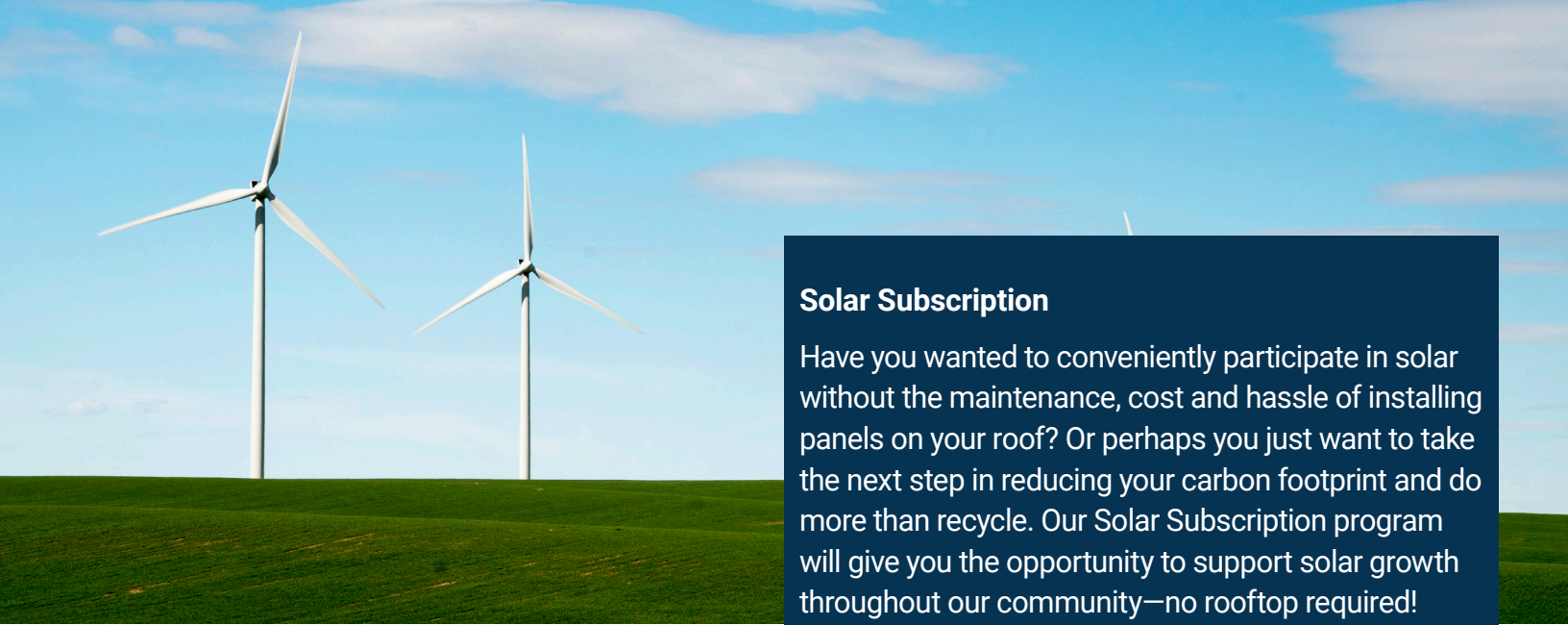
Benefits to your business

- Renewable-sourced electricity at a price that reflects the cost of generation and delivery
- Cost-effective and customer friendly opportunities, all while providing clean energy to the grid
- The ability to claim a portion of the energy generated by the renewable source as their own and retain all of the renewable attributes
- Structure to add projects in the future to keep up with the growing appetite for renewable sources of our customers
- Hundreds of jobs are expected to be created for the construction and maintenance of the wind farm

Why renewables?

- Energy that fits your goals
- Fixed subscription charge
- Create new jobs
- Keep power local





A commitment to renewables is a commitment to economic and sustainability growth. In conjunction with our other economic tools, our Renewables Direct program can help attract and retain businesses in Kansas and Missouri. Our program offers cost-effective and customer friendly opportunities, all while providing clean energy to the grid. We recognize the role clean energy plays in attracting and retaining new business to the community, and we're here to help!

For more information about Evergy companies' renewable programs, please email Renewables@kcpl.com.



Evergy companies

Solar Subscription

Have you wanted to conveniently participate in solar without the maintenance, cost and hassle of installing panels on your roof? Or perhaps you just want to take the next step in reducing your carbon footprint and do more than recycle. Our Solar Subscription program will give you the opportunity to support solar growth throughout our community—no rooftop required!

Visit kcpl.com/solarsubscription or westarenergy.com/communitysolar to learn more.

Net Metering and Solar Rebates

Our Net Metering program encourages the use of solar technology, a renewable energy resource that has a positive impact on the planet. Customers who choose to be net metered will receive a one-for-one energy credit for excess energy that is exported to the grid. In addition, our rebate incentives in Missouri further encourage investment in solar energy by providing a rebate for customer-owned solar resources.

Visit kcpl.com/solar to learn more.

Westar Wind

Westar Wind is an easy, affordable means of supporting renewable energy and the development of wind power sources throughout Kansas. Choose to have more of your energy coming from wind resources, from 1–100% of your usage.

Visit westarenergy.com/wind to learn more.

Energy Efficiency

KCP&L currently offers an array of tools and programs to help you reduce your general energy usage, saving you money in your Missouri home or business.

Visit kcpl.com/energyefficiency to learn more.

Kansas City Power and Light Company

Renewables Direct Participation Agreement for Kansas Customers

This Renewables Direct Participation Agreement (the "Agreement") is entered into on this _____ day of _____, 20____ between Kansas City Power and Light Company (the "Company") and _____ (the "Customer") for electric energy to be purchased from a renewable energy resource ("Resource 1") under the Company's Renewable Energy Rider Tariff (the "RER Tariff").

Recitals

WHEREAS, the Customer desires to purchase, and the Company desires to provide, electric energy that is generated by Resource 1; and

WHEREAS, the Customer expects that the Customer will, during the term of this Agreement, have an average monthly peak demand of greater than 200 kW; and

WHEREAS, the Customer acknowledges and understands that participation in this Agreement is a voluntary choice by the Customer and is governed by the RER Tariff as approved by, and as may be changed from time to time by, the Kansas Corporation Commission (the "KCC").

Agreement

The Customer and the Company agree:

1. RER Tariff Subscription

- a. The Customer agrees to offset its traditional electric energy usage by the Customer's pro rata share from Resource 1 which the Customer agrees shall be a fixed monthly kilowatt (kW) amount of _____kW.
- b. Subject to the terms and conditions set forth in this Agreement and the RER Tariff, the Company hereby grants the Customer a subscription to the electric energy output proportionate to the above kW share for the applicable term identified herein.
- c. The Customer agrees to the following payment terms:
 - i. Substitution of the Energy Cost Adjustment ("ECA") Surcharge with a fixed charge not to exceed \$0.020 per kWh generated by the Customer's pro rata share from Resource 1 plus an administration charge of \$0.0003 per kWh for less than twenty-year Participation Agreements and billed as the Renewable Participation Charge (the "RPC").
 - ii. The amount of energy subscribed to above will be a pro rata share based upon a fixed kW amount in 200 kW increments up to 1,000 kW and with additional increments in 500 kW thereafter, which will be converted to a pro rata share of Resource 1. The Customer will receive no additional capacity credit for their subscription.
 - iii. All charges, adjustments and surcharges, except the ECA, will be billed at the standard rates applicable to the Customer's rate class.
 - iv. Customers will receive a forecasted RPC credit, based on Resource 1's generating forecast, of their pro rata share's expected annual production spread evenly across

each month of the year. The Customer's usage and corresponding RPC substitution of the ECA will be trued-up at the end of the year with any additional ECA recovery billed to the Customer. Any true-up will be applied to the first bill, occurring after January 15, of each calendar year. This bill may also reflect an RPC annual credit adjustment based on Resource 1's year-prior actual generation.

- v. Excess energy generated by the Customer's pro rata share from Resource 1 and unused by the Customer in the calendar year will be credited to the Customer's bill at 80% of the RPC.
 - 1. At the Company's discretion, and due to unforeseen Customer circumstances, such as a force majeure event, the Company may allow for RPC credits not utilized in a particular calendar year to be applied to the next calendar year.
 - vi. Information pertaining to all accounts will be provided in Appendix A.
 - 1. The Company may elect to credit the accounts list in Appendix A starting with the account that has the highest energy usage and working through the smallest.
 - vii. Customers with recurring excess generation from this Agreement will have their contracted amount reduced to better match their usage at the Company's discretion.
- d. The Company will not be held responsible for unforeseen or force majeure events that impact Resource 1's energy generation.
2. The term of this agreement shall be selected from either paragraph 2.a. or 2.b. below:
- a. The agreed-upon term is (select only one):
 - i. Five (5) years _____
 - ii. Ten (10) years _____
 - iii. Fifteen (15) years _____
 - iv. Twenty (20) years _____
 - b. The agreed-upon term of _____, which is the term remaining on the power purchase agreement (the "PPA") through which the Company obtained Resource 1.
3. Additional Terms and Conditions
- a. Service hereunder is subject to the Company's RER Tariff and General Terms and Conditions as approved, and as may be changed from time to time, by the KCC.
 - b. The Customer understands that if the minimum program enrollment level is not met, as outlined in the RER Tariff, then Resource 1 will not be procured, and this Agreement will be void.
 - c. The Customer shall have the option to terminate this Agreement should the final RPC be higher than stated in Section 1.c.i. by providing written notice within 90 days of being notified of the finalized RPC.
 - d. The Customer also understands that the RPC under this Agreement is based upon the procurement of Resource 1 and may be different than other RPC established for future resources.
 - e. All provisions of the RER Tariff in which this Agreement relies upon are subject to changes made by order of the regulatory authority having jurisdiction.

- f. The Customer being served or having been served under this Agreement waives all rights to any billing adjustments arising from a claim that the Customer's service would be or would have been at a lower cost had it not participated in the Agreement.
- g. The Customer may maintain participation in this program when relocating facilities or service within Company's Kansas service territory.
- h. At the Customer's request and cost, the Company will transfer the Renewable Energy Credits (RECs) associated with the Customer's subscription on an annual basis. Should the Customer not make a request for transfer, the Company will retire the associated RECs on the Customer's behalf annually to a nationally recognized renewable energy tracking system and provide a statement to Customer stating the volume of RECs retired on Customer's behalf, all at no additional cost to Customer.
- i. The RPC price outlined within this Agreement is fully fixed and will not rise or fall with changes to the ECA. The RPC price stated in this Agreement shall not be changed by Company during the term of this Agreement. Should the KCC or a party other than the Company increase the RPC fixed charge under this Agreement, Company shall provide ninety (90) days written notice to Customer, and Customer shall have the option of providing thirty (30) days notice to Company to cancel this Agreement without penalty or cost to Customer.
- j. If the Customer ceases all operations within Company's service territory during the term of this Agreement, this Agreement will terminate upon final billing. Any remaining excess energy generated by Resource 1 within the last billing period will be credited to the Customer's bill at 80% of the Renewable Participation Charge.

Customer: _____

Representative/Title: _____

Signed: _____

Date: _____

Kansas City Power and Light Company

Representative/Title: Kim Winslow, Director, Energy Solutions

Signed: _____

Date: _____



Update on deed restriction research

BACKGROUND

At the January 4, 2021 Council meeting, the Council directed City Staff to conduct further research into removal of racially restrictive deed restrictions or covenants from official legal records. Based on extensive research provided by Councilmember Inga Selders, the only homes association that had these deed restrictions was the Prairie Village Homes Association (PVHA). City Staff asked the City Attorney to look into any possible remedies or actions the City can take to eliminate these deed restrictions from the legal records.

Our City Attorney, David Waters, provided a legal review of the issue. The Prairie Village Homes Association has met their obligation under Kansas State Statute. In 2007, the PVHA passed a resolution specifically striking any deed restrictions based on race. That document was then filed with the Johnson County Register of Deeds. There are no other actions the City can take in regards to deed restrictions specific to the PVHA. Other than amendments to the legal record, there are no provisions in State statutes that would allow any of said records to be eliminated, modified, or changed from the official legal record at the County.

ATTACHMENTS - Memo from City Attorney

PREPARED BY

Tim Schwartzkopf
Assistant City Administrator
Date: February 8, 2021



ATTORNEY-CLIENT PRIVILEGED AND ATTORNEY WORK PRODUCT

TO Mr. Wes Jordan
Mr. Tim Schwartzkopf
City of Prairie Village, Kansas

FROM David E. Waters
City Attorney; Lathrop GPM LLP

DATE February 10, 2021

SUBJECT Removal of Racial Covenants from Johnson County Property Records

It is well-known (and researched by members of the City Council) that, as the City of Prairie Village was developed, properties within the City were encumbered with certain deed restrictions or restrictive covenants that prohibited the sale of property to, or the occupation of property by, persons based solely on their race, or other identifying (and now protected) characteristics. One example of such a restriction was filed in 1941 as to properties located in what is now known as the Prairie Village Homes Association:

Declaration of Restrictions dated April 29, 1941, Prairie Village (insert name of subdivision plat), Sec. 2, stating “None of said land may be conveyed to, used, owned, or occupied by negroes as owners of tenants.” For example: “None of the said lots shall be conveyed to, used, owned, nor occupied by negroes as owners or tenants.”

The history of such covenants and restrictions is long, and this memorandum will not delve too deeply into the historical uses of such covenants. However, one of the most important challenges to the use of such restrictions came in the case of *Shelley v. Kraemer*, 334 U.S. 1 (1948). The *Shelley* case did not actually prohibit the use of such covenants and restrictions. Rather, the U.S. Supreme Court held that such private agreements, standing alone, did **not** violate the Fourteenth Amendment to the United States Constitution, but that **enforcement** of such restrictions by state courts **did** violate the equal protection clause of the Fourteenth Amendment. Essentially, the Supreme Court held that, while such covenants were not "illegal" to establish, they were legally unenforceable.

It was not until 1968, with the passage of the Federal Fair Housing Act, that the use of such racial covenants in housing was made illegal. At the risk of perhaps skipping through too much history, similar provisions were subsequently incorporated into the Kansas acts against discrimination (the "KAAD"), which provides (among other things) that it shall be unlawful for any person:

To discriminate against any person in the terms, conditions or privileges of sale or rental of real property, or the provision of services or facilities in connection therewith, because of race, religion, color, sex, disability, familial status, national origin, or ancestry.

To discriminate against any person in such person's use or occupancy of real property because of the race, religion, color, sex, disability, familial status, nation origin or ancestry of the people with whom such person associates.

K.S.A. 44-1016(b), (g).

It should be noted that there are several exceptions to this rule, as set forth in K.S.A. 44-1018. For example, the KAAD does not prohibit religious organizations from limiting the sale, rental, or occupancy of real property to persons of the same religion, provided certain other conditions are met. The KAAD would also not apply to the sale or rental of any single-family house by an owner, provided that (a) the owner does not own or have any interest in more than three single family houses at any one time, and (b) the house is sold or rented without the use of a real estate broker, agent or salesperson or the facilities of any person in the business of selling or renting dwellings. There are other exceptions which allow for housing for older persons (that is, discrimination against "younger" persons as to such housing may be permitted).

Similar exceptions apply as to the Federal Fair Housing Act.

Kansas Statute Requiring Removal of Prohibited Restrictions.

Notwithstanding that such practices were then prohibited, persons purchasing or owning property were still taking title "subject to" the racial restrictions (even if they were no longer enforceable). Accordingly, in 2006, the State of Kansas enacted an additional statute to the Kansas acts against discrimination, K.S.A. 44-1017a, which required that homes associations "amend" any existing covenants to remove any prohibited provisions:

(b) Within 60 days of the effective date of this act, the board of directors of an association shall amend any declaration or other governing document that includes a restrictive covenant in violation of K.S.A. 44-1026 and 44-1017, and amendments thereto, by removing such restrictive covenant. Such amendment shall not require the approval of the members of the association. No other change shall be required to be made to the declaration or other governing document of the association pursuant to this section. Within 10 days of the adoption of the amendment, the amended declaration or other governing document shall be recorded in the same manner as the original declaration or other governing document. No fee shall be charged for such recording.

K.S.A. 44-1017a. A few sidebar comments on this statute:

- This statute only applies to documents of and actions by an "association", defined as a "non-profit homeowners association as defined in K.S.A. 60-3611, and amendments thereto." K.S.A. 44-1017(d)(1). Meaning, that although individual homeowners may still attempt to impose private racial restrictions on their own properties—even if illegal under both Federal and State law—this statute would not itself permit an association of which such property may be a part to file an amendment as to that individual's attempted restriction.

- The statute references any "declaration or other governing document"—those terms are not defined, and it could be argued that the term "governing document" could include bylaws, or policies, etc., of an association. Although racial provisions in bylaws, policies, or the like would be prohibited under both Federal and State law, this statute should likely be read as applying only to covenants or restrictions of the association that have been recorded with the Register of Deeds. See, e.g., "the amended declaration or other governing document shall be recorded in the same manner as the original declaration or other governing document"; as bylaws or policies are not generally recorded, K.S.A. 44-1017a would not likely be directly applicable to such documents. We are not currently aware of any bylaws, policies, or the like that contain prohibited restrictions in Prairie Village.

Indeed, we have been made aware that one association in Prairie Village—the Prairie Village Homes Association—amending its recorded declarations in 2007 under the authority of this statute, in order to remove previously-recorded racial restrictions. It has been noted that, with this 2007 document, the association did not file a "clean" set of updated covenants. K.S.A. 44-1017a does not require that a fully "restated" document be filed; again, the statute requires that the association "shall amend" such a document to remove the restriction, which appears to have been done. The statute is further clear that "[n]o other change shall be required to be made to the declaration".

What Can the City Do?

The City does have a role under K.S.A. 44-1017a if it becomes aware of an association that has failed (or refused) to properly amend its declarations or other recorded governing documents:

- (c) If the [Kansas human rights] commission, a city or county in which the association is located provides written notice to an association requesting that the association delete a restrictive covenant in violation of K.S.A. 44-106 and 44-1017, and amendments thereto, the association shall delete the restrictive covenant within 30 days of receiving the notice. If the association fails to delete the restrictive covenant in violation of K.S.A. 44-1016 and 44-1017, and amendments thereto, the commission, a city or county in which the association is located, or any person adversely affected by such restrictive covenant may bring an action against the homeowners association for injunctive relief to enforce the provisions of subsections (a) and (b) of this section. The court may award attorney's fees to the prevailing party.

As of this writing, we are not aware of there being any other associations in Prairie Village that have restrictive covenants of record (but see comments above regarding title searches).

The following are summaries of some of the issues raised in discussions among council members, and initial responses:

How Can the City Know what Restrictions are of Record?

- As we understand, some research has been performed at the Register of Deeds office as to racial covenants of record. Absent conducting a title search on every parcel of property

within the City (which would be exorbitantly expensive), it would not be practicable to attempt to identify now, in advance, whether there are any "private/individual" covenants or deed restrictions in place (though, again, even if there were, they would not be enforceable). If the City is able to identify other active homes associations, a title company would be able to conduct a search of perhaps a few parcels within that area to determine if there are restrictions that have not previously become known.

For example, the document filed of record by the PVHA purported to apply to a number of lots in Blocks 1 through 5 of the original "Prairie Village" subdivision—if there are other blocks or properties that are covered by racial restrictions that were not included in the PVHA document, then the PVHA document voiding the racial restrictions may not show up in the chain of title as to those documents.

- The City might also consider whether it is aware of "inactive" associations or perhaps larger areas that were developed contemporaneously (such as part of a single plat), and ask a title company to conduct searches of select parcels within those areas in order to determine whether any similar covenants or restrictions were recorded. If there is no active association, of course, it may not be able to file any amendment in accordance with K.S.A. 44-1017a.

Can the City Cause Documents to be "Removed" from the Public Record?

The City cannot require that the Johnson County Register of Deeds destroy or remove records that have been filed, even if they now contain illegal or unenforceable provisions. K.S.A. 58-2221 provides, in relevant part and with highlighted emphasis supplied:

58-2221. Recordation of instruments conveying or affecting real estate; duties of register of deeds. Every instrument in writing that conveys:

- (a) Real estate;
- (b) any estate or interest created by an oil and gas lease;
- (c) any estate or interest created by any lease or easement involving wind resources and technologies to produce and generate electricity; or
- (d) whereby any real estate may be affected, proved or acknowledged, and certified in the manner hereinbefore prescribed, may be recorded in the office of register of deeds of the county in which such real estate is situated. **It shall be the duty of the register of deeds to file the same for record immediately**, and in those counties where a numerical index is maintained in the register of deeds' office, the register of deeds shall compare such instrument, before copying the same in the record, with the last record of transfer in the register of deeds' office of the property described. If the register of deeds finds such instrument contains apparent errors, the register of deeds shall not record the instrument until the grantee has been notified, if such notice is reasonably possible.

See also K.S.A. 19-1204 (again, with highlighted emphasis supplied):

19-1204. Custody and recording of documents. (a) The register of deeds shall have custody of and safely keep and preserve all the books, records, deeds, maps, papers and microphotographs deposited or kept in the office of the register of deeds. The register of deeds shall also record, or cause to be recorded, in a plain and distinct handwriting or in another legible manner, in suitable books or other accessible format to be provided and kept in the office of the register of deeds, all deeds, mortgages, maps, instruments and writings authorized by law to be recorded in the office of the register of deeds and left with the register of deeds for that purpose, and shall perform all other duties as are required by law.

It is for this reason that recorded documents may be subsequently amended, or even "cancelled", as provided in K.S.A. 44-1017a. However, the original documents themselves are not removed from the public record.

Porter Park Racial Restrictions.

We have also been made aware of a document dated February 4, 1950, that applied to all of "BLOCK THIRTY-SIX (36) of PRAIRIE VILLAGE". Based on our review of the plat for Blocks 29-36 of Prairie Village, Block 36 appears to consist of the property currently owned by the City as Porter Park, and also a small parcel owned by Johnson County Wastewater. There is a restriction in this document that states:

None of said land may be conveyed to, used, owned or occupied by negroes as owners or tenants.

Unlike the original PVHA restrictions, which provided for a term of 25 years but with automatic renewals, the Porter Park document specifically states that the restriction was to run only "for a period of forty (40) years from the date hereof". Therefore, in addition to such a restriction being illegal and unenforceable now, the restriction expired by its own terms in February 1990.

It does not appear that the amendment/cancellation process for a homeowners association document would apply to this Porter Park document, unless it could be established that the PVHA is somehow responsible for enforcing the same. Arguably, the City (and Johnson County Wastewater) could place a document on record as to their respective properties repudiating the restrictive covenant, but that would have limited to no legal effect as (1) such a restriction is already illegal and unenforceable, and (2) the restriction already expired some thirty-one years ago.

How Are Amendments Indexed so the Public can Know they were Filed?

The filing of any document with the Register of Deeds, including amendments or terminations as set forth in K.S.A. 44-1017a, serves as "record notice" of the document, including notice that racial covenants are no longer applicable. See K.S.A. 58-2222:

58-2222. Same; filing imparts notice. Every such instrument in writing, certified and recorded in the manner hereinbefore prescribed, shall, from the time of filing the same with the register of deeds for record, impart notice to all persons of the

contents thereof; and all subsequent purchasers and mortgagees shall be deemed to purchase with notice.

Kansas statutes set forth methods by which documents are to be recorded and indexed, some of which may seem outdated by today's standards. See, e.g., K.S.A. 19-1205 and 19-1206, describing indexes broken out by columns and the like. However, the Register of Deeds also has the option of recording documents utilizing appropriate electronic filing systems. K.S.A. 19-1204(b); K.S.A. 45-501. While I am not able to provide a detailed analysis of the Johnson County Register of Deed's software systems, our experience is that the Register of Deeds relies on extensive cross-indexing methods so that documents are able to be located and that amendments are properly indexed against previously-recorded documents.

Role of Title Insurance.

We would also add that, in the sale or acquisition of any real property, and where a title insurance company insures good title in the name of the purchaser, all such policies contain exceptions from coverage with language similar to the following:

THIS COMMITMENT/POLICY DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

[The Policy will include the following Exceptions:] Declaration of Restrictions of *[insert name of subdivision or other property record]* recorded on *[insert applicable date and book/page number of recording information]* but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c) or any similar state statute or local ordinance.

42 USC (United States Code) 3604 is where the Federal Fair Housing Act has been codified.

Can the City Initiate Actions with the Kansas Human Rights Commission?

Enforcement of the Kansas acts against discrimination (apart from any private causes of action) is handled primarily by the Kansas human rights commission. K.S.A. 44-1019(a). "Any person aggrieved" by an alleged violation of the KAAD's prohibitions on housing discrimination may file a complaint with the commission, and such complaints must be filed within one year after the alleged discriminatory housing practice occurred. *Id.* The commission or the Kansas attorney general may also file such complaints. *Id.*

However, there may be a role for the City in such proceedings. K.S.A. 44-1019(c) provides:

Whenever a local fair housing ordinance provides rights and remedies for alleged discriminatory housing practices which are, in the judgment of the commission, substantially equivalent to the rights and remedies provided in this act, the commission shall refer to the appropriate local agency any complaint filed under this act which appears to constitute a violation of such local fair housing ordinance. The commission shall take no further action with respect to such complaint until 30 days have elapsed since the complaint was referred to the local agency, or the local agency has completed its investigation, or the local agency requests the commission to assume jurisdiction or to assist it, whichever occurs first. The local agency shall inform the commission in writing of the status of the referred complaint at the end of the referral period or when the local agency has completed its investigation, whichever occurs first. The commission may take further action on the complaint if in its judgment the protection of the rights of the parties or the interests of justice require such action.

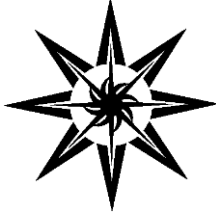
Indeed, the City does have its own fair housing ordinance, set forth in Chapter 8, Article 3 of the City Code, which are substantively identical to the provisions of the Kansas acts against discrimination.

These Code provisions have not been in active use (to our knowledge, the City does not have an active "open occupancy committee"). This is likely because there have been few examples or claims of discriminatory housing, but also because the Kansas human rights commission may be better equipped to handle such claims. If the Kansas human rights commission were to refer a complaint to the City, and if the City were to accept jurisdiction and not ask the commission to, then City Code (at Sec. 8-308) provides procedures for investigation, with an initial goal of obtaining voluntary compliance. If voluntary compliance is not successful, the matter may be referred to the City Prosecutor. Any person convicted of violating Chapter 8, Article 3 of the City Code may be punished with a fine not to exceed \$100 or imprisonment for not more than thirty days for each violation or by both.

Conclusions.

Given the information available as to existing and known racial restrictions in Prairie Village developments, it appears that proper steps were taken as to the Prairie Village Homes Association under K.S.A. 44-1017a. Should the City desire to determine whether other covenants exist, we would recommend engaging a title insurance company to develop a plan for examining title records of other developments (with the caveat that K.S.A. 44-1017a may only be available as to projects with "associations").

The City would not appear to be able to remove old documents with restrictive covenants from the public record. To the extent that the City does become aware of violations of certain anti-discrimination laws, the City may be able to engage with the Kansas human rights commission, or take other appropriate action under its own open occupancy regulations.



PUBLIC WORKS DEPARTMENT

Council Meeting Date: February 16, 2020

**COU2021-23: CONSIDER DESIGN AGREEMENT WITH AFFINIS CORP FOR
THE DESIGN OF MIRD0007 - MISSION ROAD AT 68TH STREET
FLOOD CONTROL PROJECT**

RECOMMENDATION

Move to approve the design agreement with Affinis Corp for field survey and preliminary design of the MIRD0007 - Mission Road at 68th Street Flood Control Project in the amount of \$99,255.00.

BACKGROUND

A preliminary engineering study was completed in 2018 to secure Johnson County stormwater funding for this project. Public Works recently requested proposals from firms to provide engineering services for this stormwater project. We had 4 firms submit proposals and we interviewed Olsson and Affinis Corp. Based on their original proposals and the interviews the selection committee chose Affinis Corp to be the City's engineering consultant for project. Affinis Corp has been working for the City for the last several years and has performed well. The selection committee consisted of Jori Nelson, Chad Herring, Cliff Speegle, and Melissa Prenger.

This agreement is for preliminary design development, early permit coordination, and stakeholder engagement. There are a number of project constraints and design opportunities that will be evaluated during this phase. Full topographic survey will be completed during this phase. A phase two final design agreement is anticipated in the summer of 2021. Construction is anticipated to begin in the summer of 2022.

FUNDING SOURCE

Funding is available in the MIRD0007. The Johnson County Stormwater Management Program is funding 50% of the project costs as part of their flood control program.

ATTACHMENTS

1. Design Agreement with Affinis

PREPARED BY

Cliff Speegle, Project Manager

February 9, 2021



AGREEMENT FOR PROFESSIONAL ENGINEER

For

DESIGN SERVICES

Of

**MIRD0007 - MISSION ROAD AND 68TH STREET
STORM DRAINAGE PROJECT**

THIS AGREEMENT, made at the Prairie Village, Kansas, this ____ day of _____, by and between the City of Prairie Village, Kansas, a municipal corporation with offices at 7700 Mission Road, Prairie Village, Kansas, 66208, hereinafter called the “**City**”, and Affinis Corp, a corporation with offices at 8900 Indian Creek Parkway, Suite 450, Overland Park, KS, 66210, hereinafter called the “**Consultant**”.

WITNESSED, THAT WHEREAS, the City has determined a need to retain a professional engineering firm to provide civil engineering services for the Design of the Mission Road and 68th Street Storm Drainage Project, hereinafter called the “**Project**”,

AND WHEREAS, the City is authorized and empowered to contract with the Consultant for the necessary consulting services for the Project,

AND WHEREAS, the City has the necessary funds for payment of such services,

NOW THEREFORE, the City hereby hires and employs the Consultant as set forth in this Agreement effective the date first written above.

Article I City Responsibilities

- A. Project Definition** The City is preparing to design and construct roadway and stormwater improvements along Mission Road near 68th Street.
- B. City Representative** The City has designated, Cliff Speegle, Public Works Project Manager, to act as the City’s representative with respect to the services to be performed or furnished by the Consultant under this Agreement. Such person shall have authority to transmit instructions, receive information, interpret and define the City’s policies and decisions with respect to the Consultant’s services for the Project.
- C. Existing Data and Records** The City shall make available to the Consultant all existing data and records relevant to the Project such as, maps, plans, correspondence files and other information possessed by the City that is relevant to the Project. Consultant shall not be responsible for verifying or ensuring the accuracy of any information or content supplied by City or any other Project participant unless specifically defined by the scope of work, nor ensuring that such information or content does not violate or infringe any law or other third party rights. However, Consultant shall promptly advise the City, in writing, of any inaccuracies in the information provided or any other violation or infringement of any law or third party rights that Consultant observes. City shall

indemnify Consultant for any infringement claims resulting from Consultant's use of such content, materials or documents.

- D. **Review For Approval** The City shall review all criteria, design elements and documents as to the City requirements for the Project, including objectives, constraints, performance requirements and budget limitations.
- E. **Standard Details** The City shall provide copies of all existing standard details and documentation for use by the Consultant for the project.
- F. **Submittal Review** The City shall diligently review all submittals presented by the Consultant in a timely manner.

Article II Consultant Responsibilities

- A. **Professional Engineering Services** The Consultant shall either perform for or furnish to the City professional engineering services and related services in all phases of the Project to which this Agreement applies as hereinafter provided.
- B. **Prime Consultant** The Consultant shall serve as the prime professional Consultant for the City on this Project.
- C. **Standard Care** The standard of care for all professional consulting services and related services either performed for or furnished by the Consultant under this Agreement will be the care and skill ordinarily used by members of the Consultant's profession, practicing under similar conditions at the same time and in the same locality.
- D. **Consultant Representative** Designate a person to act as the Consultant's representative with respect to the services to be performed or furnished by the Consultant under this Agreement. Such person shall have authority to transmit instructions, receive information, and make decisions with respect to the Consultant's services for the Project.

Article III Scope of Services

- A. **Design Development Phase:** Upon receipt of notice to proceed from the City, the Consultant shall provide all consulting services related to this project including, but not limited, to these phases and tasks. The scope is generally defined below and as described in Exhibit A.
 - 1. Schedule and attend one startup meeting with City to confirm project goals, schedule, budget and expectations.
 - 2. Review with City staff, the list of issues based on service requests, work orders, permits issued, Public Works staff experiences, available plans, previous studies, and pertinent information regarding the Project.
 - 3. Perform topographic and field data collection
 - 4. Develop preliminary hydraulic models for up to four design alternatives.
 - 5. Preliminary design to concept stage for two unique design options.
 - 6. Construction cost estimates
 - 7. Early project review agency permit coordination.
 - 8. Public engagement and associated presentation materials
 - 9. Initial utility coordination.
 - 10. Prepare summary memo for the project based on design development findings.

Article IV Time Schedule

- A. **Timely Progress** The Consultant's services under this Agreement have been agreed to in anticipation of timely, orderly and continuous progress of the Project.
- B. **Authorization to Proceed** If the City fails to give prompt written authorization to proceed with any phase of services after completion of the immediately preceding phase, the Consultant shall be entitled to equitable adjustment of rates and amounts of compensations to reflect reasonable costs incurred by the Consultant as a result of the delay or changes in the various elements that comprise such rates of compensation.
- C. **Default** Neither City nor Consultant shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the nonperforming party. For purposes of this Agreement, such circumstances include, but are not limited to, abnormal weather conditions; floods; earthquakes; fire; epidemics; war, riots, and other civil disturbances; strikes, lockouts, work slowdowns, and other labor disturbances; sabotage; judicial restraint; and delay in or inability to procure permits, licenses, or authorizations from any local, state, or federal agency for any of the supplies, materials, accesses, or services required to be provided by either City or Consultant under this Agreement. Should such circumstances occur, the consultant shall within a reasonable time of being prevented from performing, give written notice to the City describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement.
- D. **Completion Schedule** Recognizing that time is of the essence, the Consultant proposes to complete the scope of services as specified in the Exhibit A by June 11, 2021

Article V Compensation

- A. **Maximum Compensation** The City agrees to pay the Consultant as maximum compensation as defined in Exhibit B for the scope of services the following fees:

Design Phase	\$ <u>99,255.00</u>
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- B. **Invoices** The compensation will be invoiced by phase, detailing the position, hours and appropriate hourly rates (which include overhead and profit) for Consultant's personnel classifications and the Direct Non-Salary Costs.
- C. **Direct Non-Salary Costs** The term "Direct Non-Salary Costs" shall include the Consultant payments in connection with the Project to other consultants, transportation, and reproduction costs. Payments will be billed to the City at actual cost. Transportation, including use of survey vehicle or automobile will be charged at the IRS rate in effect during the billing period. Reproduction work and materials will be charged at actual cost for copies submitted to the City.
- D. **Monthly Invoices** All invoices must be submitted monthly for all services rendered in the previous month. The Consultant will invoice the City on forms approved by the City. All properly prepared invoices shall be accompanied by a documented breakdown of expenses incurred and description of work accomplished.
- E. **Fee Change** The maximum fee shall not be changed unless adjusted by Change Order mutually agreed upon by the City and the Consultant prior to incurrence of any expense. The Change Order will be for major changes in scope, time or complexity of Project.

Article VI General Provisions

- A. Opinion of Probable Cost and Schedule:** Since the Consultant has no control over the cost of labor, materials or equipment furnished by Contractors, or over competitive bidding or market conditions, the opinion of probable Project cost, construction cost or project schedules are based on the experience and best judgment of the Consultant, but the Consultant cannot and does not guarantee the costs or that actual schedules will not vary from the Consultant's projected schedules.
- B. Quantity Errors:** Negligent quantity miscalculations or omissions because of the Consultant's error shall be brought immediately to the City's attention. The Consultant shall not charge the City for the time and effort of checking and correcting the errors to the City's satisfaction.
- C. Reuse of Consultant Documents:** All documents including the plans and specifications provided or furnished by the Consultant pursuant to this Agreement are instruments of service in respect of the Project. The Consultant shall retain an ownership and property interest upon payment therefore whether or not the Project is completed. The City may make and retain copies for the use by the City and others; however, such documents are not intended or suitable for reuse by the City or others as an extension of the Project or on any other Project. Any such reuse without written approval or adaptation by the Consultant for the specific purpose intended will be at the City's sole risk and without liability to the Consultant. The City shall indemnify and hold harmless the Consultant from all claims, damages, losses and expenses including attorney's fees arising out of or resulting reuse of the documents.
- D. Reuse of City Documents** In a similar manner, the Consultant is prohibited from reuse or disclosing any information contained in any documents, plans or specifications relative to the Project without the expressed written permission of the City.
- E. Insurance** The Consultant shall procure and maintain, at its expense, the following insurance coverage:
1. Workers' Compensation -- Statutory Limits, with Employer's Liability limits of \$100,000 each employee, \$500,000 policy limit;
 2. Commercial General Liability for bodily injury and property damage liability claims with limits of not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate;
 3. Commercial Automobile Liability for bodily injury and property damage with limits of not less than \$1,000,000 each accident for all owned, non-owned and hired automobiles;
 4. Errors and omissions coverage of not less than \$1,000,000. Deductibles for any of the above coverage shall not exceed \$25,000 unless approved in writing by City.
 5. In addition, Consultant agrees to require all consultants and sub-consultants to obtain and provide insurance in identical type and amounts of coverage together and to require satisfaction of all other insurance requirements provided in this Agreement.
- F. Insurance Carrier Rating** Consultant's insurance shall be from an insurance carrier with an A.M. Best rating of A-IX or better, shall be on the GL 1986 ISO Occurrence form or such other form as may be approved by City, and shall name, by endorsement to be attached to the certificate of insurance, City, and its divisions, departments, officials, officers and employees, and other parties as specified by City as additional insureds as their interest may appear, except that the additional insured requirement shall not apply to Errors and Omissions coverage. Such endorsement shall be ISO CG2010 11/85 or equivalent. "Claims Made" and "Modified Occurrence" forms are not acceptable, except for Errors and Omissions coverage. Each certificate of insurance shall state that such insurance will not be canceled until after thirty (30) days' unqualified written notice of cancellation or reduction has been given to the City, except in the event of nonpayment of premium, in which case there shall be ten (10) days' unqualified written notice. Subrogation against City and City's Agent shall be waived. Consultant's insurance policies shall be endorsed to indicate that Consultant's insurance coverage is primary and any insurance maintained by City or City's Agent is non-contributing as respects the work of Consultant.

- G. Insurance Certificates** Before Consultant performs any portion of the Work, it shall provide City with certificates and endorsements evidencing the insurance required by this Article. Consultant agrees to maintain the insurance required by this Article of a minimum of three (3) years following completion of the Project and, during such entire three (3) year period, to continue to name City, City's agent, and other specified interests as additional insureds thereunder.
- H. Waiver of Subrogation** Coverage shall contain a waiver of subrogation in favor of the City, and its subdivisions, departments, officials, officers and employees.
- I. Consultant Negligent Act** If due to the Consultant's negligent act, error or omission, any required item or component of the project is omitted from the Construction documents produced by the Consultant, the Consultant's liability shall be limited to the difference between the cost of adding the item at the time of discovery of the omission and the cost had the item or component been included in the construction documents. The Consultant will be responsible for any retrofit expense, waste, any intervening increase in the cost of the component, and a presumed premium of 10% of the cost of the component furnished through a change order from a contractor to the extent caused by the negligence or breach of contract of the Consultant or its subconsultants.
- J. Termination** This Agreement may be terminated by either party upon seven days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party; provided, however, the nonperforming party shall have 14 calendar days from the receipt of the termination notice to cure the failure in a manner acceptable to the other party. In any such case, the Consultant shall be paid the reasonable value of the services rendered up to the time of termination on the basis of the payment provisions of this Agreement. Copies of all completed or partially completed designs, plans and specifications prepared under this Agreement shall be delivered to the City when and if this Agreement is terminated, but it is mutually agreed by the parties that the City will use them solely in connection with this Project, except with the written consent of the Consultant (subject to the above provision regarding Reuse of Documents).
- K. Controlling Law** This Agreement is to be governed by the laws of the State of Kansas.
- L. Indemnity** To the fullest extent permitted by law, with respect to the performance of its obligations in this Agreement or implied by law, and whether performed by Consultant or any sub-consultants hired by Consultant, the Consultant agrees to indemnify City, and its agents, servants, and employees against all claims, damages, and losses, including reasonable attorneys' fees and defense costs, caused by the negligent acts, errors, or omissions of the Consultant or its sub-consultants, to the extent and in proportion to the comparative degree of fault of the Consultant and its sub-consultants.
- M. Severability** Any provision or part of the Agreement held to be void or unenforceable under any law or regulation shall be deemed stricken and all remaining provisions shall continue to be valid and binding upon the City and the Consultant, who agree that the Agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision. The provisions of this Article shall not prevent this entire Agreement from being void should a provision which is of the essence of this Agreement be determined void.
- N. Notices** Any notice required under this Agreement will be in writing, addressed to the appropriate party at the address which appears on the signature page to this Agreement (as modified in writing from item to time by such party) and given personally, by registered or certified mail, return receipt requested, by facsimile or by a nationally recognized overnight courier service. All notices shall be effective upon the date of receipt.
- O. Successors and Assigns** The City and the Consultant each is hereby bound and the partners, successors, executors, administrators, legal representatives and assigns of the City and the Consultant are hereby bound to the other party to this Agreement and to the partners, successors,

executors, administrators, legal representatives and assigns of such other party in respect of all covenants and obligations of this Agreement.

- P. Written Consent to Assign** Neither the City nor the Consultant may assign, sublet, or transfer any rights under the Agreement without the written consent of the other, which consent shall not be unreasonably withheld; provided, Consultant may assign its rights to payment without Owner's consent, and except to the extent that any assignment, subletting or transfer is mandated by law or the effect of this limitation may be restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Agreement.
- Q. Duty Owed by the Consultant** Nothing in this Agreement shall be construed to create, impose or give rise to any duty owed by the Consultant to any Contractor, subcontractor, supplier, other person or entity or to any surety for or employee of any of them, or give any rights or benefits under this Agreement to anyone other than the City and the Consultant.
- R. Non Discrimination** The Consultant agrees that it shall abide by the Prairie Village Non Discrimination Code (Section 5-801 et seq) and shall not discriminate against any person in the performance of Work under the present contract because of race, religion, color, sex, sexual orientation, gender identity, disability, age, national origin, or ancestry. If the City determines that the Consultant has violated any applicable provision of any local, state or federal law, or has discriminated against any person because of race, religion, color, sex, sexual orientation, gender identity, disability, age, national origin, or ancestry, such violation and/or discrimination shall constitute a breach of contract and the City may cancel, terminate or suspend this agreement in whole or in part.

IN WITNESS WHEREOF: the parties hereto have executed this Agreement to be effective as of the date first above written.

City:

City of Prairie Village, Kansas

By:

Eric Mikkelson, Mayor

Address for giving notices:

City of Prairie Village
Department of Public Works

Telephone: 913-385-4640
Email: publicworks@pvkansas.com

ATTEST:

Adam Geffert, City Clerk

Consultant:

Affinis Corp

By

Kristen E. Leathers-Gratton

Address for giving notices:

Affinis Corp
8900 Indian Creek Parkway, Suite 450
Overland Park, KS 66210

Telephone: 913-239-1122
Email: kleathers@affinis.us

APPROVED AS TO FORM BY:

David Waters, City Attorney

**Exhibit A:
Basic Services and Other Matters
Brush Creek at Mission Road and 68th Street Flood Control Project – Part 1**

I. Introduction

The basic scope of services (“scope”) for this project, identified as Exhibit A, includes the following tasks: survey, design development, early permit agency coordination, and initial utility coordination. These tasks are considered Part 1 of the project, with the scope of the Part 2 improvements determined based on the findings of Part 1. The Part 1 tasks for the scope will be performed for the city of Prairie Village, KS (“City”) and includes survey and design development to identify the selected design to move forward into Part 2 detailed design of a flood control improvement project along Mission Road and Brush Creek, between Tomahawk Road and 67th Street (“Project”).

II. General Design Requirements

All plan development stages shall be completed no later than the current project's schedule, exclusive of delays beyond the consultant’s control. The consultant shall submit to the City progress reports monthly, or at mutually agreed intervals, in conformity with the official project schedule.

The consultant shall confirm that the design alternatives in Part 1 of the Project are in conformity with the following criteria:

- City’s Design and Construction Standards.
- City’s Project Procedures Manual.
- Johnson County Stormwater Management Program (SMP) requirements.
- Current version of the Manual on Uniform Traffic Control Devices (MUTCD) as adopted by the City.
- Applicable Federal Emergency Management Agency (FEMA), U.S. Army Corps of Engineers (USACE), and State of Kansas Division of Water Resources (DWR) design criteria.

III. General Survey Requirements

Vertical Control: Elevations for plans must be obtained from a benchmark on the Johnson County Vertical Control Network. Show the datum benchmark and elevation of the datum benchmark on the plans.

Horizontal Control: Section Corner and quarter section corner locations must be referenced to the Johnson County Horizontal Control Network. As part of the design survey all section corners and quarter section corners within the project area and others used for project control must be located, reference and state plane coordinates determined with GPS equipment. The coordinates and referenced ties shall be shown on the plans and the standard corner reference report submitted to the Kansas State Historical Society, the County Engineer, and cities project engineer within 30 days of the survey as required by state law. If a Johnson County

Horizontal Control marker may be damaged by construction the County public works department should be notified prior to the bid letting.

Plan Notes - Johnson County Control Bench Marks: Any Johnson County benchmarks, Johnson County horizontal control monuments and any section corner and quarter section corners within the area surveyed for the project must be conspicuously indicated on the plans. All bench marks and section and quarter section corners and property pins within the construction limits shall include a note for the re-establishment of the monuments.

Hazardous Materials: It is acknowledged by both parties that Affinis's scope of services does not include any services related to hazardous or toxic materials. In the event Affinis or any other party encounters hazardous or toxic materials at the project site, or should it become known in any way that such materials may be present at the project site or any adjacent areas that may affect the performance or Affinis's services, Affinis may, at its option and without liability for consequential or any other damages, suspend performance of services on the project until the City retains, at their cost, appropriate specialist consultant(s) or contractor(s) to identify, abate and/or remove the hazardous or toxic materials.

IV. Basic Scope of Services

The scope associated with Part 1 of this project is broken out by task and sub-task, described in detail below:

Task 1: Design Development (Part 1)

Task 1.1: Project Management and Coordination

- A. Project Kickoff Meeting: Project kickoff meeting (2 Affinis staff to attend). Meeting is assumed to be virtual.
- B. Develop design criteria for the project and prepare design memorandum.
- C. Prepare monthly project progress reports and invoices (a 4 month duration is assumed for Part 1).
- D. Internal project team progress meetings through Part 1 (8 meetings assumed).

Task 1.2: Field Data Collection

- A. Survey Data Collection – Perform design and cadastral surveys as required to prepare plan and profile sheets in order to provide sufficient control, location, and land information necessary to prepare a complete set of construction plans and to prepare any legal descriptions required for easement acquisition. All surveys and point coordinates for the project must tie into and be in the Kansas State Plane (North Zone). Cadastral surveys shall include locating the position of pertinent PLSS corners (including quarter and sixteenth corners) pertaining to the project and shall conform to the accuracy standards as set forth by the Kansas State Board of Technical Professions. All survey data must be provided to city in digital format allowing insertion into AutoCad environment using standard field book format (PNEZD comma delimited).

It is assumed that private property access will be granted so that field survey data can be collected. The Consultant will be responsible for notifying private property owners about field survey activities. Specific survey work items included in this scope is as follows:

1. Field survey.
 - a. Establish land corners, and horizontal and vertical control.
 - b. Field surveys – including shots at pavement tie-in locations, back of curb, edge of pavement, pavement markings, storm sewer and sanitary sewer (including in-structure photos), fences, trees (species and size), landscape features, building corners, and other unique features in the project area to create project mapping.
 - c. Contact utilities and field locate all utilities in the project areas. Sanitary and storm sewer manhole locations will be surveyed, but structure depths, pipe flowlines, and pipe configurations will be taken from existing as-built mapping.
 - d. Survey existing visible property corners and include in mapping.
 - e. Full Brush Creek channel survey from the upstream end of the Tomahawk Road bridge to the downstream end of the pedestrian bridge, up to the top of the slope on the east side of Brush Creek (in Mission Hills).
 - f. Cross-section at 8 (eight) locations along Brush Creek to update the HEC-RAS model with current cross-section information. These cross-sections will be resurveyed between the top of the slope on the east side of Brush Creek to Mission Road.
- B. Ownership and abutting property information:
 1. Existing property basemap information will be used in Part 1. Current ownership information through Johnson County, including ownership and encumbrance reports will be included in the Part 2 scope.
- C. Utility easement investigation – Perform initial investigation into existing utility easements in the project area based on information provided by utilities and Johnson County AIMS information.
- D. Prepare base map at a scale of 1:20 showing contours at 2-foot intervals, property lines, owner information, existing utility information (from locates), and visible features.

Task 1.3: Design Development Evaluation

The components of the design development that will be evaluated in Part 1 include:

- Raise Mission Road, possibly shifting the alignment to the east.
- Construct an embankment along the east side of Mission Road.
- Partial raise of Mission Road combined with an embankment on the east side.

- Brush Creek channel widening/deepening.
 - The need for a floodwall.
 - Replacement of the downstream pedestrian bridge.
- A. Evaluate up to four (4) unique design options and bring all four to design development stage with sufficient detail to determine major design issues, such as: ability for the option to meet permit requirements, constructability of the design, utility impacts, and general acceptability to the impacted properties. Construction cost estimates for all four of these design options will be developed.
 - B. Develop preliminary hydraulic models for up to four (4) unique design options. The hydraulic modeling will include sufficient detail to confirm whether a design option meets permit requirements and the project objective to address street and structure flooding to meet SMP requirements. This includes both the Brush Creek HEC-RAS modeling and PCSWMM model of the Mission Road storm sewer system. The effective HEC-RAS model will need to be obtained to complete this effort. This effort does not include floodplain mapping or updating the hydrology inputs into the HEC-RAS model.
 - C. Up to two (2) of these unique design options will be taken to a 10% design stage with plan and profiles developed for each to determine project construction limits and preliminary easement needs. Updated construction cost estimates will be provided. Prepare a scroll with these 10% design stage for presentation at the Part 1 public engagement effort.
 - D. Early permit review agency coordination, including preparing the necessary presentation materials (maps, design drawings, modeling results, etc.) for this coordination.
 1. FEMA – up to two (2) phone conversations with a FEMA case analyst to discuss the project, potential design options, and permit requirements.
 2. USACE – up to two (2) video conference calls with USACE regulatory staff to discuss the project, potential design options, and permit requirements.
 3. DWR – up to two (2) video conference calls with DWR staff to discuss the project, potential design options, and permit requirements.
 4. Johnson County SMP – one (1) initial conversation with SMP staff to discuss the potential design options being considered.
 - E. Public engagement including preparing the necessary presentation materials (maps, design drawings, modeling results, etc.) for these conversations.
 1. Meet with the City of Mission Hills to discuss potential project impacts. (Assume one virtual meeting with the City).
 2. Up to six (6) stakeholder (Prairie Village or Mission Hills) meetings to discuss potential project impacts.

3. One (1) presentation to City Council regarding the selected design option to move forward into Part 2 project design. Virtual meeting assumed.
- F. Initial utility coordination including preparing the necessary presentation materials (maps, drawings, modeling results, etc.) for this coordination.
1. Johnson County Wastewater (JCW) – up to two (2) meetings with JCW staff and their consultant to discuss potential design options being considered.
 2. Southern Star – one (1) conversation with Southern Star to discuss potential design options and the impacts to the existing gas pipeline.
 3. Evergy – one (1) conversation with Evergy to discuss potential design options and the impacts to the overhead powerlines.
 4. Utility coordination – general coordination with all utilities in the project area to discuss possible project solutions.
- G. Summary Memo – to complete Part 1 of this project and be able to scope the Part 2 design work, prepare a summary memo (up to 10 pages in length plus technical appendices) of the Part 1 findings.

The following tasks are excluded from this Part 1 scope of work and will be included in the Part 2 scope of work, should the selected design solution dictate:

- Additional field survey outside of what is covered in Part 1
- Obtaining current property ownership information
- Obtaining ownership and encumbrance reports
- Project easement determinations
- Property, easement, and design improvement staking
- Submitting land corner records
- Geotechnical investigation
- Design related utility coordination
- Sanitary and storm sewer survey
- Utility potholing
- Field locate irrigation systems
- Floodplain mapping
- Hydrology modeling updates
- Preliminary and final design plans, cost estimates, and specifications
- Permit applications
- Bidding and construction services

V. Proposed Schedule

- A. Assuming notice to proceed with the project is given the week of February 15, 2021, the Consultant hereby agrees to complete Part 1 of this project on or before June 11, 2021.


VI. Proposed Fee

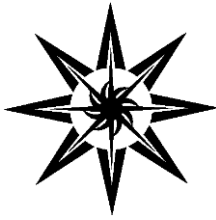
The following table presents the fee associated with each of the Tasks listed in Section IV of this scope:

Task	Proposed Fee
Task 1: Design Development	\$98,475
Expenses	\$780
Total	\$99,255

A detailed fee breakdown of the elements associated with each task is provided in Exhibit B.

EXHIBIT B

		Brush Creek at Mission Road and 68th Street Flood Control Project - Part I										Date: 2/9/2021							
		City of Prairie Village, Kansas										Client: Prairie Village, KS		Project: Mission Road Storm		Made By: BPS, RLU			
Tasks	Principal	Engineer III	Engineer II	Intern	Design	Design	CADD	Land	Survey Crew	Survey Crew	Proj. Rel.	LABOR	LABOR	DIRECT EXPENSES & REIMBURSABLES		TOTAL			
	\$240.00	Project Manager		Engineer (IE) I	Tech. II	Tech. I	Technician I	Surveyor II	Member II	Member I	Support	HOURS	COSTS	ITEM	COST	FEE			
Task 1: DESIGN DEVELOPMENT (PART 1)																			
1.1 Project Management and Coordination																			
A		2	2									4	\$ 610			\$ 610			
B		2	4									6	\$ 890			\$ 890			
C		6								2		8	\$ 1,170			\$ 1,170			
D		4	8	4								16	\$ 2,220			\$ 2,220			
1.2 Field Data Collection																			
A		2	4					24	152	148	4	398	\$ 40,030	Mileage	\$ 400.00	\$ 40,430			
B			2									2	\$ 280	Traffic Control	\$ 150.00	\$ 430			
C			2					8				10	\$ 1,240	Board		\$ 1,240			
D			2									2	\$ 280			\$ 280			
1.3 Design Development Evaluation																			
A		16	24	8	8							56	\$ 8,080			\$ 8,080			
B		8	80	8	8							104	\$ 14,600			\$ 14,600			
C	4	10	24		32		16					86	\$ 12,450			\$ 12,450			
D		10	14		4							28	\$ 4,210			\$ 4,210			
E		16	16		4							36	\$ 5,480			\$ 5,480			
F		5	15									20	\$ 2,925			\$ 2,925			
G	2	6	16		2							26	\$ 4,010			\$ 4,010			
Reimbursables																			
														Printing	\$ 150	\$ 150			
														Mileage	\$ 80	\$ 80			
Subtotal Task 1 - Hours		6	87	213	20	58	64	16	32	152	148	6	802						
Subtotal Task 1 - Cost		\$ 1,440	\$ 14,355	\$ 29,820	\$ 2,200	\$ 8,700	\$ 7,360	\$ 1,680	\$ 3,840	\$ 15,960	\$ 12,580	\$ 540	\$ 98,475		\$ 780	\$ 99,255			
GRAND TOTAL HOURS		6	87	213	20	58	64	16	32	152	148	6	802						
GRAND TOTAL FEE		\$ 1,440	\$ 14,355	\$ 29,820	\$ 2,200	\$ 8,700	\$ 7,360	\$ 1,680	\$ 3,840	\$ 15,960	\$ 12,580	\$ 540	\$ 98,475		\$ 780	\$ 99,255			



PUBLIC WORKS DEPARTMENT

Council Meeting: February 16, 2021

**COU2021-24: CONSIDER TRAFFIC CALMING ON BELINDER AVENUE
FROM 71ST STREET TO 75TH STREET**

RECOMMENDATION

Staff recommends City Council approve the installation of traffic calming measures on Belinder Avenue from 71st Street to 75th Street.

BACKGROUND

Residents along Belinder Avenue desire traffic calming measures and have met the requirements of the traffic calming program. The final petition exceeded 60% approval of the residents to install these measures. These measures include two speed display signs added near 74th Street, one in the northbound and one in the southbound direction. The approximate cost of the speed signs will be about \$6,000.00 with funds coming from the traffic calming CIP project.

Residents did pursue the installation of two neck downs as well. At the time of the final petition there was not enough support for their installation. There was some disappointment from residents that the neck downs were not being added. If additional support is obtained we will bring back a second traffic calming approval for city council. It was decided to move forward with the speed signs now.

Residents within the traffic calming project limits were notified that the project would be discussed with council for final approval.

FUNDING SOURCE

Funding is available under projects TRAFRESV.

ATTACHMENTS

1. TranSystems Study

PREPARED BY

Keith Bredehoeft, Director of Public Works

February 10, 2021

Speed Display Signs



**Belinder Avenue Traffic Calming Eligibility Study
71st Street to 75th Street**

**Prepared for
CITY OF PRAIRIE VILLAGE**

By



October 2019

Introduction

In accordance with your request, TranSystems Corporation has prepared the following traffic calming eligibility study for the roughly one-half mile segment of Belinder Avenue between 71st Street and 75th Street in Prairie Village, Kansas. The criteria used to determine eligibility for traffic calming measures are defined in the Prairie Village Traffic Calming Program. This section of Belinder Avenue is classified as a Local Street Traffic Calming Project with respect to the application of eligibility criteria. The street was evaluated using average daily traffic volumes, the 85th percentile speed of vehicles, and the percentage of cut-through traffic. A local street segment must receive a minimum score of 40 points in order to be eligible for a Local Street Traffic Calming Project.

Data Collection

Road Segment Inventory

As part of the data collection, we reviewed the study segments and documented various existing features which may affect vehicle speed. These included characteristics such as road width, horizontal and vertical alignment, parking practices, and roadside development. A summary of our findings is listed below:

- ▶ Belinder Avenue is a two-lane street with curb and gutter along both sides of the street. The street is generally 24 feet wide, measured between the backs of curbs. A sidewalk runs along both the east and west side of the street from 71st Street to the south side of Belinder Elementary School. The sidewalk is generally located 4 to 10 feet behind the curb. South of Belinder Elementary, there is a sidewalk from 73rd Street to 75th Street on only the west side of the street, and it is adjacent to the back of the curb.
- ▶ The posted speed limit on Belinder Avenue is 25 m.p.h.
- ▶ There is very little horizontal curvature in the alignment of Belinder Avenue. The segment is straight aside from a minor horizontal curve between 71st Street and 71st Terrace.
- ▶ The vertical alignment of the roadway has a slight vertical curves and is generally uphill as drivers travel southbound from 71st Street to 75th Street.
- ▶ The study segment of Belinder Avenue is located in a predominately residential area. Single-family homes are set back 15 to 55 feet from the street. Many of these homes have at least one driveway onto Belinder Avenue, however some driveways connect to a neighborhood side street instead of Belinder Avenue.
- ▶ There are two schools on the west side of the street. Belinder Elementary School is located between 71st Terrace and 73rd Street and has two driveways connecting to Belinder Avenue. Approximately 45 parking spots are provided along the west side of the street in front of the school. Global Montessori Academy is located between 74th Street and 75th Street and has a parking lot driveway connecting to Belinder Avenue.
- ▶ On-street parallel parking is prohibited along both sides of Belinder Avenue from 71st Terrace and 73rd Street. The restriction only applies along the west side of the street between 7:30 A.M. – 4:00 P.M. on school days.
- ▶ There are four local streets that intersect the study segment. 71st Terrace and 73rd Street are four-leg intersections that operate with two-way stops for the side streets. 73rd Terrace and 74th Street are tee-intersections with small triangle islands on the side street. They also operate under stop sign control for the side street.
- ▶ During peak periods before and after school, congestion was observed in both directions of Belinder Avenue due to vehicles turning in and out of the south parking lot of the elementary school. Vehicles entering and exiting the on-street parking space also caused congestion.

Average Daily Traffic Volumes

TranSystems placed machine traffic volume counters at two locations along the study segment. The counters were in place from Tuesday, September 24, 2019 through Thursday, September 26, 2019. See the Appendix (Figure A-1) for the average daily traffic volume at each location. The average daily traffic volume was based on the three weekdays included in the count period. Detailed tabulations of the counts are included in the Appendix (Pages A-2 to A-3). The average daily traffic volume falls in the “Over 1001 vehicles per day” range, per the Traffic Calming Program, corresponding to a score of 30 points.

Table 1 Vehicle Volume Data	
Location	Total Daily Traffic Volume (vehicles)
Belinder Avenue, south of 71st Terrace	3,889
Belinder Avenue, north of 74th Street	3,926

Vehicle Speeds

Spot speed studies were conducted using the vehicle speed-measuring feature of the traffic counters. The results of the studies are shown below in Table 2. Relative frequency distributions for the data have also been prepared and are included in the Appendix (Pages A-4 to A-5).

Table 2 Vehicle Speed Data		
Location	85th Percentile Speed (m.p.h.)	Average Speed (m.p.h.)
Belinder Ave, south of 71st Terrace	30.9	27.2
Belinder Ave, north of 74th Street	30.5	26.6

Table 2 shows that the measured 85th percentile speeds for the study segment are both approximately 31 m.p.h. These speeds are higher than the posted speed limit of 25 m.p.h. These 85th percentile speeds fall in the “6-10 m.p.h. over the posted speed limit” range, per the Traffic Calming Program, corresponding to a score of 15 points.

Cut-Through Traffic

Origin and destination surveys were conducted on Wednesday, October 10, 2019 between 5:00 p.m. and 6:00 p.m. to determine the percentage of cut-through traffic. From combining the recorded license plates at both the 71st Street and 75th Street intersections, it was found that 57% of vehicles were determined to be cut-through vehicles. This percentage corresponds to a score of 15 points, per the Traffic Calming Program.

Total Eligibility

The study segment of Belinder Avenue between 71st Street and 75th Street meets the eligibility requirements as outlined in the Traffic Calming Program. According to the criteria, a street must receive a minimum score of 40 points in order to be eligible for traffic calming measures. Table 3 indicates that the study segment is assessed with 60 points.

Table 3 Total Eligibility Belinder Ave from 71 st Street to 75 th Street		
Eligibility Criteria	Measurement	Point Assessment
Average Daily Traffic Volumes	3,926 Vehicles	30
85th Percentile Speeds	6 mph above limit	15
Cut-through Traffic	57%	15
Total Points:		60


School Area Considerations

School area operations should be considered when evaluating any changes to the study segment of Belinder Avenue. Speeds are generally low on Belinder Avenue during peak times before and after school due to the congestion, so traffic calming is not needed to address school related peaks. There is a signalized pedestrian crosswalk on Belinder Avenue in front of the elementary school. Observations were made at the crosswalk between 7:45 to 8:15 A.M. and 3:00 to 3:15 P.M. on Tuesday September 24th, 2019. There were 31 children and 11 adults crossings Belinder Avenue before school was in session, and there were 51 children and 16 adults crossing after school. There was an adult crossing guard present assisting schoolchildren during both time periods. Outside of the time periods before and after school, the signalized pedestrian crossing appears to be seldom used.

We trust that the enclosed information proves beneficial to the City of Prairie Village. We appreciate the opportunity to be of service to you and will be available to review this study at your convenience.

Sincerely,

TranSystems

By: 

Emma Martin, EIT

By: 

Jeffrey J. Wilke, PE, PTOE

Appendix

Daily Traffic Volume and Travel Speed Summary.....Figure A-1

Daily Traffic Volume Counts A-2 to A-3

Spot Speed Studies..... A-4 to A-5

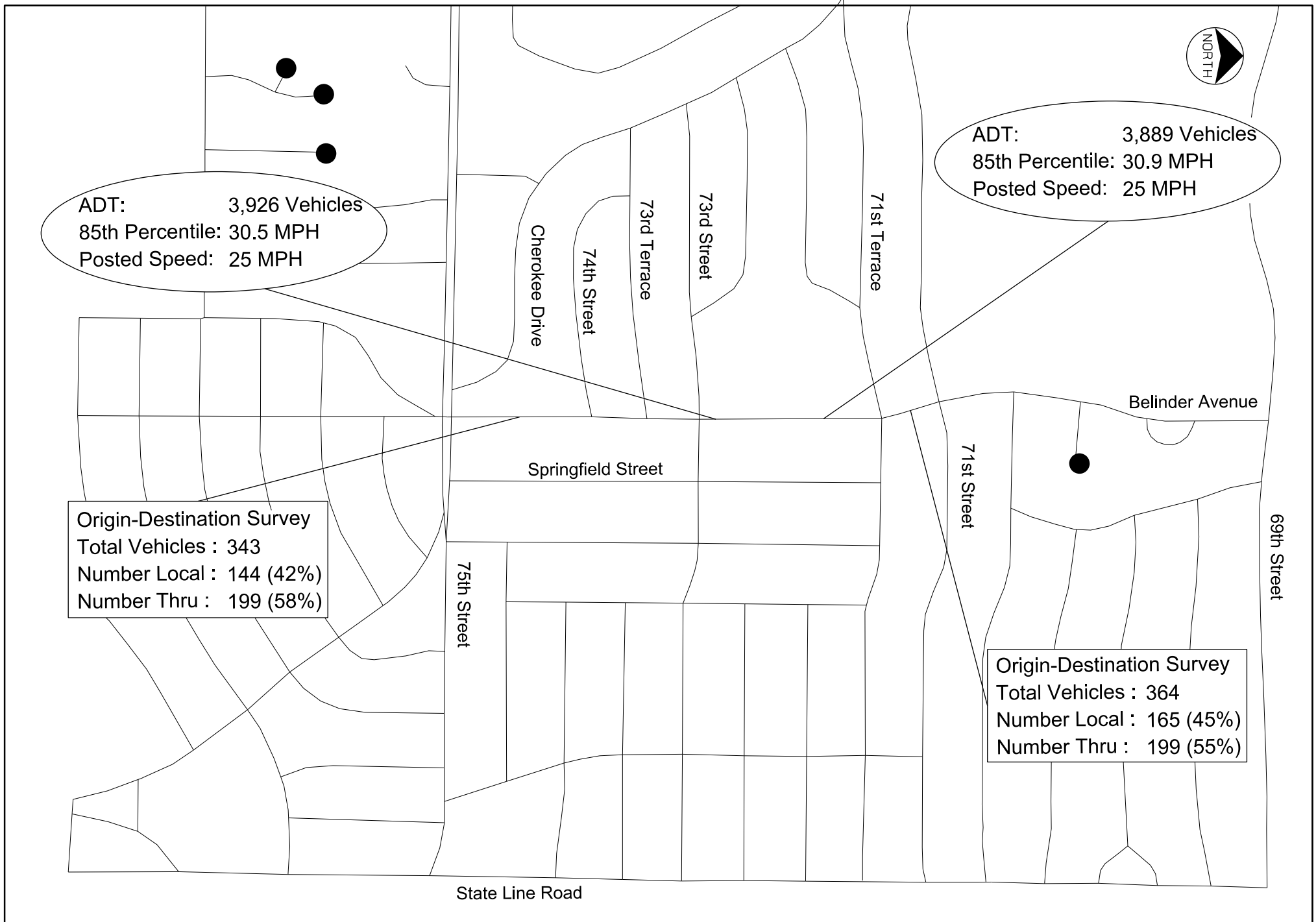


ADT: 3,889 Vehicles
 85th Percentile: 30.9 MPH
 Posted Speed: 25 MPH

ADT: 3,926 Vehicles
 85th Percentile: 30.5 MPH
 Posted Speed: 25 MPH

Origin-Destination Survey
 Total Vehicles : 343
 Number Local : 144 (42%)
 Number Thru : 199 (58%)

Origin-Destination Survey
 Total Vehicles : 364
 Number Local : 165 (45%)
 Number Thru : 199 (55%)



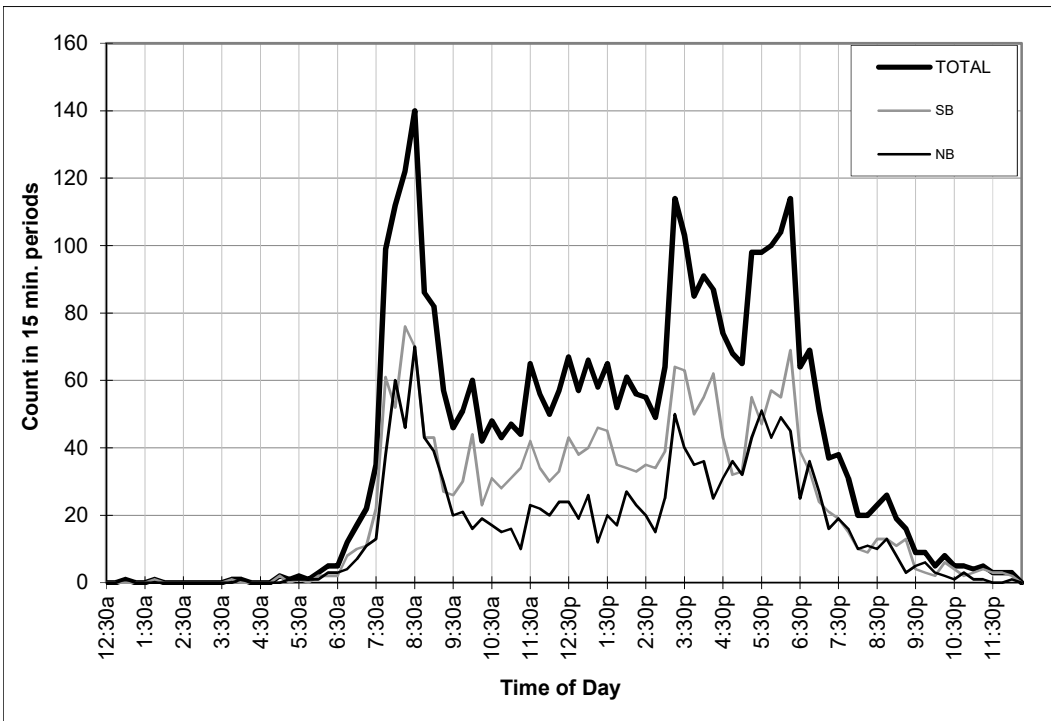
Daily Traffic Count

Praire Village Traffic Calming Study

Praire Village

Location: **Belinder Ave South of 74th Street**

Period Start	SB	NB	TOTAL	Period Start	SB	NB	TOTAL	Period Start	SB	NB	TOTAL	Period Start	SB	NB	TOTAL
12:00a	0	0	0	6:00a	2	3	5	12:00p	43	24	67	6:00p	39	25	64
12:15a	0	0	0	6:15a	8	4	12	12:15p	38	19	57	6:15p	33	36	69
12:30a	0	1	1	6:30a	10	7	17	12:30p	40	26	66	6:30p	24	27	51
12:45a	0	0	0	6:45a	11	11	22	12:45p	46	12	58	6:45p	21	16	37
1:00a	0	0	0	7:00a	22	13	35	1:00p	45	20	65	7:00p	19	19	38
1:15a	1	0	1	7:15a	61	38	99	1:15p	35	17	52	7:15p	15	16	31
1:30a	0	0	0	7:30a	52	60	112	1:30p	34	27	61	7:30p	10	10	20
1:45a	0	0	0	7:45a	76	46	122	1:45p	33	23	56	7:45p	9	11	20
2:00a	0	0	0	8:00a	70	70	140	2:00p	35	20	55	8:00p	13	10	23
2:15a	0	0	0	8:15a	43	43	86	2:15p	34	15	49	8:15p	13	13	26
2:30a	0	0	0	8:30a	43	39	82	2:30p	39	25	64	8:30p	11	8	19
2:45a	0	0	0	8:45a	27	30	57	2:45p	64	50	114	8:45p	13	3	16
3:00a	0	0	0	9:00a	26	20	46	3:00p	63	40	103	9:00p	4	5	9
3:15a	1	0	1	9:15a	30	21	51	3:15p	50	35	85	9:15p	3	6	9
3:30a	0	1	1	9:30a	44	16	60	3:30p	55	36	91	9:30p	2	3	5
3:45a	0	0	0	9:45a	23	19	42	3:45p	62	25	87	9:45p	6	2	8
4:00a	0	0	0	10:00a	31	17	48	4:00p	43	31	74	10:00p	4	1	5
4:15a	0	0	0	10:15a	28	15	43	4:15p	32	36	68	10:15p	2	3	5
4:30a	2	0	2	10:30a	31	16	47	4:30p	33	32	65	10:30p	3	1	4
4:45a	0	1	1	10:45a	34	10	44	4:45p	55	43	98	10:45p	4	1	5
5:00a	1	1	2	11:00a	42	23	65	5:00p	47	51	98	11:00p	3	0	3
5:15a	0	1	1	11:15a	34	22	56	5:15p	57	43	100	11:15p	3	0	3
5:30a	2	1	3	11:30a	30	20	50	5:30p	55	49	104	11:30p	2	1	3
5:45a	2	3	5	11:45a	33	24	57	5:45p	69	45	114	11:45p	0	0	0



HOURLY TOTALS

Period Start	SB	NB	TOTAL
12:00a	0	1	1
1:00a	1	0	1
2:00a	0	0	0
3:00a	1	1	2
4:00a	2	1	3
5:00a	5	6	11
6:00a	31	25	56
7:00a	211	157	368
8:00a	183	182	365
9:00a	123	76	199
10:00a	124	58	182
11:00a	139	89	228
12:00p	167	81	248
1:00p	147	87	234
2:00p	172	110	282
3:00p	230	136	366
4:00p	163	142	305
5:00p	228	188	416
6:00p	117	104	221
7:00p	53	56	109
8:00p	50	34	84
9:00p	15	16	31
10:00p	13	6	19
11:00p	8	1	9

Approach	Count Date	AM Peak 7:15a - 8:15a	Noon Peak 12:00p - 1:00p	PM Peak 5:00p - 6:00p	Totals
Southbound	9/24/19 Tue	259	167	228	2,183
Northbound	9/24/19 Tue	214	81	188	1,557
TOTAL	9/24/19 Tue	473	248	416	3,740



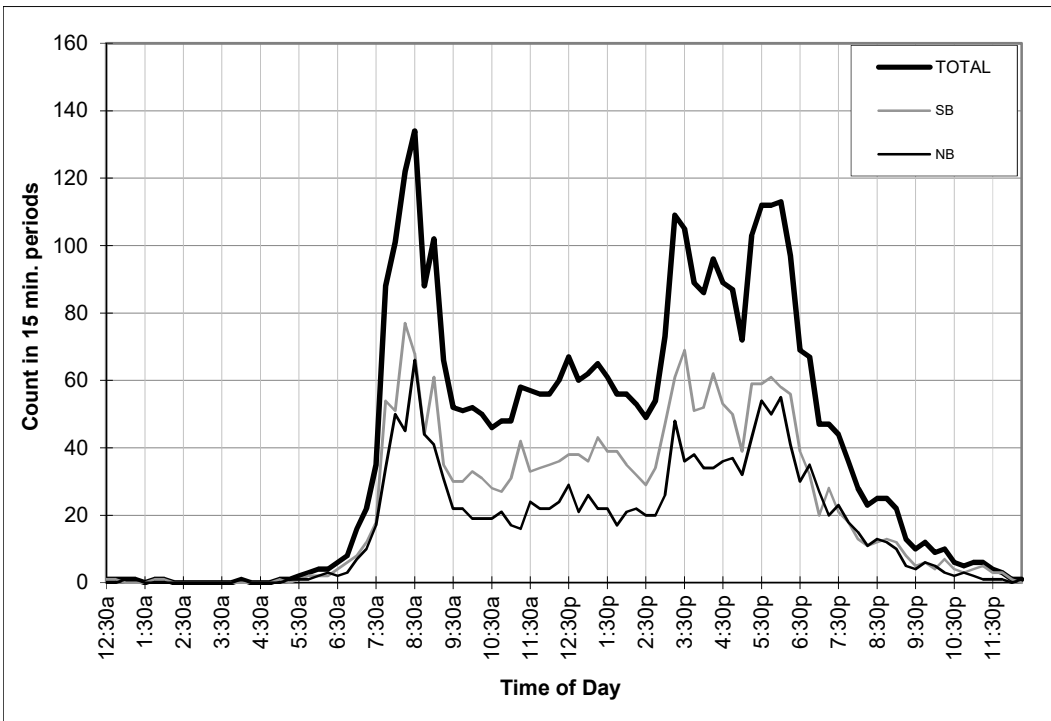
Daily Traffic Count

Praire Village Traffic Calming Study

Praire Village

Location: **Belinder Ave South of 71st Street**

Period Start	SB	NB	TOTAL	Period Start	SB	NB	TOTAL	Period Start	SB	NB	TOTAL	Period Start	SB	NB	TOTAL
12:00a	1	0	1	6:00a	4	2	6	12:00p	38	29	67	6:00p	39	30	69
12:15a	1	0	1	6:15a	6	3	8	12:15p	38	21	60	6:15p	32	35	67
12:30a	0	1	1	6:30a	8	7	16	12:30p	36	26	62	6:30p	20	27	47
12:45a	0	1	1	6:45a	12	10	22	12:45p	43	22	65	6:45p	28	20	47
1:00a	0	0	0	7:00a	18	17	35	1:00p	39	22	61	7:00p	21	23	44
1:15a	1	0	1	7:15a	54	34	88	1:15p	39	17	56	7:15p	18	18	36
1:30a	1	0	1	7:30a	51	50	101	1:30p	35	21	56	7:30p	13	15	28
1:45a	0	0	0	7:45a	77	45	122	1:45p	32	22	53	7:45p	11	11	23
2:00a	0	0	0	8:00a	68	66	134	2:00p	29	20	49	8:00p	12	13	25
2:15a	0	0	0	8:15a	44	44	88	2:15p	34	20	54	8:15p	13	12	25
2:30a	0	0	0	8:30a	61	41	102	2:30p	47	26	73	8:30p	12	10	22
2:45a	0	0	0	8:45a	35	31	66	2:45p	61	48	109	8:45p	8	5	13
3:00a	0	0	0	9:00a	30	22	52	3:00p	69	36	105	9:00p	5	4	10
3:15a	0	0	0	9:15a	30	22	51	3:15p	51	38	89	9:15p	6	6	12
3:30a	0	1	1	9:30a	33	19	52	3:30p	52	34	86	9:30p	4	5	9
3:45a	0	0	0	9:45a	31	19	50	3:45p	62	34	96	9:45p	7	3	10
4:00a	0	0	0	10:00a	28	19	46	4:00p	53	36	89	10:00p	4	2	6
4:15a	0	0	0	10:15a	27	21	48	4:15p	50	37	87	10:15p	3	3	5
4:30a	1	0	1	10:30a	31	17	48	4:30p	39	32	72	10:30p	4	2	6
4:45a	0	1	1	10:45a	42	16	58	4:45p	59	43	103	10:45p	5	1	6
5:00a	1	1	2	11:00a	33	24	57	5:00p	59	54	112	11:00p	3	1	4
5:15a	2	1	3	11:15a	34	22	56	5:15p	61	50	112	11:15p	3	1	3
5:30a	2	2	4	11:30a	35	22	56	5:30p	58	55	113	11:30p	1	0	1
5:45a	2	3	4	11:45a	36	24	60	5:45p	56	41	97	11:45p	0	1	1



HOURLY TOTALS

Period Start	SB	NB	TOTAL
12:00a	2	2	4
1:00a	2	0	2
2:00a	0	0	0
3:00a	0	1	1
4:00a	1	1	2
5:00a	7	7	13
6:00a	30	22	52
7:00a	200	146	346
8:00a	208	182	390
9:00a	124	82	205
10:00a	128	73	200
11:00a	138	92	229
12:00p	155	98	254
1:00p	145	82	226
2:00p	171	114	285
3:00p	234	142	376
4:00p	201	148	351
5:00p	234	200	434
6:00p	119	112	230
7:00p	63	67	131
8:00p	45	40	85
9:00p	22	18	41
10:00p	16	8	23
11:00p	7	3	9

Approach	3-Day Average	AM Peak 7:15a - 8:15a	Mid-day Peak 12:00p - 1:00p	PM Peak 5:00p - 6:00p	Totals
Southbound		250	155	237	2,252
Northbound		196	98	202	1,640
TOTAL		446	254	440	3,899



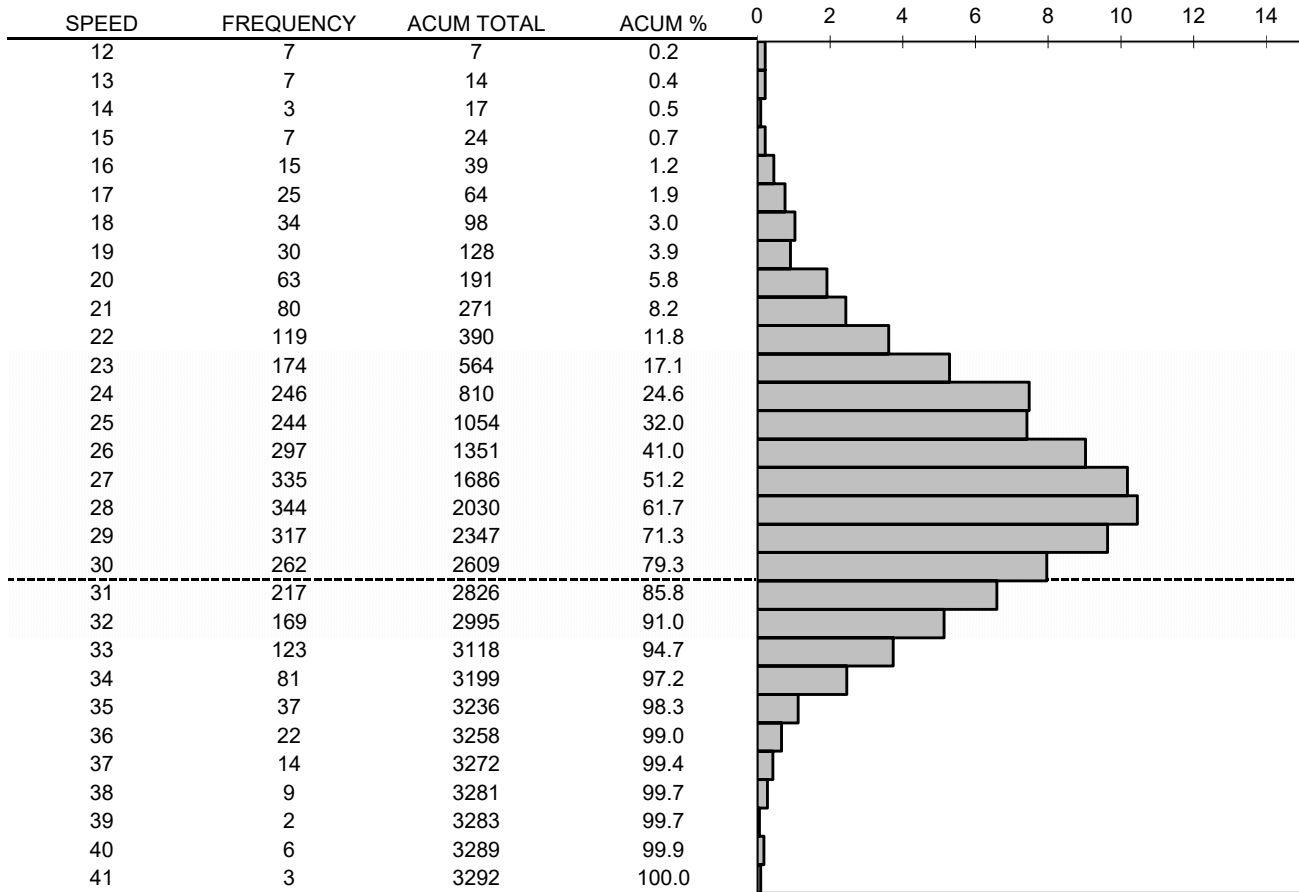
SPOT SPEED STUDY RESULTS RELATIVE FREQUENCY DISTRIBUTION

CITY: Praire Village
OBSERVER: EHM
DATE: 9/24/2019 - 9/26/2019

COUNTY: Johnson
SPEED LIMIT: 25
DIRECTION: NB + SB

LOCATION: Belinder South of 71st Terrace
TIME START: 9:00 AM
TIME END: 2:00 PM

PERCENTAGE BREAKDOWN



AVERAGE SPEED = 27.2
50th PERCENTILE = 26.9
85th PERCENTILE = 30.9
90th PERCENTILE = 31.8
95th PERCENTILE = 33.1

PACE = 23 - 32
VEHICLES IN PACE = 2605
% IN PACE = 79.1
% BELOW PACE = 11.8
% ABOVE PACE = 9.

SAMPLE VARIANCE = 17.3606019
STANDARD DEVIATION = 4.1666056
RANGE 1*S = 73.99757
RANGE 2*S = 95.322
RANGE 3*S = 99.21021

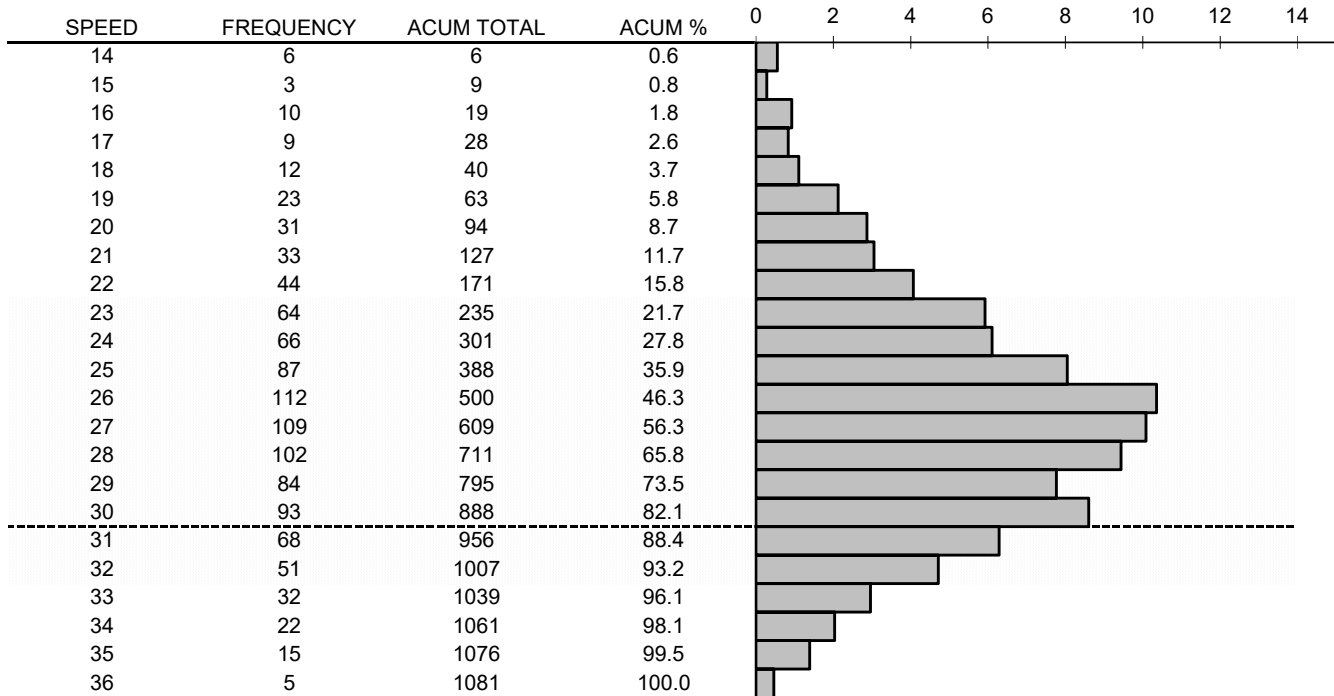
SPOT SPEED STUDY RESULTS RELATIVE FREQUENCY DISTRIBUTION

CITY: Praire Village
OBSERVER: EHM
DATE: 9/24/2019

COUNTY: Johnson
SPEED LIMIT: 25
DIRECTION: NB + SB

LOCATION: Belinder Ave north of 74th
TIME START: 9:00 AM
TIME END: 2:00 PM

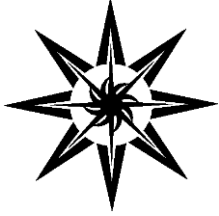
PERCENTAGE BREAKDOWN



AVERAGE SPEED = 26.6
50th PERCENTILE = 26.4
85th PERCENTILE = 30.5
90th PERCENTILE = 31.3
95th PERCENTILE = 32.6

PACE = 23 - 32
VEHICLES IN PACE = 836
% IN PACE = 77.3
% BELOW PACE = 15.8
% ABOVE PACE = 6.8

SAMPLE VARIANCE = 17.5688851
STANDARD DEVIATION = 4.1915254
RANGE 1*S = 70.39778
RANGE 2*S = 96.94727
RANGE 3*S = 100.



ADMINISTRATION

Council Meeting Date: February 16, 2021

COMMITTEE OF THE WHOLE AGENDA - 2022 Budget Calendar

SUGGESTED MOTION

Move that the Council approve the 2022 Budget Calendar.

BACKGROUND

Staff creates a Budget Planning Calendar every year to schedule activities that must be completed to create and develop the annual budget. This will be the fourth year of this budgetary method planning process and staff evaluates opportunities for improvement each year. As a reminder, last year's budget process moved the CIP Discussion to coincide with the Annual Road Condition report. This year's calendar maintains that modification because staff believes it leads to a better product.

The 2021 Budget calendar was amended in 2020 to accommodate COVID-19 adjustments. The proposed 2022 Budget Calendar is similar to prior year calendars. The overall framework in the process remains unchanged.

Staff will continue to monitor the COVID-19 pandemic and tax lid legislation for potential adjustments to the calendar.

ATTACHMENTS:

- **2022 Budget Calendar with Council action items**

Prepared by: Nicole Lee, Finance Director Date: February 10, 2021

City of Prairie Village 2022 Budget Calendar

Month	Date	Action Item
February	2/16	Council Meeting - Handout 2022 Budget Calendar Outline
	2/26	Finalize 2020 Actuals (auditors onsite 3/22 - 3/26)
	2/26	Meet with Johnson County Appraiser - Beau Boisvert
March	3/1	Council Meeting - (1) 2022 Budget Goals and Objectives (2) Mill Rate Handout (3) Decision Packages (send to Nickie by 4/5/2021)
	3/15	Council Meeting - 4th Quarter 2020 Financial Report
April	4/5	Department budget requests due
	4/5	Council Meeting - (1) Worker's Compensation and Insurance Cost Assumptions (2) Committee 2022 Budget and Funding requests (Village Fest, Arts Council, Environmental and Jazz Fest) (3) Preliminary Revenue Estimate (4) Decision Package Discussion
	4/5 - 4/9	Budget review process with individual departments
	4/19	Council Meeting - Decision Package Discussion
	4/22	Finance Committee Meeting - First Draft of 2022 Budget and Decision Packages
May	5/3	Council Meeting - (1) CIP Discussion and Annual Road Condition Report (2) Property Tax Lid Overview
	5/4	Finance Committee Meeting - Preliminary 2022 Budget Established and Decision Packages
	5/17	Council Meeting - 2022 Budget Discussion
	5/31	HOLIDAY
	6/7	Council Meeting - 2022 Budget Discussion (if needed)
June	6/21	Council Meeting - Permission to Publish 2022 Budget or Additional Budget Discussion
	6/22	Budget Published in Legal Record (if approved)
July	7/1	Deadline for county to notify the county clerk and election office if an election is necessary to approve a budget resolution (Property Tax Lid)
	7/5	HOLIDAY
	7/6	Council Meeting -
	7/19	Council Meeting - 1. Permission to Publish 2022 Budget or, 2. Permission to Publish 2022 Budget or, 3. Additional Budget Discussion
	7/20	Budget Published in the Legal Record (if needed)
	7/23	Latest date for notice to be published in the Legal Record
August	8/2	Council Meeting - Budget Hearing/Adopt Budget (if needed)
	8/25	Submit budget forms to County Clerk (due August 25th)
September	9/1-9/30	Prepare budget book/Submit to GFOA award program



COU2021-25: Discuss adoption of the ICC 2018 Building Codes

RECOMMENDATION

Make a motion to approve COU2021-25 and move forward with adopting the 2018 ICC Building Codes as presented and recommended by staff.

BACKGROUND

The International Codes Council (ICC) publishes updated editions of model building codes and standards every three years for consideration and adoption by local jurisdictions. Prairie Village typically considers updates to our building codes on a six-year adoption cycle. This is done in conjunction and collaboration with the building officials from all Johnson County municipalities and the fire department. Prairie Village currently operates under the 2012 building codes, and staff is recommending moving forward with adopting the following 2018 ICC building codes, with proposed amendments outlined in the attached documents:

- 2018 International Building Code (IBC)
- 2018 International Residential Code (IRC)
- 2018 International Mechanical Code (IMC)
- 2018 International Plumbing Code (IPC)
- 2018 International Fuel Gas Code (IFGC)
- 2018 International Energy Conservation Code (IECC)
- 2017 NFPA National Electrical Code (NEC)
- 2018 International Property Maintenance Code (IPMC)
- 2018 International Fire Code (IFC)
- 2018 International Existing Building Code - NEW
- 2018 International Swimming Pool and Spa Code - NEW

In addition to the above, staff is also recommending the adoption of an ordinance to require construction site fencing and project information signs at construction sites. This is something that has been requested by residents and some council members, and it is something staff believes will help proactively address common code violations at construction sites.

Staff will give a brief presentation at the meeting, summarizing the main recommended changes and will be available to answer questions. The recommended date for the 2018 codes to go into effect is June 1, 2021 in order to give staff and builders adequate time to communicate changes and update processes and information.

ATTACHMENTS

Staff presentation

Red-lined versions of the existing municipal code with recommended changes/amendments

Ordinances 2434 - 2444

Summary of significant changes found in the 2018 International Codes.

PREPARED BY

Mitch Dringman

Building Official


Date: February 10, 2021



City of Prairie Village

BUILDING CODE DEPARTMENT

ADOPTING THE INTERNATIONAL CODE COUNCIL 2018 BUILDING CODES



R101.3 Intent: The purpose of this code is to establish minimum requirements to safeguard the public safety, health and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, 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 fire fighters and emergency responders during emergency operations.

Other municipalities that have adopted some form of the 2018 International Code Council
Complete code index:

- City of Lenexa
- City of Overland Park
- City of Leawood
- Mission Hills
- City of Olathe
- City of Shawnee
- City of Merriam
- Kansas City, MO
- Johnson County

Other Kansas municipalities under a different Code cycle:

Fairway - 2012 ICC code cycle

Mission – 2012 ICC code cycle

Roeland Park – 2012 ICC code cycle

Westwood 2003 ICC code cycle

State of Kansas Fire Marshal 2006 IBC/2006 IFC

Code adoption is typically reviewed by all Johnson County Municipalities through a collaborative process with JoCo building officials every other code cycle (every 6 years)



Recommended for adoption International Code Council publications and National Electrical Code from 2012 ICC and 2011 NEC:

- 2018 International Building Code
- 2018 International Residential Code
- 2018 International Mechanical Code
- 2018 International Plumbing Code
- 2018 International Fuel Gas Code
- 2018 International Energy Conservation Code
- 2017 NFPA National Electrical Code (NEC)
- 2018 International Property Maintenance Code
- 2018 International Fire Code

New Codes recommended for adoption not previously adopted by City of Prairie Village:

- 2018 International Existing Building Code
- 2018 International Swimming Pool and Spa Code

Significant changes from 2012 to 2018 ICC Codes

- ▶ IRC 2018 E3902.16 Arc-Fault circuit interrupter protection
- ▶ Arc fault protection now required for Branch circuits that supply 120 volt, single phase, 15-and 20 ampere outlets installed in kitchens, Family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sunrooms, recreation rooms, closets, hallways, laundry areas and similar rooms or areas shall be protected
- ▶ This is a change from current enforcement that only requires Arc Fault protection for outlets located within sleeping rooms.
- ▶ Outlets include receptacle outlets, lighting outlets and smoke alarm outlets.

Significant changes from 2012 codes to 2018

- ▶ Energy Rating index recommended to increase performance score from current 85 to 68
- ▶ Energy rating Index is based on an index value of 100, which is considered equivalent to a house complying with the prescriptive provisions of the 2006 International Energy Conservation Code (IECC). On the linear ERI scale, Zero represents a residential building that uses no net purchased energy.
- ▶ Energy rating scores based on averages of homes built within Prairie Village from 2017 to 2020 68.85
- ▶ IRC 2012 as adopted Required R values Ceiling attic R49, above grade walls R13, Mass walls 8/13, Floors R19, basement walls 10/13
- ▶ **Mass walls are walls** that provide **energy** efficiency through **mass** rather than insulation value. The **mass** allows them to store **energy** during the day and release it through the night. Mass walls are made of concrete block, concrete, insulated concrete form, masonry cavity, brick, earth, adobe and solid timber or logs.

Significant changes from 2012 codes to 2018

- ▶ IRC 2018* Recommended adoption of insulation R values: Ceiling attic R49*, above grade walls R15, Mass walls 8/13*, Floors R19*, basement walls 10/13* (asterisks indicate as noted in the code book)

Other Recommended Changes

- ▶ Fence/Screening and project information sign requirements at construction sites – added to Chapter 8
- ▶ Clarified contractor's license exceptions regarding property owner's doing work on their own homes
- ▶ Added ability for building official to revoke or suspend contractor's license with appeal process to the BZA built in
- ▶ Updated property maintenance and nuisance codes for clarity and to specifically give code enforcement officers ability to address excess leaves and unkempt landscaping (two common complaints)
- ▶ Updated fines for code violations in Section 8-204
 - ▶ First offense – remained the same with a maximum of \$500
 - ▶ Second offense – increased the minimum from \$100 to \$250 and maximum from \$500 - \$750
 - ▶ Third offense – increased the minimum from \$250 - \$500 and the maximum remained the same at \$1,000



▶ Questions

CHAPTER IV. BUILDINGS AND CONSTRUCTION

- Article 1. International Building Code (IBC) 2018
- Article 2. International Residential Code (IRC) 2018
- Article 3. International Plumbing Code (IPC) 2018
- Article 4. International Mechanical Code (IMC) 2018
- Article 5. International Fuel Gas Code (IFGC) 2018
- Article 6. International Energy Conservation Code (IECC) 2018
- Article 7. NFPA70 National Electrical Code (NEC) 2017
- Article 8. Association Notification of Construction Activity
- Article 9. International Existing Building Code (IEBC) 2018
- Article 10. International Swimming Pool and Spa Code (ISPSA) 2018
- Article 11. Construction Site Fencing and Screening

Commented [MD1]: Added all recommended for adoption building codes in this section for quick reference at the beginning of Chapter 4 .

Commented [JR2R1]: Including the addition of the International Existing Building Code and the International Swimming Pool and Spa Code, which is currently not incorporated into our code.

4

ARTICLE 1. - INTERNATIONAL BUILDING CODE (IBC)

4-101. - INTERNATIONAL BUILDING CODE INCORPORATED.

~~In addition to the other provisions set forth in this chapter there is hereby adopted and incorporated by reference that certain building code known as the "International Building Code," 2012 2018 2012 edition, published by the International Code Council, hereafter referred to as the 2018 IBC, is hereby adopted by reference and made a part of this Chapter and Article save and except such portions thereof as are specifically deleted, added, or changed in the City Code. At least one (1) copy of said International Building Code, 2018 edition, will be kept on file in the office of the City Clerk, marked or stamped "official Copy as incorporated by Ordinance No. ????" with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes, copyrighted in 2012 2014 2017 by the International Code Council, (hereinafter referred to as the "IBC" or "Building Code") except for the amendments provided in this Article. Not less than one copy of the building code shall be marked or stamped "Official Copy as Adopted by Ordinance No. _____." A copy of this article shall be attached to each International Building Code copy and shall be filed with City Hall to be open for inspection and available to the public at all reasonable business hours. The Municipal Court, and all administrative departments of the City charged with the enforcement of this code shall be supplied, at the cost of the city, with such numbers of official copies similarly marked as deemed expedient.~~

~~The following Sections of this article are in addition to or amendments of the provisions of the standard code incorporated by reference in Section 4-101.~~

~~(Code 2003, [Ord. 2278](#), Sec. 1, 2013)~~

4-102. - AMENDMENTS TO SECTION 101.1 - TITLE.

Section 101.0-1 of the ~~2012~~ 2018 IBC is hereby amended to read as follows:

These regulations shall be known as the Building Code of the City of Prairie Village, Kansas, hereinafter referred to as the "IBC" or "this code".

(Ord. 2051, Sec. 1, 2003; Ord. 2139, Sec. 1, 2007; [Ord. 2278](#), Sec. 1, 2013)

4-103. - AMENDMENTS TO SECTION 101.4 - REFERENCED CODES.

Section 101.4 - of the ~~2012~~ 2018 IBC is hereby amended to read as follows:

The other codes listed in Sections 101.4.1 through 101.4.8 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

101.4.1 Gas. The provisions of the International Fuel Gas Code (PVMC Chapter 4, Article 5) shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements shall apply to the gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

101.4.2 Mechanical. The provisions of the International Mechanical Code (PVMC Chapter 4, Article 5) shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilation, heating, cooling, air conditioning and refrigeration systems, incinerators and other energy related systems.

~~101.4.3 Plumbing. The provisions of the International Plumbing Code (PVMC Chapter 4, Article 3) shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, and where connected to a water or sewage system and all aspects of a medical gas system.~~

101.4.3 Plumbing. The provisions of the International Plumbing Code (PVMC Chapter 4, Article 3) shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the International Private Sewage Disposal Code shall apply to private sewage disposal systems.

Commented [MD3]: This section reconfigured to match verbiage within 2018 codes

101.4.4 Property maintenance. The provisions of the International Property Maintenance Code, (PVMC Chapter 8, Article 2), shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

101.4.5 Fire prevention. The provisions of the International Fire Code, (PVMC Chapter 7 Article 2), shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression, automatic sprinkler systems and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

101.4.6 Energy. The provisions of the International Energy Conservation Code (PVMC Chapter 4, Article 6) shall apply to all matters governing the design and construction of buildings for energy efficiency.

101.4.7 Electrical. The provisions of the NFPA 70 National Electrical Code (PVMC Chapter 4, Article 7) shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto. (Code 2003; [Ord. 2278](#), Sec. 1, 2013)

101.4.8 Existing Buildings. The provisions of the International Existing Building Code (PVMC chapter 4 Article 9) shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

Commented [MD4]: Section 101.4.8 added to help clarify the use and intent of the existing building code. This code implements more options in design criteria when utilizing existing buildings for repurposing.

101.4.9 Swimming Pools. The provisions of the International Swimming Pool and spa code (PVMC Chapter 4 Article 10) shall apply to the construction, alteration, movement, renovation, replacement, repair and maintenance of aquatic recreation facilities, pools and spas.

Commented [MD5]: This new article added to recognize adoption of the ISPSC 2018, the adoption of this code helps clarify safety, issues and energy compliance reflecting new technologies.

~~4-104. SECTION 103.2 DELETED.~~

Section 103.2 of the 2012 IBC is hereby deleted.

(Ord. 2051, Sec. 2, 2003; Ord. 2139, Sec. 1, 2007; [Ord. 2278](#), Sec. 1, 2013)

Commented [MD6]: This section has been removed as deleted therefore referring directly as stated in the code book: IBC 2018 Section 103.2 Appointment The building Official shall be appointed by the chief appointing authority of the Jurisdiction. This translates to City administration.

~~4-105. AMENDMENTS TO SECTION 104.1 – DUTIES AND POWERS OF THE BUILDING OFFICIAL.~~

Section 104.1 of the 2012 IBC is hereby amended to read as follows:

The Building Official is hereby authorized and directed to enforce the provisions of this code. The Building 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.

(Ord. 2051, Sec. 3, 2003; Ord. 2139, Sec. 1, 2007; Ord. 2184, Sec. 2, 2008; [Ord. 2278](#), Sec. 1, 2013)

Commented [MD7]: This section has been deleted from the municipal code because the verbiage is verbatim to the building code same section.

~~4-106~~105. - AMENDMENTS SECTION 105.1- PERMIT REQUIRED.

Section 105.1 of the 2018 IBC is hereby amended to read as follows:

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, plumbing, fire alarm, fire detection, automatic fire extinguishing, or where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used, the installation of which is regulated by this Code, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit.

(Ord. 2087, Sec. 1, 2004; Ord. 2139, Sec. 1, 2007; [Ord. 2278](#), Sec. 1, 2013)

~~4-107.~~ SECTION 105.1.1 - DELETED.

Section 105.1.1 of the 2012 2018 IBC is hereby deleted.

(Ord. 2051, Sec. 4, 2003; Ord. 2139, Sec. 1, 2007; [Ord. 2278](#), Sec. 1, 2013)

Commented [JR8]: Added to Section 4-105

Commented [MD9]: This section is deleted because it refers to annual permits, this department does not issue any form of annual building permits.

~~4-108.~~ SECTION 105.1.2 - DELETED.

Section 105.1.2 of the 2012 2018 IBC is hereby deleted.

(Ord. 2051, Sec. 5, 2003; Ord. 2139, Sec. 1, 2007; [Ord. 2278](#), Sec. 1, 2013)

Commented [JR10]: Added to section 4-105

Commented [MD11]: This section refers to annual permit record keeping, Not applicable.

~~4-109.~~ AMENDMENTS TO SECTION 105.1.3 - COUNTY AND CITY LICENSE REQUIRED.

Section 105.1.3 of the 2012 2018 IBC is hereby added as follows:

All persons undertaking work which requires a permit as provided in Section 105, or seeking to obtain that permit from the City are required to have a currently valid contractor's license from Johnson County Contractor's Licensing Program and a currently valid contractor's license from the City.

Commented [JR12]: Added to Section 4-105

Exception: The owner of a single family dwelling shall be allowed to secure a permit to construct, alter, or repair said home provided the following conditions are met:

1. ~~The homeowner currently occupies the dwelling or will occupy the residence once the construction has been completed.~~

1. The homeowner currently occupies the dwelling and has been residing at the property for a minimum of three (3) months.

2. The homeowner undertakes the work themselves, without compensation and no person shall be employed to assist the homeowner in any way on such work except a builder or building contractor licensed by the City.

The Building Official may waive the provisions of this Section where it can be established that no license exists for the installation, alteration, or repair of a certain type of work requiring a permit, or due to other unique circumstances.

105.1.1 City license suspension and revocation. The Building Official is hereby authorized to suspend and/or revoke a city-issued contractor's license when there is evidence that the contractor knowingly violated the City's municipal code. If the building official suspends a contractor's license, he or she shall give the reasons therefore in writing and mail a copy to the license holder. The license holder may appeal such suspension by filing a written notice thereof with the City Clerk within 15 days after the notice of suspension or revocation was given. Appeals from suspensions or revocations shall be governed by Section 19.54.024 of the Prairie Village Zoning regulations.

Commented [MD13]: This verbiage is proposed to be altered to better aid with building code enforcement regarding contractor licensing, intent is to close a loop hole on property investors that are not Johnson County licensed contractors.

(Ord. 2051, Sec. 6, 2003; Ord. 2139, Sec. 1, 2007; [Ord. 2278](#), Sec. 1, 2013)

4-~~110106~~ - AMENDMENTS TO SECTION 105.2 - WORK EXEMPT FROM PERMIT.

2. Section 105.2 of the ~~2012~~ 2018 IBC is hereby amended to read as follows:

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. Sidewalks and driveways not more than 30 inches above adjacent grade and not over any basement or story below and are not part of an accessible route. Note: Right-of-way permits are required for sidewalk or driveway installation or replacement in the public right-of-way. All right-of-way permits are to be obtained from the Department of Public Works.
2. Re-siding the dwelling or structure with materials other than stucco or EIFS.
3. Minor maintenance or repair work consisting of painting, papering, tiling, carpeting, cabinets, counter tops and similar work.
4. Temporary motion picture, television and theater stage sets and scenery.
5. Prefabricated swimming pools accessory to Group R-3 occupancy, as applicable in Subsection 101.2, which are less than 24 inches deep, do not exceed 5,000 gallons and are installed entirely above ground. Note: Said swimming pools must be located in the rear yard.
6. Swings and other playground equipment accessory to one- and two- family dwellings that do not exceed ~~the 30% lot development, building coverage limit~~ or 120 SQFT for lots under 10,000 SQFT or 200 ~~SQFT~~ for lots over 10,000 SQFT.

Commented [JR14]: Added a new section that gives the building official the ability to suspend or revoke a contractor's license if the contractor is knowingly violating the city's regulations. This decision can be appealed to the BZA.

Commented [MD15]: Proposed new information to quantify limitations for playground structures to be consistent with zoning regulations for accessory structures

7. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support.
8. Non fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.

Electrical:

1. Listed cord and plug connected temporary decorative lighting.
2. Minor repair work or replacement of lamps, or branch circuit over current devices of the required capacity in the same location.
3. Repair or replacement of electrical wiring, devices, appliances apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy, and not part of a fire alarm system.
4. Reinstallation of attachment plug receptacles, but not the outlet therefore.
5. Portable motors or other portable appliances energized by means of a cord having an attachment plug end to be connected to an approved receptacle, when that cord is permitted by this code.
6. Repair or replacement of fixed motors, transformers or fixed approved appliances of the same type and rating in the same location.
7. A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

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

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part which does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds or less of refrigerant and actuated by motors of 1 horsepower or less.

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, sinks, and lavatories in the same location.

105.2.1 EMERGENCY REPAIRS. Where equipment replacement and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the Building Official. (Ord. 2051, Sec. 5, 2003; Ord. 2139, Sec. 1, 2007; [Ord. 2278](#), Sec. 1, 2013)

105.2.1.1 REPAIRS. Application or notice to the Building 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.

(Ord. 2051, Sec. 6, 2003; Ord. 2139, Sec. 1, 2007; [Ord. 2278](#), Sec. 1, 2013)

Section 105.2.3 of the 2012 IBC is hereby added to read as follows:

105.2.2 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. (Ord. 2051, Sec. 7, 2003; Ord. 2139, Sec. 1, 2007; [Ord. 2278](#), Sec. 1, 2013)

4-~~111~~107. - AMENDMENTS TO SECTION 105.3 - APPLICATION FOR PERMIT.

Section 105.3 of the 2012 2018 IBC is hereby amended to read as follows:

To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the Department of Building Safety for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. 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.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section 107.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the Building Official.

It shall be unlawful for any person to erect or cause to be erected within the City any building or structure of any kind or enlarge or add to the outside dimension thereof, or relocate any building or structure within the City without a building permit being first obtained upon approval by the Building Official or his or her duly authorized assistant.

The application for such permit shall be made and the permit obtained before work is commenced upon any building or structure or the foundation thereof, or before the removal of any building begins.

PERFORMANCE BOND. The Building Official may require from the contractor a good and sufficient surety performance bond in the amount of \$5,000 at the time of issuance of the building permit for significant construction projects. The performance bond shall be issued by a surety company licensed and qualified to operate in the State of Kansas and approved by the City with a duly appointed agent.

Significant construction projects are defined as construction projects which will exceed \$100,000. Also the Building Official and the Public Works Director will determine whether a bond will be required and the amount not to exceed \$5,000 for those situations involving individual homeowners filing permit applications for minor buildings, structures, or additions. The performance bond will be approved by the Building Official predicated and guaranteed upon the fact that the permit applicant shall be and is, in fact,

Commented [MD16]: This section is new to the IBC 2018 for this section was removed, proposed to keep it within the new zoning carried over from previous cycle.

Commented [MD17]: Section deleted renumbered to section 105.2.1.1

Commented [JR18]: Renumbered this Section to be 105.3.1 for formatting/ease of reading and finding information

a guarantor that the streets and sidewalks in the area that they are working in shall remain free and clear of dirt, mud, gravel and other debris. When the area does not remain free and clear of dirt, mud, gravel and other debris, the Building Official shall provide notice of same to the permittee. Upon receipt of such notification, the permittee shall be allowed a period of two hours in which to remedy any and all defects caused by the acts of the contractor. If action has not been taken within the two hour period, or if such action fails to adequately remedy all defects within the affected area, then the Building Official or his/her authorized representative may direct the City to perform such duties and assess all cleanup charges against the performance bond. The cleanup charge will be based upon the cost to the City for actual cleanup, as determined by the Building Official and the Director of Public Works.

105.3.12 ACTION ON APPLICATION. The Building Official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or construction documents do not conform to the requirements of pertinent laws, the Building Official shall reject such application in writing, stating the reasons therefore. If the Building Official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the Building Official shall issue a permit therefore as soon as practicable.

Commented [JR19]: Changed to 105.3.2 in ordinance due to addition of 105.3.1 for performance bond section

105.3.23 TIME LIMITATION OF APPLICATION. An application for a permit for any proposed work shall be deemed to have been abandoned 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 Building Official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Commented [JR20]: 105.3.3

105.3.34 APPLICATION FOR PERMIT TO MOVE A BUILDING OR OTHER STRUCTURE.

Application for a permit to move a building or other structure shall include the information as required in Sections 105.3.3.1 or 105.3.3.2. The application shall be made not less than 14 calendar days prior to the commencement of the move and be accompanied by a fee of \$500. Buildings or structures shall not be lifted off their foundation until a permit to move the building or structure has been obtained. No person, firm or corporation shall move, haul, or transport any building or structure of the height when loaded for movement of 16 feet or more from the surface of the highway, road, street or alley, or a width of eight feet or more in this city without first obtaining a permit therefore.

Commented [JR21]: 105.3.4

105.3.43.1 MOVING BUILDINGS OR STRUCTURES WITHIN OR INTO THE CITY LIMITS. A permit for a foundation, or new single family dwelling or a remodel permit shall be secured prior to the issuance of a permit to move a building or structure. The foundation shall be constructed prior to the building or structure being moved. All applications for permits to move buildings or structures within the City limits of Prairie Village or into the City shall include the following information:

1. The dimensions of the building or structure as to length, width, and height at its highest point when loaded for moving.
2. A letter verifying that all utilities have been disconnected, i.e. gas, electric, water, and sewer. A verbal or electronic communication from the utility company is acceptable in lieu of a letter.
3. A letter or electronic communication from any utility company having overhead lines along the proposed route indicating that they have approved the route.
4. Letters from the Police Department and the Public Works Department approving the date, time and route of the move.
5. A letter indicating the day and hour when the move is to start; the length of time required for the move; and the number of escort vehicles. In no event will a move be allowed on a Saturday or Sunday or a holiday unless specifically allowed by the Public Works Director and the Police Chief.
6. A map showing the route of the move.
7. A copy of the state highway move permit, if applicable.
8. Copies of written notices to the owners of adjacent lots along the route who may be affected by utility disconnects. The letter will provide the date and time of the move.

9. Written permission from the private property owner(s) to trim any trees on private property necessary to provide clearance for the move along the approved route.
10. Written permission from the City of Prairie Village Public Works Department to trim trees in the public right-of-way necessary to provide clearance for the move along the approved route.
11. Sewer permit from Johnson County Wastewater.
12. Water meter permit from WaterOne.
13. Verification from the Codes Administration Department that the building or structure to be moved is compatible with adjacent buildings or structures in the area where the building or structure is to be moved.
14. Verification from the Codes Administration Department that the building or structure meets current adopted codes and standards.
15. A plot plan, sealed by a Kansas design professional, showing the property or lot where the building or structure is to be moved. A legal description of the property shall be included.

105.3.34.2 BUILDINGS OR STRUCTURES BEING MOVED OUT OF THE CITY OR PASSING THROUGH THE CITY. All permit applications for moving buildings or structures out of or through the City shall include the following:

1. The dimensions of the building or structure as to length, width, and height at its highest point when loaded for moving.
2. A letter verifying that all utilities have been disconnected, i.e. gas, electric, water and sewer. A verbal or electronic communication from the utility company is acceptable in lieu of a letter.
3. A letter or electronic communication from any utility company having overhead lines along the proposed route indicating that they have approved the route.
4. A letter indicating the day and hour when the move is to start; the length of time required for the move; and the number of escort vehicles. In no event will a move be allowed on a Saturday or Sunday or a holiday unless specifically allowed by the Public Works Director and the Police Chief.
5. A map showing the route of the move.
6. A copy of the state highway move permit, if applicable.
7. Letters from the Police Department and the Public Works Department approving the route of the move and the date and time of the move.
8. Copies of written notices to the owners of adjacent lots along the route who may be affected by utility disconnects. The letter will provide the date and time of the move.
9. Written permission from the private property owner(s) to trim any trees on private property necessary to provide clearance for the move along the approved route.
10. Written permission from the City of Prairie Village Public Works Department to trim trees in the public right-of-way to provide clearance for the move along the approved route.
11. A plot plan, sealed by a Kansas design professional, showing the property or lot where the building is to be removed. A legal description of the property is to be included.

105.3.34.3 BOND AND INSURANCE REQUIRED. It shall be the duty of any person at the time of making application for permit as provided in Section 105.3 to execute in favor of this City a good and sufficient bond to the City in the sum of \$10,000 with good and sufficient security, conditioned, among other things, that the principal shall pay any and all damages which may be caused to any property, public or private, within the City when such injury or damage shall be inflicted by the principal or his or her agent, servant, employee, workman, contractor, subcontractor, and such bond shall be conditioned so that the principal will serve, indemnify, protect and save harmless the City from any and all liability, and that he or she will, in all respects, comply with all ordinances of the City and comply with the terms of his

or her permit and be conditional upon his or her faithful performance of the move. The form of such bond must be approved by the City Attorney.

The applicant shall file with the City a certificate of insurance, demonstrating evidence of satisfactory Commercial General Liability and Automobile Liability insurance. No permit shall be issued until such evidence is filed.

Policies of insurance must contain the following limits of protection and conditions:

1. Commercial General Liability insurance on an occurrence basis in amounts no less than \$500,000 bodily injury and property damage per occurrence.
2. Automobile Liability insurance in an amount no less than \$250,000 bodily injury each person/\$500,000 bodily injury each occurrence/\$250,000 property damage each occurrence; or \$500,000 bodily injury and property damage combined single limit.

The City will only accept coverage from an insurance carrier meeting these criteria:

1. Is licensed to do business in the State of Kansas; and
2. Carries a Best's policyholder and financial rating of A;
3. Carries at least a Class X financial rating;
4. Or is a company mutually agreed upon by the City and the applicant.
5. The City shall be notified in writing not less than 30 days prior to cancellation or material modification of any policy provisions.

105.3.34.4 CONDITIONS OF THE PERMIT. In addition to other provisions of this code, the permit holder shall be responsible for compliance of the following:

1. Move a building or structure only over streets approved by the Department of Public Works and the Chief of Police and designated for such use in the written application.
2. Notify the Building Official within 48 hours of move in writing of a desired change in moving date and route of move as proposed in the application. Change of route must be approved by the Building Official, the Director of Public Works and the Chief of Police prior to initiating the move.
3. Notify the Building Official in writing of any and all damages to public and private property within 24 hours after damage has occurred.
4. It shall be the duty of any persons moving any building or structure to display red lanterns or other warning devices used in compliance with City traffic ordinances or state statutes thereon in such a manner as to show the extreme height and width thereof from 30 minutes after sunset to 30 minutes before sunrise, and shall have sufficient escort as provided by City ordinance, state statutes, or as determined as necessary for public safety by the Chief of Police.
5. No building or structure or any part of a building or structure being moved shall be left in the street or in the dedicated right-of-way line between the curb and the front property line of any lot.
6. Any open foundation or excavation shall be protected by a four foot high fence minimum. Erosion and sediment control measures shall be put in place as needed and shall remain in place until vegetation has been established.
7. Within 30 days of the move, all debris and miscellaneous building materials shall be removed from the site. The existing foundation shall be demolished and removed, and all excavations shall be filled to grade.

(Code 2003; Ord. 2139, Sec. 1, 2007; [Ord. 2278](#), Sec. 1, 2013)

4-~~112~~108. - AMENDMENTS TO SECTION 105.4 - VALIDITY PERMIT.

Section 105.4 of the 2012 2018 IBC is hereby amended to read as follows:

The issuance or granting of a permit shall not be construed to be permit for, or an approval of, any violation of any of the provisions of this code or 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 Building Official from requiring the correction of errors in the construction documents and other data. The Building Official is also authorized to prevent occupancy or use of a structure wherein violation of this code or any other ordinances of this jurisdiction.

(Code 2003; Ord. 2139, Sec. 1, 2007; [Ord. 2278](#), Sec. 1, 2013)

4-~~113~~-109 - AMENDMENTS TO SECTION 105.4-5 - EXPIRATION.

Section 105.5 of the 2012 2018 IBC is hereby amended to read as follows:

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 90 days after the work has commenced. All work shall be documented by an inspection as described in section 110 of this code. Failure to request an inspection of newly completed work for any period of 90 days or more shall constitute suspension or abandonment of work, at which time said permit shall become invalid. It shall be unlawful for any person, firm, or corporation to allow a permit to become invalid. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods of not more than 180 days each.

The extension shall be requested in writing and justifiable cause demonstrated. The Building Official may place reasonable conditions as necessary on the issuance of extensions.

(Code 2003; [Ord. 2278](#), Sec. 1, 2013)

4-~~114~~110 - AMENDMENTS TO SECTION 107 - SUBMITTAL DOCUMENTS.

Section 107 of the 2012-2018 IBC is hereby amended to read as follows:

107.1 GENERAL. Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets with each permit application. The construction documents shall be prepared by a **Kansas registered design professional** where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the Building Official is authorized to require additional construction documents to be prepared by a **Kansas registered design professional**.

Exception: The Building 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 review of construction documents is not necessary to obtain compliance with this code.

107.1.1 ONE AND TWO FAMILY DWELLINGS. Construction documents for residential structures designed in accordance with the International Residential Code shall be prepared by a registered design professional, duly registered in the State of Kansas. The drawings shall bear the professional seal of the design professional.

Exception: The Building Official is authorized to waive the submission of construction documents and other data if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

(Code 2003; [Ord. 2278](#), Sec. 1, 2013)

Commented [MD22]: The word Kansas has been added to clarify any sealed documents must be a Kansas Registered Design professional.

Commented [MD23]: The word Kansas has been added to clarify any sealed documents must be Kansas Registered Design professional.

Commented [MD24]: This section is added to the IBC 2018 to clarify design document minimum requirements to provide sealed documents specifically for one and two family homes.

4-~~115~~111. - AMENDMENTS TO SECTION 109 - FEES.

Section 109 of the 2012 2018 IBC is hereby amended as follows:

109.1 PAYMENT OF FEES. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment or revision to a permit be released until the additional fee, if any, has been paid.

109.2 SCHEDULE OF PERMIT FEES. A fee for each permit shall be paid as required, in accordance with the schedule as established by resolution of the Governing Body.

109.3 BUILDING PERMIT VALUATIONS. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued. If, in the opinion of the Building Official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the Building Official. **The building Official shall use The ICC Building Valuation Data table as adopted by the governing body to establish a minimum criteria for cost analysis the higher value of the two comparisons shall establish the cost of work to establish permit and plan review fees.**

Commented [MD25]: Verbiage added to help clarify Building costs and fees methodology. The Building Valuation Data table 2015 Version by the international code council is currently being enforced by resolution passed in 2016.

109.4 WORK COMMENCING BEFORE PERMIT ISSUANCE. Any person who commences any work before obtaining the necessary permits shall be subject to a fee established by the Building Official that shall be in addition to the required permit fees. Said fee is hereby established at "double" the required permit fee.

109.5 RELATED FEES. The payment of the fee for construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from payment of other fees that are prescribed by law. These related fees may include, but are not limited to the following: Board of Zoning Appeals, Planning Commission, Right-of-Way permits, Drainage permits.

109.6 REFUNDS. The Building Official may authorize the refund of any fee which was erroneously paid or collected subject to the following conditions:

1. The Building Official may authorize a refund of not more than 80% of the permit fee paid when no work has commenced for a permit issued in accordance with this code.
2. No permit fee may be refunded if work has commenced on a project.

(Code 2003; [Ord. 2278](#), Sec. 1, 2013)

4-~~116~~112. - AMENDMENTS TO SECTION 114.4 - VIOLATION PENALTIES.

Section 114.4 of the 2012 2018 IBC is hereby amended as follows:

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, **demolishes** or repairs a building or structure in violation of the approved construction documents or directive of the Building Official or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law, or other references incorporated, is guilty of a public offense and may be subject to punishment as provided in PVMC Chapter 8, Article 2, Sec. 8-201.

Commented [MD26]: Word demolishes added to better clarify permits are required for demolishing structures whole or in part.

(Code 2003; Ord. 2139, Sec. 1, 2007; [Ord. 2278](#), Sec. 1, 2013)

4-117113. - AMENDMENTS TO SECTION 116.1 - NUISANCES AND UNSAFE STRUCTURES – LEGISLATIVE FINDINGS-

Section 116.1 of the 2012-2018 IBC is hereby amended to read as follows:

116.1 LEGISLATIVE FINDINGS.

- (a) The purpose of this section is to provide reasonable controls restricting and prohibiting the allowance of nuisances and unsafe structures to exist on property within the City; to declare that certain conditions constitute public nuisances or structures, which are unsightly, are a menace and dangerous to the health of the inhabitants of the City; or if any residential or commercial area and the residents thereof, are offensive to the general public health, safety and welfare of the community; to provide a method of enforcement of this section; to provide procedures to notify property owners or those in control of real property, notification and an opportunity to be heard concerning violations of this section; to provide administrative procedures to allow the City to direct the abatement of violations; to provide a method of assessment or collection of costs for abatement by the City; to declare that the existence of such violations are unlawful; and to provide penalties for enforcement through the municipal court system.
- (b) The Governing Body of the City hereby finds that the allowances of nuisances and unsafe or dangerous structures, as defined herein, on private property or adjacent rights-of-way or easements are public nuisances which are unsightly, a menace dangerous to the health of the inhabitants of the City, of the residential or commercial area and the residents thereof, and are offensive to the general public health, safety, and welfare of the community. Such nuisances or unsafe structures promote conditions which may cause disease; pollution; proliferation or rats, vermin, mosquitoes and snakes; the spread of fire; a harmful environment for transients and the community as a result of transient use; harmful attractions for children; creates long and short term impacts on the area including the diminution of property values and the integrity of the neighborhood; and interferes with the orderly development of property in the City.

4-114 – AMENDMENTS TO SECTION 116.2 – NUISANCES AND UNSAFE STRUCTURES – DEFINITIONS

Section 116.2 of the 2018 IBC is hereby amended to read as follows

116.2 DEFINITIONS.

- (a) City- The City of Prairie Village.
- (b) Graffiti - Any drawing, painting, writing, inscription, figure or mark, regardless of its content, of the type which is commonly known and referred to as graffiti, which is written, drawn, painted, sprayed, scratched or otherwise placed or affixed, regardless of the nature of the material used, on any wall, window, rock, building portion thereof, fence, gate, sign, other structure, tree or other real or personal property, either publicly or privately owned, and that is visible from any adjacent public or private property or public or private right-of-way.
- (c) Nuisance - Any condition which causes or creates an unreasonable interference with the rights of the general public and shall include but not be limited to; graffiti, rank vegetation, rank or infested compost heaps, dense smoke, excessive dust, ash or fine particles in the air, rank ponds or standing water including swimming pools, water receptacles and un-drained areas, cesspools creating on or rising to the surface, rank odors, unkempt trash, refuse, brush, leaves, and limbs, unkempt landscaping, debris or building materials, rank sewage or septic system, excessive accumulation of animal waste, exposed animal carcasses after death; sheds, garages or other outbuildings allowing infestation of rodents or insects or left unsecured to allow the entry of animals, humans or the natural elements such as rain, hail and snow, or otherwise left unkempt or unsightly, except for outdoor dog or pet houses maintained in a clean and reasonable manner; trees, shrubs, or plants which are dead, diseased or infested which present a harmful or dangerous condition to the public; exposed refrigerators or freezers or other appliances left unsecured; and any other condition which is determined to present a dangerous

Commented [JR27]: Added leaves and unkempt landscaping into this provision to give our code enforcement officers more authority to address yards that have leaves that haven't been picked up or mulched or landscaping that is in need of trim. These are common complaints that they get right now that our code doesn't currently address.

or harmful condition ~~to the public or unreasonable interference with the rights of the general public.~~

- (d) Perennial violator - Any person who shows an annual pattern of failing to comply with this section which may be shown by repeated notices of abatement, notices of costs, or previous violations.
- (e) Person - Any individual; individual's partnership; corporation; unincorporated association; other business organization; committee; board; trustee; receiver; agent; or any representative who has charge, care or responsibility of maintenance of any property, lot or parcel of land regardless of status of owner, tenant or lessee and regardless of whether such person has possession.
- (f) Property owner - The named property owner as indicated by the register of deeds or Appraiser's office in Johnson County, Kansas.
- (g) Qualified expert - A person who is regularly employed to conduct structural inspections to comply with life, safety, mechanical, plumbing, health and building codes or a licensed professional in the field of engineering or architecture.
- (h) Representative - Any person or entity listed in the Johnson County, Kansas Appraiser's Office or Treasurer's Office for the purposes of paying taxes; a registered agent with the Kansas Secretary of State's Office for corporate or partnership ownership; an agent or manager directed by the property owner, estate, or court order to represent the interests of the property or to otherwise control activities on the real property; or a corporate officer.
- (i) Tenant - Any person who has a severable or non-severable interest in the real property either oral or written lease or covenant or by other methods of conveying a limited interest in such lands; or by any person who occupies or has possession of such real property.
- (j) Unsafe Structure - Any structure or part of a structure which remains or is damaged to present a dangerous or unsafe condition to the public including, but not limited to, structures damaged by fires, damaged by natural events or elements such as wind, tornadoes, earthquakes, flooding, or settling of the ground; damaged by insect infestation; damaged due to the failure to provide reasonable maintenance; structures occupied or unoccupied which have broken windows, missing boards or siding, unsecured doors, or unsecured openings which allow the harboring of animals, insects, transients, or create an attraction to children; structures which due to the opinion of qualified experts or inspectors, including but not limited to, fire, engineering, or architectural experts; present an unsafe or dangerous condition to those on or near the property; unfinished structures where no occupancy permit has been issued, and any building permit has lapsed for more than 90 days; structures which remain unfinished, or without an occupancy permit, after 18 months from the date of the first building permit and where no inspection for newly completed work has been requested within the last 90 days.

[4-115 – AMENDMENTS TO SECTION 116.3 – NUISANCE AND UNSAFE STRUCTURES – UNLAWFUL; RESPONSIBILITY TO ABATE.](#)

[Section 116.3 of the 2018 IBC is hereby amended to read as follows:](#)

116.3 NUISANCES OR UNSAFE STRUCTURES UNLAWFUL; RESPONSIBILITY TO ABATE. It shall be unlawful for any property owner, owner's agent or tenant of real property to allow or maintain a nuisance or unsafe structure on any lot or parcel of ground within the City, including any areas between the property lines of said property and the center line of any adjacent street or alley including sidewalks, streets, alleys, easements and rights-of-way. The property owner, owner's agent or tenant shall be responsible for the removal or abatement of any nuisance or unsafe structure.

[4-116 – AMENDMENTS TO SECTION 116.4 – ENFORCEMENT AGAINST NUISANCES; DESIGNATION OF OFFICER; NOTICE TO APPEAR; NOTICE OF ABATEMENT; HEARING](#)

[Section 116.4 of the 2018 IBC is hereby amended to read as follows:](#)

116.4 ENFORCEMENT AGAINST NUISANCES; DESIGNATION OF OFFICER; NOTICE TO APPEAR; NOTICE OF ABATEMENT; HEARING

- (a) The Building Official shall assist the Governing Body with the administration and enforcement of this section with regards to nuisances. The Building Official shall authorize the investigation of nuisances by his or her designated agents. If it is determined that a nuisance exists, then the Building Official, or his or her designated agent shall file a written report with the Governing Body describing the situation, its location, and the circumstances supporting the determination that the matter is a nuisance. If the Governing Body concurs with the report, it shall issue an Order of Abatement directing the property owner, owner's agent or tenant to remove and abate the nuisance within 10 days.
- (b) The Order of Abatement shall state:
 - (1) A common or legal description of the property, or both;
 - (2) That the property is in violation of this section;
 - (3) The nature of the nuisance, including relevant ordinances or statutes, with sufficient information to reasonably enable the recipient to determine the nature of the violation to allow for self-abatement;
 - (4) That the recipient should remove and abate the nuisance within 10 days of receipt of the order;
 - (5) That the recipient, upon written request, may obtain a hearing before the Governing Body or its designated representative, provided that such request is received by the City Clerk within the 10 day period.
 - (6) That failure to comply with the order shall result in the City's right to remove and abate the nuisance with assessment of the City's costs being made against the property and the recipient;
 - (7) That failure to pay such assessment within 30 days of the City's notice of costs of such removal and abatement shall result in the filing of a tax lien against the property, or the filing for a personal judgment against the recipient, or both;
 - (8) That such violations are subject to prosecution, and that such prosecution shall be independent of the order of any enforcement of the order.
- (c) The Order of Abatement shall be served on the property owner, owner's agent or tenant by certified mail, return receipt requested, or by personal service; provided any order served on a tenant shall also be served on the owner or owner's agent. If the property is unoccupied and the owner is a nonresident, then the order will be mailed by certified mail, return receipt requested, to the owner's last known address. If during the preceding 24 month period the owner, owner's agent or tenant has failed to accept delivery or to otherwise effectuate receipt of a notice or order sent pursuant to this section, in addition to the methods of service described above, the Governing Body may serve on such person any further order by other methods, including but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail; provided, if the property is unoccupied and the owner is a nonresident, any alternative notice provided for in this paragraph shall be given by telephone communication or first class mail.
- (d) If a recipient of an Order of Abatement makes a written request for a hearing within the 10 day period, a hearing shall be immediately scheduled before the Governing Body or its designated representative. At such hearing, all relevant parties, interest holders and City officials shall be allowed to present evidence concerning the status of the property and the conditions creating the nuisance. Thereafter, the Governing Body or its designated representative may rescind, modify, or uphold the Order of Abatement. In making such a determination the Governing Body or its designated representative shall describe the relevant facts and specific statute or code provisions being relied upon and state any such other stipulations, methods of removal and abatement of orders as deemed necessary. If the Order of Abatement is either modified or

upheld, the property owner, owner's agent or tenant shall be given a reasonable time to remove and abate the nuisance, not to exceed 10 days.

- (e) If an authorized public officer determines that a violation of this section exists, he or she may issue a notice to appear in municipal court for such violation. No other procedures are required as a prerequisite to the issuance of a notice to appear. The imposition of any removal and abatement action described herein shall not preclude any appropriate prosecution or penalties. Likewise, the imposition of any prosecution or penalties shall not preclude any appropriate action described herein to remove or abate a nuisance or to collect removal and abatement costs.

[4-117 – AMENDMENTS TO SECTION 116.5 – ABATEMENT OF NUISANCE BY CITY; NOTICE OF COSTS; ASSESSMENT AND COLLECTION](#)

[Section 116.5 of the 2018 IBC is hereby amended to read as follows:](#)

116.5 ABATEMENT OF NUISANCE BY CITY; NOTICE OF COSTS; ASSESSMENT AND COLLECTION.

- (a) If the recipient of the notice of abatement fails to comply with the Order of Abatement or, if appropriate, with any order after a hearing on the matter, the City shall have the right to go onto the property to remove and abate the nuisance in a reasonable manner. It shall be unlawful for any person to interfere with or attempt to prevent the City or its agents from such action. The City and its agents shall not be responsible for damage to any real or personal property due to reasonable methods of gaining entrance onto the property or for damages to any real or personal property in the reasonable exercise of the removal and abatement of the nuisance. The City may use its own employees or contract for services to remove and abate the nuisance.
- (b) If the City removes and abates the nuisance, the City shall give a Notice of Costs to the property owner, owner's agent or tenant by certified mail, return receipt requested, stating the costs of such removal and abatement incurred by the City; provided, any notice served on a tenant shall also be served on the owner or owner's agent.

The costs shall include the City's cost of providing the notice, including any postage. The recipient shall have 30 days from the date of receipt of such notice to make full payment. The Notice of Costs shall state:

- (1) The common or legal description of the property, or both;
 - (2) The nature of the nuisance, including relevant ordinances;
 - (3) The nature of the work performed to remove and abate the nuisance;
 - (4) The costs incurred for the abatement of the nuisance in either a lump sum or in an itemized form (including the cost of the notice);
 - (5) That payment is due and payable within 30 days of receipt of the notice;
 - (6) That payment should be made payable to the City of Prairie Village, Kansas, by check or money order with no post-dating of the check, and submitted to the City Clerk with a written indication of the purpose of the payment and the address of the property where the nuisance occurred;
 - (7) That failure to pay the entire amount within the 30 day period shall allow the City to file a lien against the property or to pursue litigation for recovery of the costs, or both; and
 - (8) That such additional remedies to recover costs shall include additional amounts, including interest, court costs, attorney fees and administrative costs.
- (c) If the costs are not paid within the 30 day period, the costs shall be collected in a manner provided by K.S.A. 12- 1, 115 as amended, or shall be assessed as a special assessment against the property. The City Clerk at the time of certifying other City taxes, shall certify the unpaid portion of the costs, and the County Clerk shall extend the same on the tax roll of the county against the property, and it shall be collected by the County Treasurer and paid to the

City as other City taxes are collected and paid. The City may pursue collection both by levying a special assessment, and in the manner provided by K.S.A. 12-1, 115 as amended, but only until the full costs, including applicable interest, court costs, attorney's fees, and administrative costs have been paid in full.

[4-118 – ADDITION OF SECTION 116.6 – ENFORCEMENT AGAINST UNSAFE STRUCTURES; DESIGNATION OF OFFICER; NOTICE TO APPEAR; HEARING; RESOLUTION](#)

[Section 116.6 of the 2018 IBC is hereby added to read as follows:](#)

116.6 ENFORCEMENT AGAINST UNSAFE STRUCTURES; DESIGNATION OF OFFICER; NOTICE TO APPEAR; HEARING; RESOLUTION.

- (a) The Building Official shall be charged with the administration and enforcement of this section as it concerns unsafe structures. The Building Official shall authorize the investigation of violations of this section by his or her designated agents. If it is determined that a violation of this section exists, then the Building Official or his or her designated agent shall file a written report with the Governing Body of the City describing the situation, its location, and the circumstances which support the determination that the structure is unsafe. The Governing Body shall then fix a time and place at which the owner, representative, tenant, or lienholders of record may appear and show cause why such structure should not be condemned and ordered repaired or demolished. Such resolution shall be published once each week for two consecutive weeks on the same day of each week. At least 30 days shall elapse between the last publication and the date set for the hearing. A copy of the resolution shall be mailed by certified mail, return receipt requested, within 3 days after its first publication to each such owner, representative, tenant or lienholder of record, as can reasonably be determined, at the last known place of residence, and shall be marked, deliver to addressee only.
- (b) On the hearing date fixed by the Governing Body's resolution all relevant parties, interest holders and relevant city officials shall be allowed to present evidence concerning the status of the property. The Governing Body shall subsequently make findings by resolution. If the Governing Body finds that such structure is unsafe or dangerous, such resolution shall direct the structure to be repaired or removed and the premises made safe and secure. Such resolution shall be published once in the official city newspaper and a copy mailed to the owners, representatives, tenants or lienholders of record by certified mail, return receipt requested. The resolution shall affix a reasonable time within which the repair or removal of the structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated, or fails to diligently commence such action until the work is completed, the Governing Body will cause the structure to be razed and removed.
- (c) If an authorized agent determines that a violation of this section exists, he or she may issue a notice to appear in municipal court for such violations. No other procedures are required as a prerequisite to the issuance of a notice to appear.

[4-119 – ADDITION OF SECTION 116.7 – EXCAVATION FILL](#)

[Section 116.7 of the 2018 IBC is hereby added to read as follows:](#)

116.7 EXCAVATION FILL. It shall be the duty of the property owner, representative, or the tenant, upon removal of a structure, to fill any basement, after removing all concrete footings and foundation walls, or other excavation located upon the premises and take any other action necessary to leave such premises in a safe condition including grading and seeding or sodding of the area, removal of dirt or mud from roads, streets, alleys, or sidewalks, to allow for proper drainage of the site, and to remove any and all refuse, trash, debris, brush and limbs, or materials from the site.

[4-120 – ADDITION OF 116.8 – REMOVAL OF UNSAFE STRUCTURES; SALVAGE; SALE; ASSESSMENT AND COLLECTION OF COSTS; PROCEDURE](#)

[Section 116.8 of the 2018 IBC is hereby added to read as follows:](#)

116.8 REMOVAL OF UNSAFE STRUCTURES; SALVAGE; SALE; ASSESSMENT AND COLLECTION OF COSTS; PROCEDURE.

- (a) If the owner of any structure has failed to commence the repair or removal of such structure within the time stated in the resolution, or has failed to diligently prosecute the same thereafter, the City may proceed to raze and remove such structure, make the premises safe and secure, or let same to contract. The City shall keep an account of the costs for such work and may sell the salvage from such structure and apply the proceeds or any necessary portion thereof to pay the cost of removing such structure and making the premises safe and secure. All moneys in excess of that necessary to pay such costs after the payment of all costs, shall be paid to the owner of the premises upon which the structure was located.
- (b) The City shall give notice to the owner of such structure by certified mail, return receipt requested, of the total cost incurred by the City in removing such structure and making the premises safe and secure. Such notice also shall state that payment of such costs is due and payable within 30 days following receipt of such notice. If the cost is not paid within the 30 day period and if there is no salvageable material or if moneys received from the sale of salvage or from the proceeds of any insurance policy in which the City has created a lien pursuant to K.S.A. 40-3901 et seq., and amendments thereto, are insufficient to pay the cost of such work, the balance shall be collected in the manner provided by K.S.A. 12-1, 115, as amended, but only until the full cost and applicable interest has been paid in full. Whenever any structure is removed from any premises under the provisions of this section, the City Clerk shall certify to the County Appraiser that such structure, describing the same, has been removed.
- (c) If there is no salvageable material, or if the moneys received from the sale of salvage or from the proceeds of any insurance policy in which the City has created a lien pursuant to K.S.A. 40-3901 et seq., and amendments thereto, are insufficient to pay the costs of the work, such costs or any portion thereof in excess of that received from the sale of salvage or any insurance proceeds may be financed, until the costs are paid out of the general fund or by the issuance of no-fund warrants. Whenever no-fund warrants are issued under the authority of this act, the Governing Body of such City shall make a tax levy at the first tax levying period for the purpose of paying such warrants and the interest thereon. All such tax levies shall be in addition to all other levies authorized or limited by law and shall not be subject to the aggregate tax levy prescribed in Article 19 of Chapter 79 of the Kansas Statutes Annotated, and amendments thereto. Such warrants shall be issued, registered, redeemed and bear interest in the manner and in the form prescribed by K.S.A. 79-2940, and amendments thereto, except they shall not bear the notation required by that section and may be issued without the approval of the State Board of Tax Appeals. All moneys received from special assessments levied under the provisions of this section or from an action under K.S.A. 12-1, 115, as amended, when and if paid, shall be placed in the general fund of the City.

4-121 – ADDITION OF SECTION 116.9 – PROOF OF REPAIRING OR REBUILDING

Section 116.9 of the 2018 IBC is hereby added to read as follows:

116.9 PROOF OF REPAIRING OR REBUILDING. In lieu of the payment of proceeds, the insured may present satisfactory proof to the Building Official that the insured has or will remove debris and repair, rebuild or otherwise make the premises safe and secure. Upon presentation of such sufficient evidence, the Building Official along with the City Clerk shall certify that adequate proof of repairing or rebuilding has been given and that the payment of insurance proceeds to the City shall not be paid, subject to any lien created by the City should the insured fail to rebuild, repair, or secure the property as presented. The insured shall be responsible for presenting such certificate to the insurer. The insured, in seeking such certificate, shall present a timetable showing when repairs or rebuilding will be completed; render architectural or engineering plans, subject to approval by the Building Official, showing the method, manner and materials to be used in repairing or rebuilding; and any other evidence deemed necessary by the Building Official to demonstrate that the repairs or rebuilding will be completed in a

timely and lawful manner. Failure of the insured to comply with the certificate shall result in the institution of proceedings for abatement.

4-122 – ADDITION OF SECTION 116.10 – CITY NOT PARTY TO INSURANCE CONTRACT

Section 116.10 of the 2018 IBC is hereby added to read as follows:

116.10 CITY NOT PARTY TO INSURANCE CONTRACT. This section does not make the City a party to any insurance contract, nor is the insurer liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

4-123 – ADDITION OF SECTION 116.11 – FAILURE TO PAY INSURANCE PROCEEDS OR TO OBTAIN A CERTIFICATE IN LIEU OF PAYMENT PROCEEDS

Section 116.11 of the 2018 IBC is hereby added to read as follows:

116.11 FAILURE TO PAY INSURANCE PROCEEDS OR TO OBTAIN A CERTIFICATE IN LIEU OF PAYMENT OF PROCEEDS. It is unlawful for any person to fail to provide the payment of insurance proceeds as required by this section unless a certificate in lieu of payment of proceeds has been obtained through the City.

4-124 – ADDITION OF SECTION 116.12 – IMMEDIATE HAZARDS

Section 116.12 of the 2018 IBC is hereby added to read as follows:

116.12 IMMEDIATE HAZARDS. In the event the public officer under this section determines that a nuisance or unsafe structure exists which creates an immediate hazard, then the City shall proceed, without delay, to take steps to abate the situation and without prior notice to or hearing of the owner, representative, or tenant. The cost of such action shall be assessed as permitted by Kansas State Statute, set forth in K.S.A 12-1, 115, as amended.

4-125 – ADDITION OF SECTION 116.13 – RIGHT OF ENTRY; UNLAWFUL INTERFERENCE; PENALTY

Section 116.13 of the 2018 IBC is hereby added to read as follows:

116.13 RIGHT OF ENTRY; UNLAWFUL INTERFERENCE; PENALTY.

- (a) Any authorized officer or agent of the City pursuant to this Article, shall be allowed to enter onto any land within the city limits to investigate violations of this Article or for the abatement of violations pursuant to this Article.
- (b) It shall be unlawful for any person to interfere with a public officer or agent of the City in performing his or her duties pursuant to this article whether investigation or abating violations.
- (c) Any person who interferes with an officer or agent of the City pursuant to this Article shall be punished as provided in Section 116.14.

4-126 – ADDITION OF SECTION 116.14 – PENALTY

Section 116.14 of the 2018 IBC is hereby added to read as follows:

116.14 PENALTY.

- (a) Any property owner, representative, tenant or person found in violation of this article shall be subject to prosecution in municipal court. Any such person found guilty of violating the provisions of this article shall be subject to a fine of not less than \$50 nor more than \$500 and not more than 10 days in jail, or both. Any person found guilty of violating the provisions of this article two or more times within any one year period, or determined by the municipal court to be a perennial violator, shall be fined not less than \$250 nor more than \$500 and shall be subject to a sentence not to exceed 30 days in jail, or both.
- (b) Prosecution of any offender under this article does not limit the City's right to pursue assessment or collection of costs as stated in this article, or by other laws.
- (c) Each day that any violation shall continue shall constitute a separate offense.

(Ord. 1849, Sec. 2, 1994; [Ord. 2278](#), Sec. 1, 2013)

ARTICLE 2. - INTERNATIONAL RESIDENTIAL CODE (IRC)

4-201. - INTERNATIONAL RESIDENTIAL CODE INCORPORATED.

~~In addition to the other provisions set forth in this chapter, there is hereby adopted and incorporated by reference that certain building code known as the "International Residential Code", 2012-2018 edition, copyrighted in 2011-2017 by the International Code Council, (hereinafter referred to as the "IRC or residential code") except for the amendments provided in this chapter. Not less than one copy of the residential code shall be marked or stamped "Official copy as adopted by Ordinance No. _____". A copy of this article shall be attached to each of the three copies of the International Residential Code and shall be filed with the City Hall to be open for inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of this code shall be supplied, at cost to the city, with such numbers of official copies similarly marked as deemed expedient. The *International Residential Code, 2018 Edition*, published by the International Code Council, hereafter referred to as the 2018 IRC, is hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added, or changed in the City Code. At least one (1) copy of said *International Residential Code, 2018 Edition*, will be kept on file in the office of the City Clerk, marked or stamped "Official Copy as Incorporated by Ordinance No. ????", with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.~~

~~The following sections of this article are in addition to or amendments of the provisions of the standard code incorporated by reference in Section 4-201.~~

(Code 2003; Ord. 2140, Sec. 1, 2007; [Ord. 2279](#), Sec. 1, 2013)

4-202. - AMENDMENTS TO SECTION R101.1 - TITLE.

Section R101.1 of the 2012 **2018** IRC is hereby amended to read as follows:

These provisions shall be known as the Residential Code for One- and Two-Family Dwellings of the City of Prairie Village, Kansas and shall be cited as such and will be referred to herein as [the 2018 IRC](#). ~~this "code" or "IRC".~~

(Ord. 2057, Sec. 1, 2003; Ord. 2140, Sec. 1, 2007; [Ord. 2279](#), Sec. 1, 2013)

4-203. - AMENDMENTS TO SECTION R101.4 - ADMINISTRATION.

Section R101.4 of the 2012 **2018** IRC is hereby added to read as follows:

The administrative and enforcement provisions for this code shall be those provisions found in Sections 103 through 116 of the International Building Code.

(Ord. 2057, Sec. 3, 2003; Ord. 2140, Sec. 1, 2007; [Ord. 2279](#), Sec. 1, 2013)

Commented [JR28]: Clean up of verbiage – no substantive changes.

4-204. - SECTION R102.5 ADDED - APPENDICES ADOPTED.

Section R102.5 of the 2012 2018 IRC is hereby added to read as follows:

The following appendices are adopted as part of the code:

1. ~~Appendix G- Swimming Pools, Spas and Hot Tubs~~
2. Appendix H- Patio Covers
3. Appendix K- Sound Transmission

Commented [MD29]: Line item to be deleted by proxy of adopting the ISPC International swimming pool and spa code Appendix-G has been removed from the IRC 2018 code cycle.

(Ord. 2057, Sec. 4, 2003; [Ord. 2279](#), Sec. 1, 2013)

4-205. - AMENDMENTS TO TABLE R301.2 (1) OF SECTION R301 - CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA.

Table R301.2 (1) of Section R301 of the 2012 2018 IRC is hereby amended to read as follows:

Commented [MD30]: Date change

TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD	WIND DESIGN 1.Speed-mph 2.Topographic Effects	SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM 1. Weathering 2. Frost Line Depth 3. Termite	WINTER DESIGN TEMP	ICE BARRIER UNDER-LAYMENT REQUIRED	FLOOD HAZARDS	AIR FREEZING INDEX	MEAN ANNUAL TEMP
20	1. 115 mph 2. No	A	1. Severe 2. 36" 3. Moderate to Heavy	6°	YES	CURRENT FIRM	1,000	54°

Commented [MD31]: Wind speeds have been upgraded in conjunction with the new 2018 code cycle

(Ord. 2057, Sec. 5, 2003; [Ord. 2279](#), Sec. 1, 2013)

~~4-206. - AMENDMENTS TO TABLE R301.5 - MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS.~~

~~Table R301.5 of the 2012 IRC is hereby amended to read as follows:~~

TABLE R301.5
 MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS
 (in pounds per square foot)

USE	LIVE LOAD
Attics with limited storage (b,g,h)	20
Attics without storage (b)	10
Habitable attics and attics served with fixed stairs	30
Balconies (exterior) and decks (e)	40
Fire escapes	40
Guardrails and handrails (d)	200 (i)
Guardrail in-fill components (i)	50 (i)
Passenger vehicle garages (a)	50 (a)
Rooms other than sleeping rooms	40
Sleeping rooms	30
Stairs	40 (c)

- a. Elevated garage floors shall be capable of supporting a 2,000-pound load applied over a 20-square-inch area.
- b. Uninhabitable attics without storage are those attic areas that are not accessed by a pull-down stair, or a scuttle with a dimension less than or equal to 30 inches high by 24 inches wide.
- c. Individual stair treads shall be designed for the uniformly distributed live load or a 300-pound concentrated load acting over an area of 4 square inches, whichever produces the greater stresses.
- d. A single concentrated load applied in any direction at any point along the top.
- e. See Section R502.2.2 for decks attached to exterior walls.
- f. Guard in-fill components (all those except the handrail), balusters and panel fillers shall be designed to withstand a horizontally applied normal load of 50 pounds on an area equal to 1 square foot. This load need not be assumed to act concurrently with any other live load requirement.
- g. For attics with limited storage and constructed with trusses, this live load need be applied only to those portions of the bottom chord where there are two or more adjacent trusses with the same web

configuration capable of containing a rectangle 42 inches high by 2 feet wide or greater, located within the plane of the truss. The rectangle shall fit between the top of the bottom chord and the bottom of any other truss member.

h. Attic spaces served by a fixed stair shall be designed to support the minimum live load specified for sleeping rooms.

i. Glazing used in handrail assemblies and guards shall be designed with a safety factor of 4. The safety factor shall be applied to each of the concentrated loads applied to the top of the rail, and to the load on the in-fill components. These loads shall be determined independent of one another, and loads are assumed not to occur with any other live load.

(Ord. 2057, Sec. 6, 2003; Ord. 2140, Sec. 1, 2007; [Ord. 2279](#), Sec. 1, 2013)

4-206 – AMENDMENTS TO SECTION R302.3 – TWO-FAMILY DWELLINGS

Section R302.3 of the 2018 IRC is hereby amended to read as follows:

Amendments to section: R302.3 Two-Family dwellings shall comply with same fire separation requirements as Town houses per section R302.2

Commented [MD32]: All of this section removed from the PVMC for it may be used as written within the 2018 Code cycle with no alterations.

Commented [MD33]: Amendment is to clarify standard building practices within the Johnson County Kansas area. This is a carryover from previous code adoption.

4-207. – AMENDMENTS TO SECTION R302.2 – TOWNHOUSES.

Section R302.2 of the 2012 IRC is hereby amended as follows:

Each townhouse shall be considered a separate building and shall be separated by fire-resistant-rated wall assemblies meeting the requirements of Section R302.1 for exterior walls.

Exception: A common 2-hour fire-resistant-rated wall assembly tested in accordance with ASTM E119 or UL 263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing.

Electrical installations shall be installed in accordance with Chapter 34 through 43. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4.

R302.2.1 CONTINUITY. The fire-resistant-rated wall or assembly separating townhomes shall be continuous from the foundation to the underside of the roof sheathing, deck, or slab. The fire-resistance rating shall extend the full length of the wall or assembly, including wall extensions through and separating attached enclosed accessory structures.

R302.2.2 PARAPETS. Parapets constructed in accordance with Section R302.2.3 shall be constructed for townhouses as an extension of exterior walls or common walls in accordance with the following:

1. Where roof surfaces adjacent to the wall or walls are at the same elevation, the parapet shall extend no less than 30 inches above the roof surfaces.
2. Where roof surfaces adjacent to the wall or walls are at different elevations and the higher roof is not more than 30 inches above the lower roof, the parapet shall extend not less than 30 inches above the lower roof surface.

Exception: A parapet is not required in the two cases above when the roof is covered with a minimum class C roof covering, and the roof decking or sheathing is of non-combustible materials, or approved fire-retardant-treated wood for a distance of 4 feet on each side of the wall or walls, or one

layer of 5/8 inch Type X gypsum board is installed directly beneath the roof decking or sheathing, supported by a minimum of nominal 2 inch ledgers attached to the sides of the roof framing members, for a minimum distance of 4 feet on each side of the wall or walls and there are no openings or penetrations in the roof within 4 feet of the common walls.

3. A parapet is not required where roof surfaces adjacent to the wall or walls are at different elevations and the higher roof is more than 30 inches above the lower roof. The common wall construction from the lower roof to the underside of the higher roof deck shall have not less than a 1-hour fire-resistance rating. The wall shall be rated for fire exposure from both sides.

R302.2.3 PARAPET CONSTRUCTION. Parapets shall have the same fire-resistance rating as that required for the supporting wall or walls. On any side adjacent to a roof surface, the parapet shall have noncombustible faces for the uppermost 18 inches, to include counter flashing and coping materials. Where the roof slopes toward a parapet at slopes greater than 2 units vertical in 12 units horizontal, the parapet shall extend to the same height as any portion of the roof within a distance of 3 feet, but in no case shall the height be less than 30 inches.

R302.2.4 STRUCTURAL INDEPENDENCE. Each individual townhouse shall be structurally independent.

Exceptions:

1. Foundations supporting exterior walls or common walls.
2. Structural roof and wall sheathing from each unit may fasten to the common wall framing.
3. Nonstructural wall and roof coverings.
4. Flashing at termination of roof covering over common wall.
5. Townhouses separated by a 2-hour fire-resistance-rated wall as provided in Section R302.2.

(Ord. 2057, Sec. 7, 2003; [Ord. 2279](#), Sec. 1, 2013)

4-208. AMENDMENTS TO SECTION R303.4 – MECHANICAL VENTILATION.

Section R303.4 of the 2012 IRC is hereby amended to read as follows:

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

(Code 2003; [Ord. 2279](#), Sec. 1, 2013)

4-207 – AMENDMENTS TO SECTION R303.4 – MECHANICAL VENTILATION

AMENDMENTS TO SECTION 303.4 Mechanical ventilation: to read as follows: **R303.4 Mechanical Ventilation.** Where the air infiltration rate of a dwelling unit is less than three (3) air changes per hour when tested with a blower door at a pressure of 0.2 inch w.c. (50 Pa) in accordance with Section N1102.4.1.2, the dwelling unit shall be provided with whole-house ventilation in accordance with Section M1505.4.

4-2089. – ADDITION OF AMENDMENTS TO SECTION R309.7 - RESIDENTIAL DRIVEWAYS.

Section R 309.7-6 of the 2012 2018 IRC is hereby added to read as follows:

Commented [MD34]: This section can be removed from the PVMC and implemented as written within the IRC 2018 code cycle.

Commented [MD35]: Section has been amended to reflect mechanical ventilation between no more than 5 air changes max per hour and when less than 3 air changes per hour the structure shall be provided with whole house ventilation. This is consistent with all other Johnson County municipalities and information provided by research.

Residential concrete and asphalt driveway slabs shall be a minimum of 4 inches thick. The driveway shall have a constant slope so as to avoid ponding of water. The slope shall be away from the house or building or drain ~~by means approved by the Department of Public Works.~~ **Concrete driveways shall be provided with #4 rebar at 24" on center spacing both directions as a minimum standard and installed in accordance with ACI318 -11 concrete quality and field practices**

Commented [JR36]: Deleted after consultation with Keith – public works doesn't review or permit the private section of the driveway so they wouldn't be approving this.

(Code 2003, [Ord. 2279](#), Sec. 1, 2013)

Commented [MD37]: Verbiage added to provide a minimum standard for requiring a minimal amount of reinforcement in concrete driveways.

~~4-210. AMENDMENTS TO SECTION R310.1 – EMERGENCY ESCAPE AND RESCUE REQUIRED.~~

~~Section R310.1 of the 2012 IRC is hereby amended to read as follows:~~

~~All basements, habitable attics and every sleeping room shall have at least one operable emergency escape and rescue opening. Where basements contain one or more sleeping rooms, emergency escape and rescue openings shall be required in each sleeping room. Where emergency escape and rescue openings are provided, they shall have a sill height of not more than 44 inches measured from the finished floor to the bottom of the clear opening. Where a door having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with Section R310.3. The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside. Emergency escape and rescue openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with Section 310.2. Emergency escape and rescue openings shall open directly into a public way, or to a yard or court that opens to a public way.~~

~~**Exception:** Basements used only to house mechanical equipment and not exceeding total floor area of 200 square feet.~~

~~R310.1.1 MINIMUM OPENING AREA. All emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet.~~

~~**Exception:** Grade floor openings shall have a minimum net clear opening of 5 square feet.~~

~~R310.1.2 MINIMUM OPENING HEIGHT. The minimum net clear opening height shall be 24 inches.~~

~~R310.1.3 MINIMUM OPENING WIDTH. The minimum net clear opening width shall be 20 inches.~~

~~R310.1.4 OPERATIONAL CONSTRAINTS. Emergency escape and rescue openings shall be operational from the inside of the room without the use of keys, tools or special knowledge.~~

~~R310.2 WINDOW WELLS. The minimum horizontal area of the window well shall be 9 square feet, with a minimum horizontal projection and width of 36 inches. The area of the window well shall allow the emergency escape and rescue opening to be fully opened.~~

~~**Exception:** The ladder or steps required by Section R310.2.1 shall be permitted to encroach a maximum of 6 inches into the required dimension of the window well.~~

~~R310.2.1 LADDER AND STEPS. Window wells with a vertical depth greater than 44 inches shall be equipped with a permanently affixed ladder or steps usable with the window in the fully open position. Ladders or steps required by this section shall not be required to comply with Sections R311.7 and R311.8. Ladders or rungs shall have an inside width of at least 12 inches, shall project at least 3 inches from the wall and shall be spaced not more than 18 inches on center vertically for the full height of the window well.~~

~~R310.2.2 DRAINAGE. Window wells shall be designed for proper drainage by connecting to the building's foundation drainage system required by Section R405.1 or by an approved alternative method.~~

~~**Exception:** A drainage system for window wells is not required when the foundation is on well-drained soil or sand-gravel mixture soils according to the United Soil Classification System, Group 1~~

Commented [MD38]: All of this section can be removed from the municipal code for the written language within the 2018 code cycle is sufficient and needs no amendment

Soils, as detailed in Table R405.1. This exception must be verified and documented by a soils engineer and/or certified testing agency.

~~R310.3 BULKHEAD ENCLOSURES. Bulkhead enclosures shall provide direct access to the basement. The bulkhead enclosure with the door panels in the fully open position shall provide the minimum net clear opening required by section R310.1.1. Bulkhead enclosures shall also comply with Section R311.7.8.2.~~

~~R310.4 BARS, GRILLS, COVERS AND SCREENS. Bars, grills, covers, screens or similar devices are permitted to be placed over emergency escape and rescue openings, bulkhead enclosures, or window wells that serve such openings, provided the minimum net clear opening size complies with Sections R310.1.1 to R310.1.3, and such devices shall be releasable or removable from the inside without the use of a key, tool, special knowledge or force greater than that which is required for normal operation of the emergency escape and rescue opening.~~

~~R310.5 EMERGENCY ESCAPE WINDOWS UNDER DECKS AND PORCHES. Emergency escape windows are allowed to be installed under decks and porches provided the location of the deck allows the emergency escape window to be fully opened and provides a path not less than 36 inches in height, and a travel distance of not greater than 12 feet to a yard or court. ;hn0; (Code 2003; Ord. 2140, Sec. 1, 2007; Ord. 2279, Sec. 1, 2013)~~

~~4-211. SECTION R313 DELETED.~~

Section R313 of the 2012 IRC is hereby deleted.

4-209 – DELETION OF SECTION R313.2 – ONE- AND TWO-FAMILY DWELLINGS AUTOMATIC FIRE SPRINKLER SYSTEMS

~~SECTION R 313.2 of the IRC 2018 is hereby deleted.~~

(Code 2003; Ord. 2140, Sec. 1, 2007; [Ord. 2279](#), Sec. 1, 2013)

~~4-212. AMENDMENTS TO SECTION R315.1 – CARBON MONOXIDE ALARMS.~~

Section R315.1 of the 2012 IRC is hereby amended to read as follows:

For new construction, an approved carbon monoxide alarm shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms in dwelling units within which fuel-fired appliances are installed and in dwelling units that have attached garages.

Exceptions:

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

(Code 2003; [Ord. 2279](#), Sec. 1, 2013)

~~4-213. - AMENDMENTS TO SECTION R319.1 – ADDRESS NUMBERS.~~

Section R319.1 of the 2012 IRC is hereby amended to read as follows:

Commented [MD39]: All of this content may be removed from the municipal code for the written language within the 2018 code cycle is sufficient.

Commented [MD40]: Section R313.2 requires single and two family dwellings to be equipped with fire sprinklers; The state of Kansas created a law that will not allow any municipality to require fire sprinklers within single and two family dwellings. Kansas laws 2012 Article 16

Commented [MD41]: This section may be removed from the PVMC the verbiage from the 2018 code cycle is sufficient and needs no amendment.

Buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 1/2 inch. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure(s).

(Code 2003; [Ord. 2279](#), Sec. 1, 2013)

~~4-214. SECTION R324 ADDED - EXTERIOR LIGHTING.~~

~~Section R324 of the 2012 IRC is hereby added to read as follows:~~

~~Exterior lighting shall comply with the City of Prairie Village Zoning Regulations Chapter 19.34 Accessory Uses; 19.34.050 Outdoor Lighting. ;hn0; (Code 2003; [Ord. 2279](#), Sec. 1, 2013)~~

4-215210. - AMENDMENTS TO SECTION R401.2 - REQUIREMENTS.

Section R401.2 of the 2012 ~~2012~~ 2018 IRC is hereby amended to read as follows:

Foundation construction shall be capable of accommodating all loads according to Section R301 and of transmitting the resulting loads to the supporting soil. Fill soils that support footings and foundations shall be designed, installed and tested in accordance with accepted engineering practice.

R401.2.1 DESIGN REQUIRED. A design in accordance with accepted engineering practice shall be provided for concrete or masonry foundation walls when any of the following conditions exist:

1. Walls subject to hydrostatic pressure from groundwater.
2. Walls supporting more than 48 inches of unbalanced fill that do not have permanent lateral support at the top and bottom.
3. Sites containing CH, MH, OL, or OH soils as identified in Table R405.1.
4. Foundation walls exceeding 10 feet in height, measured from the top of the wall to the bottom of the slab.
5. Lots identified on the grading plan as having more than 6 feet of fill or having a finished slope steeper than 4 units horizontal to 1 unit vertical before grading.
6. Footings and foundations with existing fill soils below the footing level.
7. Sloping lots greater than 4 to 1 before grading.
8. Lots where some of the footings bear on soil and other footings bear on rock.
9. Areas where problems have historically occurred.
10. Stepped footing and foundation walls.

R401.2.2 CONTINUOUS FOOTING REINFORCEMENT. Continuous footings for basement foundation walls shall have a minimum horizontal reinforcement consisting of not less than two (2) No. 4 bars, uniformly spaced, located a minimum 3 inches clear from the bottom of the footing.

R401.2.3 FOUNDATION ANCHORAGE. The spacing of anchor bolts or foundation anchor straps required by Section R403.1.6 shall be reduced to a maximum of 3 feet on center for basement foundation walls.

(Code 2003; [Ord. 2279](#), Sec. 1, 2013)

4-216211. - AMENDMENTS TO SECTION R405.1 - CONCRETE OR MASONRY FOUNDATIONS.

Commented [MD42]: This section may be removed from the PVMC the verbiage from the IRC 2018 is sufficient and needs no amendments. The new 2018 code cycle includes if required by the Fire code official additional posting of address numbers may be required.

Commented [MD43]: This section maybe removed from the municipal code because the requirement for having to install an exterior light is in section E3903.3 of the IRC 2018, and there is no need to reference 19.34.050 outdoor lighting it is already in the zoning code.

Commented [MD44]: Date change and carryover verbiage from previous code adoption, this section creates new section within the code book for clarity.

Commented [MD45]: These sections are added and carryover from previous code cycle to provide minimum standards for footing reinforcement and anchor bolt spacing which is consistent with Johnson County Building Officials foundation design guidelines.

Section 405.1 of the 2012 ~~2018~~ IRC is hereby amended to read as follows:

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

Exceptions:

1. A drainage system is not required when the foundation is installed on well-drained ground or sand-gravel mixture soils according to the Unified Soil Classification System, Group I Soils, as detailed in Table R405.1 This exception must be verified and documented by a soils engineer and/or a certified testing agency.
2. A filter membrane is not required where perforated drains are covered with at least 18 inches of washed gravel or crushed rock.
3. For gravel or crushed stone drains, a filter membrane is not required when the gravel or crushed stone extends at least 18 inches above the top of the footing.

~~R405.1.1 PRECAST CONCRETE FOUNDATION. Precast concrete foundation walls that retain earth and enclose habitable or useable space located below grade that rest on crushed stone footings shall have a perforated drainage pipe installed below the base of the wall on either the interior or exterior side of the wall, at least 1 foot beyond the edge of the wall. If the exterior drainage pipe is used, an approved filter membrane material shall cover the pipe. The drainage system shall discharge into an approved sewer system or to daylight.~~

(Ord. 1896, Sec. 7, 2996; [Ord. 2279](#), Sec. 1, 2013)

~~4-217. -- AMENDMENTS TO SECTION R501.3 -- OPEN WEB FLOOR TRUSSES.~~

~~Section 501.3 of the 2012 IRC is hereby amended to read as follows:~~

~~Floor assemblies utilizing open web trusses shall be protected on the underneath side of the floor truss with a 1/2 inch gypsum wallboard membrane, 5/8 inch wood structural panel membrane, or equivalent on the underside of the floor framing member.~~

~~**Exceptions:**~~

- ~~1. Floor assemblies located directly over a space protected by an automatic sprinkler system in accordance with Section P2904, NFPA13D, or other approved equivalent sprinkler system.~~
- ~~2. Floor assemblies located directly over a crawl space not intended for storage or fuel-fired appliances.~~
- ~~3. Portions of floor assemblies can be unprotected when complying with the following:~~
 - ~~3.1 The aggregate area of the unprotected portions shall not exceed 80 square feet per story.~~
 - ~~3.2 Fire blocking in accordance with Section R302.11.1 shall be installed along the perimeter of the unprotected portion from the remainder of the floor assembly.~~

([Ord. 2279](#), Sec. 1, 2013)

Commented [MD46]: Date change and section amendment is a carryover from previous code cycle to better define footing drainage, recommended to keep as is on basis of local history and good construction practices.

Commented [MD47]: This section maybe removed from the Municipal code verbiage in 2018 code cycle is sufficient and needs no alterations.

Commented [MD48]: This section maybe removed from the municipal code, this section has been moved to new section 302.13 fire protection of floors and needs no amendment to the verbiage. Okay as written in published code book.

4-218212. - ~~AMENDMENTS-ADDITION OF~~ SECTION R506.3 - DESIGN REQUIRED.

Section 506.3 of the 2012 ~~2018~~ IRC is hereby added to read as follows:

A design in accordance with accepted engineering practice shall be provided for concrete floors when the limitations for fill material set forth in Section R506.2.1 are exceeded.

([Ord. 2279](#) , Sec. 1, 2013)

Commented [MD49]: Date change and new code section added to clarify when a concrete slab is being constructed over more than 24" of backfill material it will require a structural engineered design. This is a carryover from previous cycle.

4-219213. - ~~AMENDMENTS-TO~~ADDITION OF SECTION R506.4 - BASEMENT FLOOR SLAB ISOLATION.

Section R506.4 of the 2012 ~~2018~~ IRC is hereby added to read as follows:

Basement floor slabs shall be isolated from column pads, interior columns and interior bearing walls to facilitate differential movement. Nonbearing walls supported on basement floor slabs shall be provided with a minimum 1 inch expansion joint to facilitate differential movement between the floor slab and the floor framing above. Isolation and/or expansion joint is not required within 6 inches of the exterior walls. ;hn0; ([Ord. 2279](#) , Sec. 1, 2013)

Commented [MD50]: Date change and new code section added to clarify isolation of concrete piers and to address potential movement of walls built over areas that are not directly built over foundational elements. This is a carryover from previous cycle.

~~4-220. - AMENDMENTS TO SECTION R602.6 - DRILLING AND NOTCHING OF STUDS.~~

~~Section 602.6 of the 2012 IRC is hereby amended to read as follows:~~

~~Drilling and notching of studs shall be in accordance with the following:~~

- ~~1. Notching. Any stud in an exterior wall or bearing partition may be cut or notched to a depth not exceeding 25% its width. Studs in nonbearing partitions may be notched to a depth not to exceed 40% of a single stud width.~~
- ~~2. Drilling. Any stud may be bored or drilled, provided that the diameter of the resulting hole is no more than 60% of the stud width, the edge of the hole is no more than 5/8 inch to the edge of the stud, and the hole is not located in the same section as a cut or notch. Studs located in exterior walls or bearing partitions drilled over 40% and up to 60% shall also be doubled with no more than two successive doubled studs bored. See Figures R602.6(1) and R602.6(2).~~

~~**Exception:** Use of approved stud shoes is permitted when they are installed in accordance with the manufacturer's recommendations.~~

~~R602.6.1 DRILLING AND NOTCHING OF TOP PLATE. When piping or ductwork is placed in or partly in an exterior wall or interior load bearing wall, necessitating cutting, drilling or notching of the top plate by more than 50% of its width, a galvanized metal tie not less than 0.054 inch thick (16 ga) and 1 ½ inches wide shall be fastened across and to the plate at each side of the opening with not less than eight 10d(0.148) inch diameter nails having a minimum length of 1 ½ inches at each side or equivalent. The metal tie must extend at least 6 inches past the opening. See Figure R602.6.1.~~

~~**Exception:** When the entire side of the wall with the notch or cut is covered by wood structural panel sheathing.~~

([Ord. 2279](#) , Sec. 1, 2013)

Commented [MD51]: This section can be removed from the municipal code no need for any alterations to this section okay as written in the 2018 Code cycle.

4-221214. - AMENDMENTS TO TABLE N1102.1.1-2 - INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT (a).

Table N1102.1.1 ~~N1102.1.2~~ of the 2012 ~~2018~~ IRC is hereby amended to read as follows:

TABLE N1102.1.1 ~~N1101.1.2~~
INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT (a)

Commented [MD52]: Table numerical change and date change

Climate zone	Fenestration U-factor (b)	Skylight (b) U-factor	Glazed Fenestration SHGC (b) (e)	Ceiling (g) R-value	Wood Frame wall R-value	Mass wall R-value (l)	Floor R-value	Basement wall R-value (c)	Slab (d) R-value & Depth	Crawl space(c) Wall R-value
4	0.32	0.55	0.40	49	15	8/13	19	10/13	10/2ft	10/13

Commented [MD53]: Fenestration U factor performance increased from 0.35 to 0.32 and wood walls above grade performance increased from R13 to R15

- 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 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.~~
- d. ~~R-5 shall be added to the required slab edge R-values for heated slabs.~~
- e. ~~Or insulation sufficient to fill the framing cavity, R-19 minimum.~~
- f. ~~The second R-value applies when more than half the insulation is on the interior of the wall mass.~~
- g. ~~Loose fill insulation shall be installed at the rate recommended by the manufacturer's statement "so many bags per 1000 square foot". 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 N1102.2.~~

Commented [MD54]: Footnotes bullet points changed in new code cycle following in red matched new text 2018 code cycle with one exception

([Ord. 2279](#) , Sec. 1, 2013)

- a. R-values are minimums. U-factors and SHGC are maximums. Where insulation is installed in a cavity, that is less than the label or design thickness of the insulation, the installed R-value 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.
- d. R-5 insulation shall be provided under the full slab area of a heated slab.
- e. There shall be no SHGC requirements in the Marine zone.
- f. ~~Basement wall insulation shall not be required in warm-humid locations as defined by figure N1101.7 and Table N1101.7~~

Commented [MD55]: Johnson county Kansas zoned 4-A not marine table does not indicate it is a warm humid location therefor insulation is required on basement walls R13 Bat insulation-fiber glass or Continuous sheathing R 10.

Commented [MD56]: Note : miss print in code book calls out the wrong figure and table N1101.7 and N1101.7 Table are correct.

- g. Alternatively, insulation sufficient to fill the framing cavity providing not less than R-value of R-19.
- h. The first value is cavity insulation, the second value is continuous insulation. Therefore, as an example, “13+5” means R-13 cavity insulation plus R-5 continuous insulation.
- i. Mass walls shall be in accordance with section N1102.2.5. The second R-value applies where more than half of the insulation is on the interior of the mass wall.

(Ord. 2279, Sec. 1, 2013)

~~4-222. AMENDMENTS TO SECTION N1102.4 – AIR LEAKAGE (MANDATORY).~~

~~Section N1102.4 of the 2012 ~~2018~~ IRC is hereby amended to read as follows:~~

~~The building thermal envelope shall be constructed to limit air leakage in accordance with the requirements of Section N1102.4.1 through N1102.4.4.~~

~~N1102.4.1 BUILDING THERMAL ENVELOPE. The components of the building thermal envelope as listed in Table N1102.4.1.1 shall be installed in accordance with the manufacturer's instructions and the criteria listed in Table N1102.4.1.1, as applicable to the method of construction. Where required by the code official an approved third party shall inspect all components and verify compliance.~~

~~N1102.4.1.2 TESTING. Where required by the code official, the building or dwelling unit shall be tested and verified as having an air leakage rate not exceeding five (5) air changes per hour. Testing shall be conducted with a blower door at a pressure of 0.2 inches w.g. (50 Pascals). Where required by the code official, testing shall be conducted by an approved third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the code official. Testing shall be performed at any time after creation of all penetrations of the building thermal envelope.~~

~~During testing:~~

- ~~1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed, beyond the intended weather-stripping or other infiltration control measures.~~
- ~~2. Dampers, including exhaust, intake, makeup air, backdraft and flue dampers shall be closed, but not sealed beyond intended infiltration control measures.~~
- ~~3. Interior doors, if installed at the time of the test, shall be open.~~
- ~~4. Exterior doors for continuous ventilation systems and heat recovery ventilators shall be closed and sealed.~~
- ~~5. Heating and cooling systems, if installed at the time of the test, shall be turned off.~~
- ~~6. Supply and return registers, if installed at the time of the test, shall be fully open.~~

Commented [MD57]: Date change

Commented [MD58]: This section may be removed from PVMC written language in 2018 code text okay as is.

Commented [MD59]: This section modified to reflect 2018 proposed adoption criteria.

4-215 – AMENDMENT TO SECTION n1102.4.1.2 – TESTING

Section N1102.4.1.2 of the 2018 IRC is hereby amended to read as follows:

N1102.4.1.2 Testing. Where required by the code official, the building or dwelling unit shall be tested and verified as having an air leakage rate not exceeding 5 air changes per hour. Testing shall be conducted with a blower door at a pressure of 0.2 inches w.g. (50 Pascals). Testing shall be conducted by an approved third party. A written report of the results of the test shall be signed by

the party conducting the test and provided to the Code Official. Testing shall be performed at any time after creation of all penetrations of the building thermal envelope. During testing:

1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed, beyond the intended weather-stripping or other infiltration control measures;
2. Dampers including exhaust, intake, makeup air, backdraft and flue dampers shall be closed, but not sealed beyond intended infiltration control measures;
3. Interior doors, if installed at the time of the test, shall be open;
4. Exterior doors for continuous ventilation systems and heat recovery ventilators shall be closed and sealed;
5. Heating and cooling systems, if installed at the time of the test, shall be turned off; and
6. Supply and return registers, if installed at the time of the test, shall be fully open.

Commented [MD60]: New verbiage consistent with all other Johnson county Kansas municipalities, this sections relates to amendment to 303.4 clarifying that maximum air changes per hour allowed is 5 and when air changes are 3 air changes or less per hour whole house mechanical ventilation is required.

4-216 – AMENDMENT TO SECTION N1106.4 – ERI-BASED COMPLIANCE

Section N1106.4 of the 2018 IRC is hereby amended to read as follows

AMENDMENT TO SECTION N1106.4 ERI-BASED COMPLIANCE. Compliance based on an ERI analysis requires that the rated design be shown to have an ERI less than or equal to the appropriate value of 68 when compared to the ERI reference design. Where on-site renewable energy is included for compliance using the ERI analysis of section N1106.4, the building shall meet mandatory requirements of section N1106.2, and the building thermal envelope shall be greater than or equal to the levels of efficiency and SHGC in Table N1102.1.2 or Table N1102.1.4

Commented [MD61]: This section has been amended to reflect ERI score maximum of 68 is required when utilizing an Energy Rating Index method. This Score matches Overland Park.

N1102.4.2 FIREPLACES. New wood burning fireplaces shall have tight-fitting flue dampers and outdoor combustion air.

N1102.4.3 FENESTRATION AIR LEAKAGE. Windows, skylights and sliding glass doors shall have an air infiltration rate of no more than 0.3 cfm per square foot, and swinging doors no more than 0.5 cfm per square foot, when tested according to NFRC 400 or AAMA/WDMA/CSA 01/1.S.2/A 440 by an accredited, independent laboratory and listed and labeled by the manufacturer.

Commented [MD62]: This section may be removed from PVMC written language in 2018 code is sufficient.

Exception: Site-built windows, skylights and doors.

Commented [MD63]: This section may be removed from PVMC written language in 2018 code is sufficient.

N1102.4.4 RECESSED LIGHTING. Recessed luminaires installed in the building thermal envelope shall be sealed to limit air leakage between conditioned and unconditioned spaces. All recessed luminaires shall be IC-rated and labeled as having an air leakage rate not more than 2.0 cfm when tested in accordance with ASTM E 283 at a 1.57 psf(75 pa) pressure differential. All recessed luminaires shall be sealed with a gasket or caulk between the housing and the interior wall or ceiling covering.

Commented [MD64]: This section may be removed from PVMC written language in 2018 code is sufficient.

(Ord. 2279 , Sec. 1, 2013)

4-223. — AMENDMENTS TO TABLE N1102.4.1.1 — AIR BARRIER AND INSULATION INSTALLATION.

Table N1102.4.1.1 of the 2012 IRC is hereby amended to read as follows:

**TABLE N1102.4.1.1
AIR BARRIER AND INSULATION INSTALLATION**

COMPONENT	CRITERIA (a)

Air barrier and thermal barrier	A continuous air barrier shall be installed in the building envelope. Exterior thermal envelope contains a continuous air barrier. Breaks or joints in the air barrier shall be sealed. Air permeable insulation shall not be used as sealing material.
Ceiling/attic	The air barrier in any dropped ceiling/soffit shall be aligned with the insulation and any gaps in the air barrier sealed. Access opening, dropdown stair or knee wall doors to unconditioned attic spaces shall be sealed.
Walls	Corners and the junction of the foundation and sill plate shall be sealed. Exterior thermal envelope insulation for framed walls shall be installed in substantial contact and continuous alignment with the air barrier. Knee walls shall be sealed.
Windows, skylights and doors	The space between window/door jambs and framing and skylights and framing shall be sealed.
Rim joists	Rim shall be sealed to prevent air leakage.
Floors (including above-garage and cantilevered floors)	Insulation shall be installed to maintain permanent contact with underside of subfloor decking. The air barrier shall be installed at any exposed edge of insulation.
Crawl space walls	Where provided in lieu of floor insulation, insulation shall be permanently attached to crawl space walls. Exposed earth in unvented crawl spaces shall be covered with a Class I vapor retarder with overlapping joints taped.
Shafts, penetrations	Duct shafts, utility penetrations and flue shafts opening to exterior or unconditioned space shall be sealed.
Narrow cavities	Batts in narrow cavities shall be cut to fit, or narrow cavities shall be filled with insulation that on installation readily conforms to the available cavity space.
Garage separation	Air sealing shall be provided between the garage and conditioned spaces.
Recessed lighting	Recessed light fixtures installed in the building thermal envelope shall be air tight, IC rated, and sealed to the drywall.
Plumbing and wiring	Batt insulation shall be cut neatly to fit around wiring and plumbing in exterior walls, or insulation that on installation readily conforms to the

	available space shall extend behind piping and wiring.
Shower/tub on exterior wall	Exterior walls adjacent to showers and tubs shall be insulated and the air barrier installed separating them from the showers and tubs.
Electrical/phone box on exterior walls	The air barrier shall be installed behind electrical or communication boxes or air-sealed boxes shall be installed.
HVAC register boots	HVAC register boots that penetrate building thermal envelope shall be sealed to the sub floor or drywall.
Fireplace	An air barrier shall be installed on fireplace walls.

Commented [MD65]: This section may be removed from PVMC written language in 2018 code is sufficient.

([Ord. 2279](#) , Sec. 1, 2013)

4-224. AMENDMENTS TO SECTION N1103.2 – DUCTS.

Section N1103.2 of the 2012 IRC is hereby amended to read as follows:

Ducts and air handlers shall be in accordance with Sections N1103.2.1 through N1103.2.3.

N1103.2.2 SEALING (MANDATORY). Ducts, air handlers, and filter boxes shall be sealed. Joints and seams shall comply with Section M1601.4.1 of this code.

Exceptions:

1. Air-impermeable spray foam products shall be permitted to be applied without additional joint seals.
2. Where a duct connection is made that is partially inaccessible, three (3) screws or rivets shall be equally spaced on the exposed portion of the joint so as to prevent a hinge effect.
3. Continuously welded and locking-type longitudinal joints and seams in ducts operating at static pressures less than 2 inches (2") of water column (500 pa) pressure classification shall not require additional closure systems.

Where required by the code official, duct tightness shall be verified by either of the following:

1. Post-construction test: Total leakage shall be less than or equal to 4cfm (113.3L/min) per 100 square feet (9.29m²) of conditioned floor area when tested at a pressure differential of 0.1 inches w.g. (25 pa) across the entire system, including the manufacturer's air handler enclosure. All register boots shall be taped or otherwise sealed during the test.
2. Rough-in test: Total leakage shall be less than or equal to 4 cfm (113.3 L/min) per 100 square feet (9.29m²) of conditioned floor area when tested at a pressure differential of 0.1 inches w.g. (25 pa) across the system, including the manufacturer's air handler enclosure. All registers shall be taped or otherwise sealed during the test. If the air handler is not installed at the time of the test, total leakage shall be less than or equal to 3 cfm (85L/min) per 100 square feet (9.29m²) of conditioned floor area.

Exceptions:

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

([Ord. 2279](#), Sec. 1, 2013)

~~4-225. AMENDMENTS TO SECTION N1104.1 — LIGHTING EQUIPMENT.~~

~~Section N1104.1 of the 2012 IRC is hereby amended to read as follows:~~

~~Fuel gas systems shall not have continuous burning pilot lights.~~

([Ord. 2279](#), Sec. 1, 2013)

~~4-226. AMENDMENTS TO SECTION AG105.2 — OUTDOOR SWIMMING POOL.~~

~~Section AG105.2 of Appendix G of the 2012 IRC is hereby amended to read as follows:~~

~~An outdoor swimming pool, including an in-ground or above-ground pool, hot tub, or spa, shall be surrounded by a barrier which shall comply with the following:~~

- ~~1. The top of the barrier shall be at least forty-eight (48") above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be two inches (2") measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (4").~~
- ~~2. Openings in the barrier shall not allow the passage of a four inch (4") diameter sphere.~~
- ~~3. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions, except for normal construction tolerances and tooled masonry joints.~~
- ~~4. Where the barrier is composed of horizontal and vertical members, the distance between the tops of the horizontal members shall be equal to or greater than thirty two inches (32"). Where vertical members are spaced one and three-fourths inches (1 ¾") or less the horizontal members shall be allowed to be spaced at a distance less than thirty two inches (32"). The horizontal members shall be located on the swimming pool side of the fence.~~
- ~~5. Maximum mesh size for chain link fences shall be a two and one fourth inch (2 ¼") square, unless the fence has fastened to the top or the bottom which reduce the openings to not more than one and three fourths inch (1 ¾").~~
- ~~6. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than one and three fourths inches (1 ¾").~~
- ~~7. Access gates shall comply with the requirements of Items 1 through 7, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool, and shall be self-closing and have a self-latching device. Gates, other than pedestrian access gates, shall have a self-latching device. Where the release mechanism is located less than fifty four inches (54") from the bottom of the gate, the release mechanism and openings shall comply with the following:~~

Commented [MD66]: This section may be removed from PVMC written language in 2018 code is sufficient.

Commented [MD67]: This section may be removed from PVMC written language in 2018 code is sufficient.

~~7.1 The release mechanism shall be located on the pool side of the gate at least three inches (3") below the top of the gate; and~~

~~7.2 The gate and barrier shall have no opening larger than one half inch (1/2") within eighteen inches (18") of the release mechanism.~~

~~8. Where a wall of the dwelling serves as part of the barrier, one of the following conditions shall be met:~~

~~8.1 The pool shall be equipped with a powered safety cover in compliance with ASTM F 1346.~~

~~8.2 Doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed and labeled in accordance with UL 2017. The deactivation switch(es) shall be located at least fifty four inches (54") above the threshold of the door; or~~

~~8.3 Other means of protection, such as self-closing doors with self-latching devices, which are approved by the Governing Body, shall be acceptable as long as the degree of protection afforded is not less than the protection afforded by Item 8.1 or 8.2 described herein.~~

~~9. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps:~~

~~9.1 The ladder or steps shall be capable of being secured, locked or removed to prevent access; or~~

~~9.2 The ladder or steps shall be surrounded by a barrier which meets the requirements of Items 1 through 8. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a four inch (4") sphere.~~

4-217245 AMENDMENTS TO SECTION **E3902.5** Unfinished basement receptacles. 125-volt, single phase, 15- and 20-ampere receptacles installed in unfinished basements shall have ground-fault circuit-interrupter protection for personnel. For the purpose of this section, unfinished basements are defined as portions or areas of the basement not intended as habitable rooms.

Exceptions: A receptacle supplying only a permanently installed fire alarm, burglar alarm system or where a dedicated single use style receptacle is installed for the sole purpose to supply power to a sump pump and the face of the receptacle cover is labeled not GFCI protected. Receptacles installed in accordance with this exception shall not be considered as meeting the requirement of section E3901.9.

([Ord. 2279](#), Sec. 1, 2013)

ARTICLE 3. - INTERNATIONAL PLUMBING CODE (IPC)

4-301. - INTERNATIONAL PLUMBING CODE INCORPORATED.

~~There is hereby adopted and incorporated by reference that certain plumbing code, known as the "International Plumbing Code," 2012-2018 Edition, and copyrighted 2011-2017 by the International Code Council, Inc., including Appendices B, D, E and F (hereinafter referred to as the "IPC" or "plumbing code") except for the amendments provided in this Article. Not less than three copies of said plumbing code shall be marked or stamped "Official Copy as Adopted by Ordinance No. _____." A copy of this article shall be on file at City Hall, open for inspection and available to the public at all reasonable business hours. The municipal court, and all administrative departments of the city charged with the enforcement of this code shall be supplied, at the cost of the city, with such numbers of official copies similarly marked as deemed expedient.~~

Commented [MD68]: This section may be removed from PVMC written language in 2018 International swimming Pool and Spa Code (ISPC) section 305 code is sufficient. As amended. Section AG105 has been completely removed from the IRC 2018 code cycle.

Commented [MD69]: This exception has been amended to clarify GFCI protection will not be required for sump pumps when they are supplied with a single style receptacle and identified as Not GFCI protected. The intent is to provide a more stable power supply to sump pumps.

The following sections of this article are in addition to, or amendments of, the provisions of the standard code incorporated by reference in Section 4-301.

The International Plumbing Code, 2018 edition, published by the International Code Council, including Appendices B, D, E, and F, hereafter referred to as the 2018 IPC, is hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added, or changed in the City Code. At least one (1) copy of said International Plumbing Code, 2018 edition, will be kept on file in the office of the City Clerk, marked or stamped "Official Copy as Incorporated by Ordinance No. ???," with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

(Code 2003; [Ord. 2280](#), Sec. 1, 2013)

4-302. - AMENDMENTS TO SECTION 101.1 - TITLE.

Section 101.1 of the 2012 2018 IPC is hereby amended to read as follows:

These regulations-provisions shall be known as the International Plumbing Code of the City of Prairie Village, Kansas, hereinafter referred to as the "2018 IPC," "IPC," or "plumbing code".

(Ord. 2054, Sec. 1, 2003; Ord. 2141, Sec. 1, 2007; [Ord. 2280](#), Sec. 1, 2013)

4-303. - SECTION 101.5 ADDED - ADMINISTRATION AND ENFORCEMENT.

Section 101.5 of the 2012 2018 IPC is hereby added to read as follows:

The administrative and enforcement provisions for this code shall be those provisions contained in Sections 103 through 116 of the International Building Code, 2018 edition.

(Ord. 2057, Sec. 2, 2003; Ord. 2141, Sec. 1, 2007; [Ord. 2280](#), Sec. 1, 2013)

4-304. - AMENDMENTS TO SECTION 107.4 - TESTING.

Section 107.4 of the 2012 2018 IPC is hereby amended to read as follows:

Plumbing work and systems shall be tested as required in Section 312 and in accordance with Sections 107.4.1 through 107.4.3. Tests shall be made by the permit holder and observed by the code official as deemed necessary.

107.4.1 NEW, ALTERED, EXTENDED OR REPAIRED SYSTEMS. New plumbing systems and parts of existing systems that have been altered, extended or repaired shall be tested as prescribed herein to disclose leaks and defects, except that testing is not required in the following cases:

1. In any case that does not include addition to, replacement, alteration or relocation of any water supply, drainage or vent piping.
2. In any case where plumbing equipment is set up temporarily for exhibition purposes.

107.4.2 EQUIPMENT, MATERIAL AND LABOR FOR TESTS. All equipment, material and labor required for testing a plumbing system or part thereof shall be furnished by the permit holder.

107.4.3 REINSPECTION AND TESTING. Where any work or installation does not pass any initial test or inspection, the necessary correction shall be made to comply with this code. The work or installation shall then be re-submitted to the code official for inspection and testing.

(Code 2003; Ord. 2141, Sec. 1, 2007; [Ord. 2280](#), Sec. 1, 2013)

Commented [MD70]: Date change and this section provides consistency of enforcement regulation referring all to one document.

Commented [MD71]: Date changes and code section added verbiage as deemed necessary carry over from previous code cycle give the Building official more ability of enforcement.

Commented [MD72]: This content is verbatim to code text left in because its applicable to a amendment. .

4-305. - AMENDMENTS TO SECTION 305.4 - FREEZING.

Section 305.4 of the 2012 ~~2018~~ IPC is hereby amended to read as follows:

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 temperatures 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 six inches (6") below the frost line. The frost line depth for the City of Prairie Village is thirty six inches (36").

(Code 2003; Ord. 2141, Sec. 1, 2007; [Ord. 2280](#), Sec. 1, 2013)

Commented [MD73]: Date change, information is a carryover from previous cycle, frost depths must be determined by the local authority.

~~4-306. - AMENDMENTS TO TABLE 403.1 - MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES (a).~~

~~Table 403.1 of the 2012 IPC is hereby amended to read as follows:~~

TABLE 403.1
MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES (a)
 (See Sections 403.2 and 403.3)

No.	Classification	Occupancy	Description	Water closets (Urinals See Section 419.2)	Lavatories	Bathtubs/Showers	Drinking Fountain (e)(f) See Section 410.1)	Other
1	Assembly	A-1 (d)	Theaters and other buildings for the performing arts and motion pictures	Male—1 per 125 Female—1 per 65	1 per 200	-	1 per 500	1 service sink
	Assembly	A-2 (d)	Nightclubs, bars, taverns, dance halls and buildings for similar purposes Restaurants, banquet halls and food courts	Male—1 per 40 Female—1 per 40 Male—1 per 75 Female—1 per 75	1 per 75 1 per 200	-	1 per 500	1 service sink
	Assembly	A-3 (d)	Auditoriums without permanent seating, art galleries, exhibition halls, museums, lecture halls, libraries, arcades and gymnasiums	Male—1 per 125 Female—1 per 65	1 per 200	-	1 per 500	1 service sink
			Passenger terminals and transportation	Male—1 per 500	1 per 750	-	1 per	1 service sink

			facilities	Female—1 per 500			1000	
			Places of worship and other religious services	Male—1 per 150 Female—1 per 75	1 per 200	-	1 per 1000	1 service sink
1 (cont.)	Assembly	A-4	Coliseums, arenas, skating rinks, pools and tennis courts for indoor sporting events and activities	Male—1 per 75 for the first 1500 and 1 per 120 for the remainder exceeding 1500 Female—1 per 40 for the first 1520 and 1 per 60 for the remainder exceeding 1520	Male—1 per 200 Female—1 per 150	-	1 per 1000	1 service sink
	Assembly	A-5	Stadiums, amusement parks, bleachers and grandstands for outdoor sporting events and activities	Male—1 per 75 for the first 1500 and 1 per 120 for the remainder exceeding 1500 Female—1 per 40 for the first 1520 and 1 per 60 for the remainder exceeding 1520	Male—1 per 200 Female—1 per 150	-	1 per 1000	1 service sink
2	Business	B	Buildings for the transaction of business, professional services, other services involving merchandise, office buildings, banks,	1 per 25 for the first 50 and 1 per 50 for the remainder exceeding 50	1 per 40 for the first 80 and 1 per 80 for the remainder exceeding 80	-	1 per 100	1 service sink (6)

			light industrial and similar uses					
3	Educational	E	Educational facilities	1 per 50	1 per 50	-	1 per 100	1 service sink
4	Factory and Industrial	F-1 and F-2	Structures in which occupants are engaged in work fabricating, assembly, or processing of products or materials	1 per 100	1 per 100	See Section 411	1 per 400	1 service sink
5	Institutional	I-1	Residential care	1 per 10	1 per 10	1 per 8	1 per 100	1 service sink
	Industrial	I-2	Hospitals, ambulatory nursing home care recipient	1 per room (e)	1 per room (e)	1 per 15	1 per 100	1 service sink per floor
5 cont.			Employees, other than residential care (b)	1 per 25	1 per 25	-	1 per 100	-
			Visitors other than residential care	1 per 75	1 per 100	-	1 per 500	-
	Industrial	I-3	Prisons (b)	1 per cell	1 per cell	1 per 15	1 per 100	1 service sink
	Industrial	I-4	Adult day care and child day care	1 per 15	1 per 15	1	1 per 100	1 service sink
6	Mercantile	M	Retail stores, service stations, shops, salesrooms, markets and shopping centers	1 per 500	1 per 750	-	1 per 1000	1 service sink (b)
7	Residential	R-1	Hotels, Motels, boarding houses (transient)	1 per sleeping unit	1 per sleeping unit	1 per sleeping unit	-	1 service sink
	Residential	R-2	Dormitories, fraternities, sororities and boarding houses	1 per 10	1 per 10	1 per 8	1 per 100	1 service sink

			(non-transient)					
	Residential	R-2	Apartment house	1-per dwelling unit	1-per dwelling unit	1-per dwelling unit	-	1 kitchen sink per dwelling unit; 1 automatic clothes washer connection per 20 dwelling units
	Residential	R-3	Congregate living facilities with 16 or fewer persons	1-per 10	1-per 10	1-per 8	1-per 100	1 service sink
7	Residential	R-3	One and two family dwellings	1-per dwelling unit	1-per dwelling unit	1-per dwelling unit	-	1 kitchen sink per dwelling unit; 1 automatic clothes washer connection per dwelling unit
	Residential	R-4	Congregate living facilities with 16 or fewer persons	1-per 10	1-per 10	1-per 8	1-per 100	1 service sink
8	Storage	S-1 S-2	Structures for the storage of goods, warehouses, storehouse and freight depots. Low and Moderate Hazard	1-per 100	1 per 100	See Section 411	1-per 1000	1 service sink

- a. The fixtures shown are based on one fixture being the minimum required for the number of persons indicated or any fraction of the number of persons indicated. The number of occupants shall be determined by the International Building Code.
- b. Toilet facilities for employees shall be separate from facilities for inmates or care recipients.
- c. A single-occupant toilet room with one water closet and one lavatory serving not more than two adjacent patient sleeping units shall be permitted where such room is provided with direct access from each patient sleeping unit and with provisions for privacy.
- d. The occupant load for seasonal outdoor seating and entertainment areas shall be included when determining the minimum number of facilities required.

~~e. The minimum number of required drinking fountains shall comply with Table 403.1 and Chapter 11 of the International Building Code.~~

~~f. Drinking fountains are not required for an occupant load of 15 or fewer.~~

~~g. For business and mercantile occupancies with an occupant load of 15 or fewer, service sinks shall not be required.~~

Commented [MD74]: This section is not required within the PVMC for the written text in the 2018 IPC is sufficient.

(Code 2003; Ord. 2141, Sec. 1, 2007; [Ord. 2280](#), Sec. 1, 2013)

ARTICLE 4. - INTERNATIONAL MECHANICAL CODE (IMC)

4-401. - INTERNATIONAL MECHANICAL CODE INCORPORATED.

~~There is hereby adopted and incorporated by reference that certain International Mechanical Code, 2012-2018 edition and copyrighted in 2011-2017 by the International Code Congress, including Appendix A thereof (hereinafter referred to as the "IMC" or mechanical code). One copy of the Mechanical Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. _____." A copy of this article shall be attached to each mechanical code copy and shall be filed with City Hall to be open for inspection and available to the public at all reasonable business hours. The municipal court and all administrative departments of the city charged with the enforcement of this code shall be supplied, at the cost of the city, with such numbers of official copies similarly marked as deemed expedient.~~

The *International Mechanical Code, 2018 edition*, published by the International Code Council, including Appendix A thereof, hereafter referred to as the 2018 IMC, is hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added, or changed in the City Code. At least one (1) copy of said *International Mechanical Code, 2018 edition*, will be kept on file in the office of the City Clerk, marked or stamped "Official Copy as Incorporated by Ordinance No. ???," with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

(Ord. 1700, Sec. 1, 2990; [Ord. 2281](#), Sec. a, 2013)

4-402. - AMENDMENTS TO SECTION 101.1 - TITLE.

Section 101.1 of the ~~2012~~ **2018** IMC is hereby amended to read as follows:

These regulations shall be known as the International Mechanical Code of the City of Prairie Village, Kansas, hereinafter referred to as the "**2018 IMC**," "IMC" or "~~this mechanical c~~Code".

(Code 2003; [Ord. 2281](#), Sec. 1, 2013)

4-403. - SECTION 101.5 ADDED - ADMINISTRATION AND ENFORCEMENT.

~~Section 101.5 of the 2012~~ **2018** IMC is hereby added to read as follows:

~~The administration and enforcement provisions for this Code shall be those provisions contained in Sections 103 through 116 of the International Building Code, 2018 edition.~~

Commented [MD75]: Date change and provides consistency for enforcement

(K.S.A. 17-1914; Code 1973, 16.08.020; Code 2003; [Ord. 2281](#), Sec. 1, 2013)

4-404. - SECTION 102.12 ADDED - STATE BOILER INSPECTOR.

~~Section 102.12 of the 2012~~ **2018** IMC is hereby added to read as follows:

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 the 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 250 psi.

(Ord. 1700, Sec. 1; [Ord. 2281](#), Sec. 1, 2013)

ARTICLE 5. - INTERNATIONAL FUEL GAS CODE (IFGC)

4-501. - INTERNATIONAL FUEL GAS CODE INCORPORATED.

~~There is hereby adopted and incorporated by reference that certain fuel gas code known as the "International Fuel Gas Code", 2012-2018 edition, copyright 2011-2017 by the International Code Council (hereinafter referred to as the "IFGC" or "this Code"), except for the amendments provided in this Article. Not less than one copy of the Fuel Gas Code shall be marked or stamped "Official Copy as adopted by Ordinance No. _____." A copy of this article shall be attached to each Fuel Gas Code copy and shall be filed with City Hall to be open for inspection and available to the public at all reasonable business hours. The municipal court and all administrative departments of the city charged with the enforcement of this code shall be supplied, at the cost of the city, with such numbers of official copies similarly marked as deemed expedient.~~

The *International Fuel Gas Code, 2018 edition*, published by the International Code Council, hereafter referred to as the 2018 IFGC, is hereby adopted by reference and made a part of this Chapter and Article, save and except such parts or portions thereof as are specifically deleted, added, or changed in the City Code. At least one (1) copy of said *International Fuel Gas Code, 2018 edition*, will be kept on file in the office of the City Clerk, marked or stamped "Official Copy as Incorporated by Ordinance No. ???," with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

(Ord. 1845, Sec. 1, 1994; [Ord. 2282](#), Sec. 1, 2013)

4-502. - AMENDMENTS TO SECTION 101.1 - TITLE.

Section 101.1 of the IFGC is hereby amended to read as follows:

These regulations shall be known as the Fuel Gas Code of the City of Prairie Village, Kansas, hereinafter referred to as the "IFGC" or "this code".

(Ord. 1845, Sec. 1, 1994; [Ord. 2282](#), Sec. 1, 2013)

4-503. - SECTION 101.5 ADDED - ADMINISTRATION AND ENFORCEMENT.

Section 101.5 of the ~~2012~~ 2018 IFGC is hereby added to read as follows:

The administrative and enforcement provisions for this Code shall be those provisions contained in Sections 103 through 116 of the international Building Code.

Commented [MD76]: Date change and carry over from previous code cycle section is added to the code to clarify the Kansas state boiler inspector is required to inspect certain boilers.

Commented [MD77]: Date change and amendment added for consistency of enforcement.

(Ord. 1845, Sec. 1, 1994; Ord. 2076, Sec. 1, 2004; [Ord. 2282](#), Sec. 1, 2013)

~~4-504. - SECTION 301.16 ADDED - PROTECTION FROM PHYSICAL DAMAGE.~~

Section 301.6 of the 2012 IFGC is hereby added to read as follows:

Where meters supplying fuel gas are located adjacent to parking spaces or vehicular driveways, they shall be protected from physical damage per Section 312 of the International Fire Code.

AMENDMENTS TO SECTION 303.4 - PROTECTION FROM VEHICLE IMPACT DAMAGE.

Section 303.4 of the 2018 IFGC is hereby amended to read as follows:

Appliances and gas meters shall not be installed in a location subject to vehicle impact damage unless protected from vehicle impact damage per Section 312 of the International Fire Code.

Commented [MD78]: Amendment added to clarify vehicle impact design criteria per section 312 if the IFC 2018

(Ord. 1845, Sec. 1, 1994; Ord. 2076, Sec. 1, 2004; [Ord. 2282](#), Sec. 1, 2013)

ARTICLE 6. - INTERNATIONAL ENERGY CONSERVATION CODE (IECC)

4-601. - INTERNATIONAL ENERGY CONSERVATION CODE INCORPORATED.

~~There is hereby adopted and incorporated by reference that certain energy conservation code known as the "International Energy Conservation Code", 2012-2018 edition, copyright 2011 2nd printing August 2018 by the International Code Council (hereinafter referred to as the "IECC" or "this Code"), except for the amendments provided in this Article. Not less than one copy of the Energy Conservation Code shall be marked or stamped "Official Copy as adopted by Ordinance No. _____". A copy of this article shall be attached to each Energy Conservation Code copy and shall be filed with City Hall to be open for inspection and available to the public at all reasonable business hours. The municipal court and all administrative departments of the city charged with the enforcement of this code shall be supplied, at the cost of the city, with such numbers of official copies similarly marked as deemed expedient.~~

Commented [MD79]: Date change

~~The *International Energy Conservation Code, 2018 edition*, published by the International Code Council hereafter referred to as the 2018 IECC, is hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added, or changed in the City Code. At least one (1) copy of said *International Energy Conservation Code, 2018 edition*, will be kept on file in the office of the City Clerk, marked or stamped "Official Copy as Incorporated by Ordinance No. ???," with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.~~

(Ord. 2055, Sec. 1, 2003; Ord. 2142, Sec. 1, 2007; [Ord. 2283](#), Sec. 1, 2013)

4-602. - AMENDMENTS TO SECTION 101.1 - TITLE.

Section 101.1 of the 2042 2018 IECC is hereby amended to read as follows:

These regulations shall be known as the International Energy Conservation Code of the City of Prairie Village, Kansas, hereinafter referred to as the "IECC" or "this code".

SECTION C101.1.1 ADDED City of Prairie Village Design Criteria for Energy Code Compliance shall be Climate zone 4 Not Marine

Commented [MD80]: This section added to clarify Prairie Village is zoned 4A not Marine.

Section C101.1.2 **ADDED, Applicability.** One and two Family Dwellings and townhouses shall comply with the IRC 2018 as amended for energy code compliance all other Residential occupancies identified in the IBC 2018 Chapter 3 such as R1, R2, R3 and R4 shall comply with IECC 2018 with the exception of R3 and R4 facilities that are allowed within one or two family dwellings they then shall use the IRC 2018 for energy code compliance.

Commented [MD81]: This section added with the intent to clarify which energy code should be used with which type of residential building.

(Ord. 1976, Sec. 3, 1999; Ord. 2142, Sec. 1, 2007; [Ord. 2283](#), Sec. 1, 2013)

4-603. AMENDMENTS TO TABLE C402.2—OPAQUE THERMAL ENVELOPE REQUIREMENTS (a) FOR CLIMATE ZONE 4.

Table C402.2 of the 2012 IECC is hereby amended to read as follows:

**TABLE C402.2
OPAQUE THERMAL ENVELOPE REQUIREMENTS (a) FOR CLIMATE ZONE 4**

Roofs	All other	Group R
Insulation(f) entirely above deck	R-20ci	R-20ci
Metal buildings (with R-5 thermal blocks) (a) (b)	R-19 + R-11 LS	R-19 + R-11 LS
Attic and other	R-38	R-38
Walls, Above grade	All other	Group R
Mass	R-9.5ci	R-11.4ci
Metal building	R-13 + R-13ci	R-13 + R-13ci
Metal framed	R-13 + R-7.5ci	R-13 + R-7.5ci
Wood framed(f)	R-13	R-13
Walls, below grade	All other R-7.5ci	Group R R-7.5ci

Floors	All-Other	Group-R
Mass	R-10 ^{ci}	R-10.4 ^{ci}
Joist/framing(e)	R-30	R-30
Slab-on-grade Floors	All-other	Group-R
Unheated slabs	R-10 for 24" below	R-10 for 24" below
Heated slabs	R-15 for 24" below	R-15 for 24" below
Opaque Doors	All-other	Group-R
Swinging	U-0.61	U-0.61
Roll-up or sliding	R-4.75	R-4.75

-

For SI: 1 inch = 25.4mm. ci= continuous insulation NR=no requirement LS= liner system (a continuous membrane installed below the purlins and uninterrupted by framing members. Uncompressed, unfaced insulation rests on top of the membrane between the purlins).

- a. Assembly descriptions can be found in ANSI/ASHRAE/IESNA Appendix A.
- b. Where using R-value compliance method, a thermal spacer block shall be provided, otherwise use the U-factor compliance method in Table C402.1.2.
- c. R-5.7^{ci} is allowed to be substituted with concrete block walls complying with ASTM C90; ungrouted or partially grouted at 32" or less on center vertically and 48" or less on center horizontally with ungrouted cores filled with materials having a maximum thermal conductivity of 0.44 Btu-in/h-ft²°F.
- d. Where heated slabs are below grade, below-grade walls shall comply with the exterior insulation requirements for heated slabs.
- e. Steel floor joist systems shall be insulated to R-38.
- f. The U-factors shown in Table C402.1.2 shall be adjusted to correspond with the R-values shown in this table.

(Ord. 2283, Sec. 1, 2013)

~~4-604. AMENDMENTS TO SECTION C402.3 FENESTRATION(PRESCRIPTIVE).~~

Section C402.3 of the 2012 IECC is hereby amended to read as follows:

Fenestration shall comply with Table C402.3. Automatic day-lighting controls specified by this section shall comply with Section C405.2.2.3.2.

C402.3.1 MAXIMUM AREA. The vertical fenestration area (not including opaque doors and opaque spandrel panels) shall not exceed forty percent (40%) of the gross above-grade wall area. The skylight area shall not exceed three percent (3%) of the gross roof area.

~~4-605. SECTION C406 DELETED.~~

Section C406 of the 2012 IECC is hereby deleted.

(~~Ord. 2283~~, Sec. 1, 2013)

Commented [MD82]: This section does not need to be added into the PVMC written text within code book is sufficient.

~~4-606. SECTION C408 DELETED.~~

Section C408 of the 2012 IECC is hereby deleted.

Commented [MD83]: Section does not need to be deleted from 2018 code cycle.

(~~Ord. 2283~~, Sec. 1, 2013)

~~4-607. AMENDMENTS TO TABLE R402.1.1 INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT (a).~~

Table R402.1.1 of the 2012 IECC is hereby amended to read as follows:

Table R402.1.1
INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT (a)

Climate Zone	Fenestration U-factor (b)	Skylight (b) U-factor	Glazed Fenestration SHGC (b)	Ceiling (g) R-value	Wood-Frame Wall R-value	Mass-Wall R-value (f)	Floor R-value	Basement-Wall R-value (c)	Slab (d) R-value & Depth	Crawl-Space (c) Wall R-value
4	0.35	0.55	0.40	49	13	8/13	19	10/13	NR	10/13

- a. R-values are minimums. U-factors and SHGC are maximums. 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.
- d. R-5 shall be added to the required slab edge R-values for heated slabs.
- e. Or insulation sufficient to fill the framing cavity, R-19 minimum.
- f. The second R-value applies when more than half the insulation is on the interior of the mass wall.

g. 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 R402.2.

([Ord. 2283](#), Sec. 1, 2013)

4-609. AMENDMENTS TO SECTION R402.4 AIR LEAKAGE (MANDATORY).

Section R402.4 of the 2012 IECC is hereby amended to read as follows:

The building thermal envelope shall be constructed to limit air leakage in accordance with the requirements of Sections R402.4.1.1 and R402.4.1.2.

R402.4.1 BUILDING THERMAL ENVELOPE. The building thermal envelope shall comply with Section R402.4.1.1 and R402.4.1.2. The sealing methods between dissimilar materials shall allow for differential expansion and contractions:

R402.4.1.1 INSTALLATION. The components of the building thermal envelope as listed in Table R402.4.1.1 shall be installed in accordance with the manufacturer's instructions and the criteria listed in Table R402.4.1.1, as applicable to the method of construction. Where required by the code official, an approved third party shall inspect all components and verify compliance.

R402.4.1.2 TESTING. Where required by the code official, the building or dwelling unit shall be tested and verified as having an air leakage rate not exceeding 5 air changes per hour. Testing shall be conducted with a blower door at a pressure of 0.2 inches w.g. (50 Pascals). Where required by the code official, testing shall be conducted by an approved third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the code official. Testing shall be performed at any time after creation of all penetrations of the building thermal envelope.

During testing:

1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed, beyond the intended weather-stripping or other infiltration control measures;
2. Dampers including exhaust, intake, makeup air, backdraft and flue dampers shall be closed, but not sealed beyond intended infiltration control measures;
3. Interior doors, if installed at the time of the test, shall be open;
4. Exterior doors for continuous ventilation systems and heat recovery ventilators shall be closed and sealed;
5. Heating and cooling systems, if installed at the time of the test, shall be turned off; and
6. Supply and return registers, if installed at the time of the test, shall be fully open.

R402.4.2 FIREPLACES. New wood burning fireplaces shall have tight-fitting flue dampers and outdoor combustion air.

R402.4.3 FENESTRATION AIR LEAKAGE. Windows, skylights, and sliding glass doors shall have an air infiltration rate of no more than 0.3 cfm per square foot, and swinging doors no more than 0.5 cfm per square foot, when tested according to NFRC 400 or AAMA/WDMA/CSA 101/I.S.2/A440 by an accredited, independent laboratory and listed and labeled by the manufacturer.

Exception: Site built windows, skylights and doors.

R402.4.4 RECESSED LIGHTING. Recessed luminaires installed in the building thermal envelope shall be sealed to limit air leakage between conditioned and unconditioned spaces. All recessed luminaires shall be IC-rated and labeled as having an air leakage rate not more than 2.0 cfm when tested

Commented [MD84]: This section may be removed from the Municipal code for the written text in the IECC 2018 is sufficient as is. For the purpose and intent of commercial projects they shall comply 100% with requirements as stated in the code.

in accordance with ASTM E 283 at a 1.57 psf (75 Pa) pressure differential. All recessed luminaires shall be sealed with a gasket or caulk between the housing and the interior wall or ceiling covering. (Ord. 2283, Sec. 1, 2013)

4-609. AMENDMENTS TO SECTION R403.2 — DUCTS.

Section R403.2 of the 2012 IECC is hereby amended to read as follows:

Ducts and air handlers shall be in accordance with Sections R403.2.1 through R403.2.3.

R403.2.2 SEALING (MANDATORY). Ducts, air handlers, and filter boxes shall be sealed. Joints and seams shall comply with the International Mechanical Code.

Exceptions:

1. Air-impermeable spray foam products shall be permitted to be applied without additional joint seals.
2. Where a duct connection is made that is partially inaccessible, three screws or rivets shall be equally spaced on the exposed portion of the joint so as to prevent a hinge effect.
3. Continuously welded and locking-type longitudinal joints and seams in ducts operating at static pressures less than 2 inches (2") of water column (500 Pa) pressure classification shall not require additional closure systems.

Where required by the code official, duct tightness shall be verified by either of the following:

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

Exceptions:

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

R403.2.2.1 SEALED AIR HANDLER. Air handlers shall have a manufacturer's designation for an air leakage of no more than two percent (2%) of the design air flow rate when tested in accordance with ASHRAE 193.

R403.2.3 BUILDING CAVITIES (MANDATORY). Building framing cavities shall not be used for ducts or plenums.

(Ord. 2283, Sec. 1, 2013)

4-610. AMENDMENTS TO SECTION R403.4 — SERVICE HOT WATER SYSTEM.

Section R 403.4 of the 2012 IECC is hereby amended to read as follows:

Energy conservation measures for service hot water systems shall be in accordance with Section R403.4.1.

Commented [MD85]: All of these sections can be enforced as written in the IECC 2018 code book with no amendments

Commented [MD86]: All of these sections may be enforced as written in the IECC 2018 with no amendments

R403.4.1 CIRCULATING HOT WATER SYSTEMS (MANDATORY). Circulating hot water systems shall be provided with an automatic or readily accessible manual switch that can turn off the hot water circulating pump when the system is not in use.

([Ord. 2283](#), Sec. 1, 2013)

4-611. - AMENDMENTS TO SECTION R404.1 - LIGHTING EQUIPMENT (MANDATORY).

Section 404.1 of the 2012 IECC is hereby amended to read as follows. Fuel gas lighting systems shall not have continuously burning pilot lights.

([Ord. 2283](#), Sec. 1, 2013)

ARTICLE 7. - NFPA70: NATIONAL ELECTRICAL CODE (NEC)

4-701. - NFPA 70: NATIONAL ELECTRICAL CODE INCORPORATED.

There is hereby adopted and incorporated by reference that certain electrical code known as "NFPA 70: National Electrical Code", 2011-2017 edition, copyrighted in 2010-2016 by the National Fire Protection Association, Inc. (hereinafter referred to as the "NEC" or "this Code"), except for the amendments provided in this Article. Not less than three copies of the NEC shall be marked or stamped "Official Copy as adopted by Ordinance No. _____. A copy of this article shall be attached to each NEC copy and shall be filed with City Hall to be open to the public at all reasonable business hours. The municipal court and all administrative departments of the City charged with the enforcement of this code shall be supplied, at the cost of the City, with such numbers similarly marked as deemed expedient.

The *NFPA 70: National Electrical Code, 2017 edition*, published by the National Fire Protection Association, Inc. is hereby adopted by reference and made a part of this Chapter and Article, save and except such parts or portions thereof as are specifically deleted, added, or changed in the City Code. At least one (1) copy of said *NFPA 70: National Electrical Code, 2017 edition*, will be kept on file in the office of the City Clerk, marked or stamped "Official Copy as Incorporated by Ordinance No. ???," with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

(Ord. 2052, Sec. 1, 2003; Ord. 2143, Sec. 1, 2007; [Ord. 2284](#), Sec. 1, 2013)

4-702. - SECTION 90.10 ADDED - ADMINISTRATION AND ENFORCEMENT.

Article 90, Section 90.10 of the NEC 2017 is hereby added to read as follows:

The administrative provisions for this code shall be those provisions contained in Sections 103 through 116 of the International Building Code. (Ord. 20452, Sec. 2, 2003; [Ord. 2284](#), Sec. 1, 2013)

4-703. - AMENDMENTS TO SECTION 210.12 - ARC FAULT CIRCUIT INTERRUPTER PROTECTION.

Article 210, Section 210.12 of the NEC is hereby amended to read as follows:

A. Dwelling Units. All branch circuits that supply 120-volt, single phase 15 and 20 ampere receptacles installed in bedrooms shall be protected by a combination type arc-fault circuit interrupter installed to provide protection of the branch circuit.

Exceptions:

1. If RMC, IMC, EMT, type MC, or steel armored type AC cables meeting the requirements of Section 250.118 and metal outlet and junction boxes are installed for the portion of the

Commented [MD87]: All of these code sections may be enforced as written within the IECC 2018 with no amendments.

Commented [MD88]: This section is added for consistency with enforcement.

branch circuit between the branch-circuit overcurrent device and the first outlet, it shall be permitted to install an outlet branch-circuit type AFCI at the first outlet to provide protection for the remaining portion of the branch circuit.

2. Where a listed metal or nonmetallic conduit or tubing is encased in not less than two inches (2") of concrete for the portion of the branch circuit between the branch-circuit overcurrent device and the first outlet, it shall be permitted to install an outlet branch-circuit type AFCI at the first outlet to provide protection for the remaining portion of the branch circuit.

3. Where an individual branch circuit to a fire alarm system installed in accordance with Section 760.121 (B) is installed in RMC, IMC, EMT, or steel-sheathed cable type AC or type MC, meeting the requirements of Section 250.118, with metal outlet and junction boxes, AFCI protection shall be permitted to be omitted.

B. Branch circuit extensions or modifications dwelling units. If any of the areas specified in Section 210.12(A), where branch-circuit wiring is modified, replaced, or extended, the branch circuit shall be protected by one of the following:

1. A listed combination-type AFCI located at the origin of the branch circuit.

2. A listed outlet branch-circuit type AFCI located at the first receptacle outlet of the existing branch circuit.

(Ord. 2052, Sec. 3, 2003; [Ord. 2284](#), Sec. 1, 2013)

4-704. AMENDMENTS TO SECTION 334.10 USES PERMITTED.

Article 334, Section 334.10 of the NEC is hereby amended to read as follows:

Type NM, Type NMC, and Type NMS cables shall be permitted to be used in the following:

1. One and two family dwellings and their attached or detached garages and their storage buildings.

2. Multi-family dwellings except as prohibited in Section 334.12.

3. Other structures except as prohibited in Section 334.12. Cables shall be concealed within walls, floors, or ceilings that provide a thermal barrier of material that has at least a 15 minutes finish rating as identified in listings of fire-rated assemblies.

4. Cable trays, where the cables are identified for the use:

A. Type NM. Type NM cable shall be permitted as follows:

1. For both exposed and concealed work in normally dry locations except as prohibited in Section 334.10(3).

2. To be installed or fished in air voids in masonry block or tile walls.

B. Type NMC. Type NMC cable shall be permitted as follows:

1. For both exposed and concealed work in dry, moist, damp, or corrosive locations, except as prohibited in Section 334.10(3).

2. In outside and inside walls of masonry block or tile walls.

3. In a shallow chase in masonry, concrete, or adobe protected against nails or screws by a steel plate at least 1/16 inch thick and covered with plaster, adobe, or similar finish.

C. Type NMS. Type NMS cable shall be permitted as follows:

1. For both exposed and concealed work in normally dry locations except as prohibited in Section 334.10(3).

Commented [MD89]: This section may be removed from PVMC the text within the NEC and IRC regarding Arch fault protection may be enforced as written with no amendments. The difference summarized as within residential homes arch fault protection is required for all circuits other than ones required to be GFCI protected that are 120 volt electrical outlets, the previous 2012 cycle required this but was amended to reflect arch fault protection only required for electrical outlets within sleeping areas only.

~~2. To be installed or fished in air voids in masonry block or tile walls.~~

~~3. To be used as permitted in Article 780.~~

~~(Ord. 2088, Sec. 1, 2004; Ord. 2284, Sec. 1, 2013)~~

~~4-705. ARTICLE 406 SECTION 406.12 DELETED.~~

~~Article 406 Section 406.12 (Tamper-Resistant Receptacles in Dwelling Units) of the NEC is hereby deleted.~~

(Ord. 2052, Sec. 4, 2003; Ord. 2284, Sec. 1, 2013)

ARTICLE 8. - ASSOCIATION NOTIFICATION OF CONSTRUCTION ACTIVITY

4-801. - INTENT.

The purpose of this Article is to establish procedures for notifying homes associations of planned construction activity occurring within association boundaries.

(Ord. 2150, Sec. 1, 2007; Ord. 2285, Sec. 1, 2013)

4-802. - DEFINITIONS.

As used in this Article, unless the context otherwise requires:

- (a) "Construction activity" means any improvement, construction, renovation or demolition of a single-family residential property requiring a permit issued by the City and which meets any of the following:
 - (1) Involves the partial or total demolition of a residential structure;
 - (2) Increases the interior square footage of a residential structure; or
 - (3) Alters the building footprint of a residential structure.
- (b) "Homes Association" means any legally constituted homes association, including any homeowners' association or residential condominium or townhome owners' association representing property within the City, whose formation is recorded through its Articles of Incorporation filed with the State of Kansas and/or recognized through filings with the Johnson County, Kansas, County Clerk's Office.

(Ord. 2150, Sec. 1, 2007; Ord. 2285, Sec. 1, 2013)

4-803. - HOMES ASSOCIATION REGISTRATION.

- (a) In order to receive notice of construction activity as described in this Article, the homes' association must register with the Codes Administration Department by completing a form provided by the City and supplying information including but not limited to:
 - (1) The name of the homes' association;
 - (2) The boundaries of the association, including addresses of all properties within the association's boundaries;

Commented [MD90]: All of these sections may be enforced as written within the NEC 2017 code text no need to place within the PVMC.

Commented [MD91]: This section maybe enforced as written within the NEC 2017, it is now common practice that tamper resistant receptacles are installed in new construction and the products are readily available. They were previously required in the code but was amended out mostly due to product availability at the time regarding GFCI products being tamper resistant.

Commented [MD92]: Note this section is not referring to neighborhood notification as required per PVZC regarding R1A and R1B structures when being Demolished and rebuilt. This is for HOA notifications.

- (3) A copy of the association's Articles of Incorporation or similar document; and
 - (4) The name and address of the individual designated to receive notices from the City as required by this Article.
- (b) It shall be the responsibility of the homes' association to notify the City of changes to its name, boundaries or contact information.
- (c) There shall be no registration fee charged for homes associations.

(Ord. 2150, Sec. 1, 2007; [Ord. 2285](#), Sec. 1, 2013)

4-804. - NOTIFICATION PROCEDURE.

- (a) Upon receipt of a construction permit application, the City shall determine whether the location of the proposed construction activity is to occur at a single-family residence within the boundaries of a registered homes' association.
- (b) If the proposed construction activity is to occur at an address within the boundaries of a registered homes' association, the City shall, within five (5) business days of receipt of the permit application, send notice to the individual identified according to 4-903(a)(4). The notice shall be delivered by United States mail and/or, if provided by the homes association, electronic mail. The notice shall include information including but not limited to:
- (1) The location and general description of the proposed construction activity; and
 - (2) The name and telephone number of the individual filing the permit application.
- (c) Upon review, acceptance, and issuance of a construction permit, the City shall notify the homes association that the permit has been approved and issued.

(Ord. 2150, Sec. 1, 2007; [Ord. 2285](#), Sec. 1, 2013)

ARTICLE 9. INTERNATIONAL EXISTING BUILDING CODE (IEBC) 2018

4-901 INTERNATIONAL EXISTING BUILDING CODE INCORPORATED

The *International Existing Building Code, 2018 edition*, published by the International Code Council, hereafter referred to as the 2018 IEBC, is hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added, or changed in the City Code. At least one (1) copy of said *International Existing Building Code, 2018 edition*, will be kept on file in the office of the City Clerk, marked or stamped "Official Copy as Incorporated by Ordinance No. 2283," with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

~~There is hereby adopted and incorporated by reference that certain existing building code known as the "International Existing Building Code", 2018 edition, copyright 2017 by the International Code Council (hereinafter referred to as the "IEBC" or "this Code"), except for the amendments provided in this Article. Not less than one copy of the International Existing Building Code shall be marked or stamped "Official Copy as adopted by Ordinance No. 2283." A copy of this ordinance shall be attached to each International Existing Building Code copy and shall be filed with City Hall to be open for inspection and available to the public at all reasonable business hours. The municipal court and all administrative departments of the city charged with the~~

~~enforcement of this code shall be supplied, at the cost of the city, with such numbers of official copies similarly marked as deemed expedient.~~

4-902 AMENDMENT TO SECTION 101.1 Title. These regulations shall be known as the Existing Building Code of “The City of Prairie Village Kansas”, herein after to as “this code”.

4-903 SECTION 101.1.1 ADDED-AMINISTRATION AND ENFORCEMENT

The administrative provisions for this code shall be those provisions contained in Sections 103 through 116 of the International Building Code.

4-904 AMENDMENT TO SECTION 1502 PROTECTION OF ADJOINING AND NEIGHBORING PROPERTIES 1502.1 Protection Required. Adjoining and neighboring properties public or private shall be protected from damage during construction and demolition work. Protection must be provided for footings, foundations, party-walls, chimneys, skylights, walls, windows, and roofs. Provisions shall be made to control water runoff and erosion during construction or demolition activities. The person making or causing an excavation to be made shall provide written notice to the owners of adjoining and neighboring properties advising them that the excavation is to be made and that the adjoining and neighboring buildings should be protected. Said notification shall be delivered not less than 10 days prior to the scheduled starting date of the excavation.

Commented [MD93]: This section has been amended to aid with enforcing protection of neighboring properties.

ARTICLE 10. INTERNATIONAL SWIMMING POOL AND SPA CODE 2018

4-1001 INTERNATIONAL SWIMMING POOL AND SPA CODE 2018

There is hereby adopted and incorporated by reference that certain Swimming Pool and Spa Code known as the “International Swimming Pool and Spa Code”, 2018 edition, copyright 2017 by the International Code Council (hereinafter referred to as the “ISPSC” or “this Code”), except for the amendments provided in this Article. Not less than one copy of the International Swimming Pool and Spa Code shall be marked or stamped “Official Copy as adopted by Ordinance No. 2283.” A copy of this ordinance shall be attached to each International Swimming Pool and Spa Code copy and shall be filed with City Hall to be open for inspection and available to the public at all reasonable business hours. The municipal court and all administrative departments of the city charged with the enforcement of this code shall be supplied, at the cost of the city, with such numbers of official copies similarly marked as deemed expedient.

4-1002 AMENDMENT TO SECTION 101.1 Title. These regulations shall be known as the Swimming Pool and Spa Code, of “The City of Prairie Village Kansas”, herein after to referred to as “this code”.

4-1003 SECTION ~~401.4.4103~~ AMENDED DEED-AMINISTRATION AND ENFORCEMENT

The administrative provisions for this code shall be those provisions contained in Sections 103 through 116 of the International Building Code.

4-1004 SECTION 305.1 General Amended to read as; The provisions of this section shall apply to the design of barriers for restricting entry into areas having pools and spas. Where spas or hot tubs are equipped with a lockable safety cover complying with ASTM F1346, the areas where those spas or hot tubs are located shall not be required to comply with Sections 305.2 through 305.7.

Commented [MD94]: Recommended for adoption The international Swimming Pool and Spa Code (ISPS) 2018. Barrier requirements have been removed from the IRC 2018 code cycle. To not adopt this code as suggested will require rework of ordinance.

Commented [MD95]: This section amended to prevent safety barrier requirement from depending on an individual to remember to activate a power safety cover. As the text currently is written states that swimming pools with a power safety cover meeting ASTM 1346 the pool is not required to have a fence around it/ safety barrier.

Commented [JR96]: Staff is recommending to add a new article to Chapter 4 to require fences and screening at construction sites where demolitions, new builds, and major additions occur. The purpose of this is to help address some of the common code violations and complaints that are received due to construction activity in neighborhoods and minimize the impact of construction on neighboring properties as much as possible.

ARTICLE 11 – CONSTRUCTION SITE FENCING AND SCREENING

4-1101 INTENT

The purpose of this Article is to require construction sites to be fenced to protect adjacent properties from construction activities and debris, to safeguard public safety by restricting public access to the construction site, preserve the esthetics of the neighborhood, and minimize construction nuisance by screening the clutter of construction, thereby ensuring the comfort, safety, and welfare of the residents of the City of Prairie Village.

4-1102 APPLICABILITY

The provisions of this Article shall specifically apply to:

- A. Any new structure built on a vacant lot
- B. A demolition of an existing structure, whether it is just a demolition or a demolition and rebuild of a new structure
- C. Any addition of an existing structure that adds more than 600 square feet to the existing building footprint
- D. Any remodel of an existing structure that tears down more than 10% of the existing structure associated with the new construction.

4-1103 CONSTRUCTION SITE FENCING REQUIRED

Prior to starting grading, excavation, or construction, the Building Official shall require the site to be temporarily fenced and screened on all sides for the duration of the construction project until a Temporary Certificate of Occupancy is issued. The height of the fence shall be between seventy-two (72) and eighty-four (84) inches, and fence material shall be chain link metal fence overlaid on the exterior with an opaque vinyl screen, or other equivalent fencing and screening material as approved by the Building Official. The fence shall be located on or behind the lot line and not be located in any part of the right-of-way unless approval is granted by the Public Works Department through a right-of-way permit.

Exception: The Building Official may grant exceptions to this provision where fencing on one or more sides is not feasible due to physical constraints or determined to be unnecessary due to the presence of equivalent barrier(s) or other extenuating circumstances.

4-1104 TEMPORARY PROJECT INFORMATION SIGN

All construction projects that fall under the requirements of this Article shall affix a temporary project information sign to the fence that can be readily viewed by the public, in addition to displaying the approved building permit issued by the City. The temporary project information sign shall be two feet in height by three feet in length with the following information printed legibly in seventy-two (72) point font:

- A. Permit number
- B. Site address
- C. General contractor’s name
- D. Primary contact name
- E. Contact phone number; and
- F. Contact email address

The temporary project information sign shall be labeled with the words “PROJECT INFORMATION” at the center top and also include the most current allowable construction hours per city ordinance.

The temporary project information sign shall be in substantial conformance to the following:

PROJECT INFORMATION	
ADDRESS:	_____
CONTACT:	PHONE #: _____
CONTRACTOR:	EMAIL: _____
PERMIT #:	_____
<u>PURSUANT TO ORDINANCE 2427, CONSTRUCTION NOISE IS PERMITTED DURING SUMMER MONTHS (MAY 15 – SEPTEMBER 15) FROM 7 A.M. – 8 P.M. ON WEEKDAYS AND 8 A.M. – 8 P.M. ON WEEKENDS. DURING NON-SUMMER MONTHS AND FEDERAL HOLIDAYS, CONSTRUCTION NOISE IS PERMITTED FROM 8 A.M. – 8 P.M. MONDAY – SUNDAY.</u>	
<u>REPORT VIOLATIONS OF THIS ORDINANCE TO 913-642-6868</u>	

ARTICLE 2. - PROPERTY MAINTENANCE CODE

8-201. - PROPERTY MAINTENANCE CODE—INCORPORATION; INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED.

~~In addition to the other provisions set forth in this chapter, there is hereby adopted and incorporated by reference that certain property maintenance code, known as the "International Property Maintenance Code", 2012 edition and appendix A copyrighted in 2011 by the International Code Council (hereinafter referred to as the IPMC), regulating and governing the conditions and maintenance of all property; buildings, and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings of such existing structures in the City; providing for the issuance of permits and collection of fees. Not less than (4) four copies of the Property Maintenance Code shall be marked or stamped as "Official Copy" as Adopted by Ordinance No. _____. A copy of this article shall be attached to each Property Maintenance Code copy and shall be on file with the City to be open for inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the Property Maintenance Code shall be supplied, at the cost of the City, such number of official copies as deemed expedient. The International Property Maintenance Code, 2018 edition, published by the International Code Council, hereafter referred to as the 2018 IPMC, is hereby adopted by reference and made a part of this Chapter and Article, save and except such parts or portions thereof as are specifically deleted, added, or changed in the City Code. At least one (1) copy of said International Property Maintenance Code, 2018 edition, will be kept on file in the office of the City Clerk, marked or stamped "Official Copy as Incorporated by Ordinance No. ???," with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.~~

(Ord. 1994, Sec. 1; [Ord. 2289](#), Sec. 1, 2013)

~~8-202. — AMENDMENTS TO SECTION 101.1 – TITLE, SCOPE, APPLICABILITY AND ADMINISTRATION.~~

Section 101.1 of the 2012 IPMC is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the International Property Maintenance Code of the City of Prairie Village, Kansas, hereinafter referred to as "this code" and/or "IPMC".

Section 101.2 of the 2012 IPMC is hereby added to read as follows:

~~**101.2 Scope.** The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises and for administration, enforcement and penalties.~~

Section 102.3 of the ~~2012~~ IPMC is hereby added to read as follows:

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Residential Code and NFPA 70(NEC). Nothing in this Code shall be construed to cancel, modify or set aside any provision of Chapter 16 of the Prairie Village Municipal Code also known as the "Zoning Regulations".

Commented [JR1]: Removed because this is the same language from the code book and does not need to be amended.

Commented [JR2]: Removed because the language in the code book is sufficient as is now that the City is adopting the International Existing Building Code – that was the only change from this section before.

8-203 – DELETION OF SECTION 103.5

Section 103.5 of the 2012 IPMC is hereby ~~deleted and will be replaced with Section 106.4.~~

Section 104.1(a) of the 2012 IPMC is hereby added to read as follows:

~~**104.1 (a) Public Officer.** The assistant city attorney is hereby designated the public officer to exercise the powers prescribed in this chapter. The mayor may appoint, with the approval of the Governing Body, some other city official to serve as the public officer. In addition to the authority which may be specifically provided in the chapter, the public officer may exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter. The public officer may appoint some city employee to act as his or her agent(s) to carry out the purposes of this chapter and he or she may delegate any of the aforementioned functions or powers to such employees.~~

Commented [JR3]: This section is deleted because it sets a fee schedule for code enforcement – fines for violations are established in Section 106.4 below.

Commented [JR4]: 106.4 is amended further down in this ordinance.

8-204 – AMENDMENT TO SECTION 106.4 – VIOLATION PENALTIES

Section 106.4 of the 2012 IPMC is hereby amended as follows:

106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, may be prosecuted within the limits provided by state or local law in the Prairie Village Municipal Court. Each day that a violation continues, after due notice has been served, shall be deemed as a separate offense. Prosecution of any violation as a public offense pursuant to this section may be in addition to, or as an alternative to, any other remedy or course of action available to the city under this chapter.

- (a) Upon first conviction of a violation of any provision of this chapter, a person shall be punished by a fine not exceeding \$500.
- (b) Upon a second conviction for a violation of any provision of this chapter a person shall be punished by a fine of at least ~~\$100-250~~ and not more than ~~\$500-750~~ or by imprisonment for not more than 10 days or by both such fine and imprisonment.
- (c) Upon a third or subsequent conviction for a violation of any provision of this chapter, a person shall be punished by a fine of at least ~~\$250-500~~ and not more than \$1000 or by imprisonment for not more than 10 days or by both such fine and imprisonment.
- (d) For the purpose of determining whether a conviction is first, second, third or subsequent in sentencing under this section, only convictions occurring in the immediate preceding three years shall be taken into account, but the court may consider other prior convictions in determining the sentence to be imposed within the limits provided for a first, second, third or subsequent offender, whichever is applicable.

Commented [JR5]: This is very old language that needs to be updated – the code official (or designee) is the one charged with carrying out the provisions of this code so the language as written in this section of the code is sufficient.

Commented [JR6]: Increased the fines for a second violation slightly to ensure that adequate accountability and fines are in place for second violations.

Section 107.5 of the 2012 IPMC is hereby amended to read as follows:

~~**107.5 Penalties.** Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.~~

8-205 – ADDITION OF SECTION 108.8 – DAMAGE BY FIRE, EXPLOSION OR WINDSTORM; INSURANCE PROCEEDS

Section 108.8 (A) through (D) of the 2012 IPMC is hereby added to read as follows:

108.8 (A) through (D) Damage by fire, explosion or windstorm; insurance proceeds. Damage created by fire, explosion, or windstorm shall comply with the provisions of Sections 108.8 (A) through (D).

- A. If fire, explosion, or windstorm causes damage to a structure that is covered by insurance and the covered claim payment is in excess of 75 percent (75%) of the face value of the policy covering the structure, then the insurance provider shall be required to pay to the City an amount not to exceed 15% of the proceeds of such policy. The insurer first shall pay all amounts due the holder of a first real estate mortgage against the structure pursuant to the terms of the policy and endorsements thereto and then shall withhold from the covered claim payment the sums required to be paid to the City. Such payments shall be made to the City on or before the date any moneys are released by the

Commented [JR7]: Deleted as this reads word for word as to what is listed in the Code Book – no amendment needed.

insurer to any party, or within 30 days of the incident resulting in the claim, whichever is earlier in time. The payment shall be made by check or money order made payable to the "City of Prairie Village" with no post-dating of the check or money order allowed and sent by certified mail, return receipt requested to the City Clerk of Prairie Village, Kansas, 7700 Mission Road, Prairie Village, Kansas 66208, along with a statement explaining the reason for payment and giving the address of the property involved. All such funds received by the City Clerk shall be placed in an interest bearing account of the City. (Ref. K.S.A. 40-3901 et seq.)

- B. The City shall release the insured's proceeds and any interest which has accrued thereon within 30 days after receipt of such monies, unless the City has instituted abatement proceedings and/or a permit has been issued for re-construction pursuant to this chapter. If such proceedings have been instituted, the City shall retain the proceeds until the abatement proceedings and/or re-construction is complete. At the conclusion of the abatement proceedings and/or re-construction, all monies in excess of that expended by the City for abatement proceedings and /or re-construction expenses (such as removing mud or debris off the streets), less any salvage value, shall be paid to the insured.
- C. The City may create a lien in favor of the City in the proceeds of any insurance policy based upon a covered payment made for damage or loss to the building or other structure, caused by or arising out of any fire, explosion or windstorm.
- D. The City Clerk shall notify the Commissioner of Insurance for the State of Kansas within 14 days after the adoption of this section. Such notification shall state that the city has enacted an ordinance, pursuant to the authority of K.S.A 40-3901 et seq. concerning payment of insurance proceeds to the City arising out of claims due to fire, explosion or windstorms. A copy of the notice shall be maintained by the City Clerk.

8-206 – AMENDMENTS TO SECTION 109.1 – IMMINENT DANGER

Section 109.1 of the ~~2012-2018~~ IPMC is hereby amended to read as follows:

109.1 Imminent danger. When in the opinion of the Code Official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Code Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Code Official shall cause to be posted at each entrance to such structure a notice reading as follows: "This structure is unsafe and its occupancy has been prohibited by the Code Official". It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or demolishing the same. When the Code Official has determined that a structure is in danger of collapse or has suffered a partial collapse and thus poses an imminent danger to life for those in proximity to the structure, the Code Official is further authorized to order the immediate removal or demolition of the structure or portion thereof as authorized ~~under K.S.A. 12-1756~~ under Kansas State Statute.

8-207 AMENDMENTS TO SECTION 110 - DEMOLITION

Section 110 of the ~~2012-2018~~ IPMC is hereby amended to read as follows:

Section 110 Demolition

110.1 Order of demolition. The Code Official shall order the owner of any premises upon which is located any structure, which in the Code Official's judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two

years, the Code Official shall order the owner to demolish and remove such structure, or board up until further repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the Building Official. All notices and orders shall comply with Section 107.

110.2 Demolition or repair by the City. The Governing Body shall have the power to cause the repair or removal of, or to remove any structure located within the city, which may have become unsafe or dangerous. This provision and the following subsections are intended to conform with the provisions of K.S.A. 12-1750 et seq.; and to the extent there is any conflict, the Statute shall take precedent.

110.2.1 Code official's report. Whenever the Code official's investigation discloses a basis that any structure is unsafe or dangerous, the Code Official shall file a written report with the Governing Body describing the situation, its location and the circumstances that support the determination that the structure is unsafe or dangerous.

110.2.2 Notice and publication for hearing. The Governing Body, by resolution, shall fix a time and place at which the owner, the owner's agent, any lienholders of record and any occupant of such structure may appear and show cause why such structure should not be condemned and ordered repaired or demolished. Such resolution shall be published once each week for two (2) consecutive weeks on the same day of each week. At least thirty (30) days shall elapse between the last publication and the date set for the hearing. A copy of the resolution shall be mailed by certified mail within three (3) days after its first publication to each such owner, agent, lienholder and occupant, at the last known address and shall be marked "deliver to addressee only."

110.2.3 Hearing. On the date fixed for hearing or any adjournment thereof, the Governing Body shall hear all evidence submitted by the owner, the owner's agent, lienholders of record and occupants having an interest in such structure as well as evidence submitted by the Code Official and shall make findings by resolution. Provided, in the event the Code Official determines on or before the date fixed for hearing that the structure has been sufficiently repaired or removed, the Code official shall inform the Governing Body and recommend the cancellation of the hearing. Upon acceptance of said recommendation, no further action shall be required by the Governing Body.

110.2.4(a), (b) Findings and resolution.

- (a) If the Governing Body finds that such structure is unsafe or dangerous, such resolution shall direct the structure to be repaired or removed and the premises made safe and secure. Such resolution shall be published once in the official City paper and a copy mailed to the owners, agents, lienholders of record and occupants in the same manner provided for the notice of hearing. The resolution shall affix a reasonable time within which the repair or removal of such structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated, or fails to diligently prosecute the same until the work is completed, the Governing Body will cause the structure to be repaired or razed and removed.
- (b) If the Governing Body finds that such structure is not unsafe or dangerous, such resolution shall state such finding and that the proceeding is terminated. Such resolution shall not be required to be published.

110.2.5(a), (b), (c), (d) Action, assessment and collection of costs by the City.

- (a) If the owner of any structure has failed to commence the repair or removal of such structure within the time stated in the resolution or has failed to make diligent progress toward the same thereafter, the City may proceed to raze and remove such structure, make the premises safe and secure, or let the same to contract.
- (b) The City shall keep an account of the cost of such work and may sell the salvage from such structure and apply the proceeds or any necessary portion thereof to pay the cost of removing such structure and making the premises safe and secure. All monies in excess of that necessary to pay such costs and the costs of publications of notice and any postage for mailing of notice, after the payment of all costs, shall be paid to the owner of the premises upon which the structure was located.

- (c) The City shall give notice to the owner of such structure by restricted mail of the total cost incurred by the City in removing such structure and making the premises safe and secure and the cost of providing notice. Such notice also shall state that payment of such cost is due and payable within thirty (30) days following the receipt of such notice. If the cost is not paid within the thirty (30) day period and there is no salvageable material or if moneys received from the sale of salvage or from the proceeds of any insurance policy in which the City has created a lien pursuant to K.S.A. 40-3901 et seq. and amendments thereto, are insufficient to pay the costs of such work, the balance shall be collected in the manner provided by K.S.A. 12-1,115 and amendments thereto or shall be assessed as a special assessment against the lot or parcel of land on which the structure was located and the City Clerk, at the time of certifying other city taxes, shall certify the unpaid portion of the costs and the County Clerk shall extend the same on the tax rolls of the county against such lot or parcel of land. The City may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115 and amendments thereto, but only until the full cost and any applicable interest has been paid in full.
- (d) Whenever any structure is removed from any premises under the provisions of this article, the City Clerk shall certify to the County Appraiser that such structure, describing the same, has been removed.

110.3 Duties of owner after removal of structure. The owner of any structure, upon removing the same, shall remove concrete spoils, debris and fill in any basement or other excavations located upon the premises and take any other action necessary to leave such premises in a safe and secure condition.

Section 110.4 of the ~~2012-2018~~ IPMC is hereby deleted.

~~8-203207~~ - DEFINITIONS.

Section 202 of the ~~2012-2018~~ IPMC is hereby amended as follows:

Definitions to be added:

Calendar year. The period of time beginning January 1 and ending December 31 of the same year.

Graffiti. Markings, as initials, slogans, or drawings written, spray painted, or sketched on a sidewalk, driveway, street, wall of a building, or public restroom, or the like.

Noxious plants. Means poison ivy, poison oak and poison sumac, at any height or state of maturity.

~~*Public Officer.* The Assistant City Attorney or person appointed by the Mayor and approved by the Governing Body to exercise the powers prescribed by this article.~~

Rank weeds. Means all vegetation which may exhale unpleasant or noxious odors, or transmit pollen into the air at any state of maturity and which exceeds 8 inches in height; also, all vegetation, regardless of height, including thickets, which conceals or invites filthy deposits, or which harbors rodents, refuse, or vermin. Such rank weeds include, but are not limited to the following: large crabgrass, large hairy crabgrass, barnyard grass, Pennsylvania smartweed, ladythumb, smartweed, curled dock, sour dock, lambsquarter, rough pigweed, redroot, shepherds purse, nodding spurge, upright spotted purge, velvet leaf, indian mallow, sticktight, blue stickseed, common ragweed, giant ragweed, horseweed, kinghead, dandelion, cocklebur, clotbur, downy brome grass, downy chess, bermuda grass, devilgrass, stinkgrass, lovegrass, witchgrass, tumble panicgrass, giant foxtail, Johnson grass, hop sedge, sloughgrass, hemp, stinging nettle, nettle, swamp smartweed, tanweed, devils shoestring, smooth dock, maple-leaved goosefoot, waterhemp, tumbleweed, tumble amaranth, common milkweed, common mullein, burdock, beggar tick, sticktight, devils pitchfork, tall con flower, golden glow, gray goldenrod, field goldenrod.

Thickets. Means dense growths of wild shrubbery and/or uncontrolled or invasive species including but not limited to bamboo, briar patches and similar growth having stems or trunks less than one and one half inches in diameter.

Vehicle. Any automobile, truck, tractor, farm machinery or motorcycle which as originally built contained an engine, regardless of whether it contains an engine at any other time.

Commented [JR8]: The Code Official is the person charged with carrying out the powers and responsibilities of this code, so this section is not needed.

Vehicle; Inoperable. Means a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned, or unable to perform the function or purpose for which it was originally intended.

Workmanlike. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work and compatible with the undamaged surfaces of the structure.

~~8-204207.~~ - GENERAL REQUIREMENTS GRADING & DRAINAGE

Section 302.2 of the ~~2012-2018~~ IPMC is hereby amended to read as follows:

302.2 Grading and drainage. All premises shall be graded and maintained to include grass or suitable ground cover to prevent the erosion of soil and to prevent the accumulation of standing and/or stagnant water thereon, or within any structure located thereon.

Section 302.4 of the ~~2012-2018~~ IPMC is hereby amended to read as follows:

8-208 – AMENDMENTS TO SECTION 302.4 – WEEDS & THICKETS

302.4 Weeds and Thickets. All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight (8) inches in height. All noxious weeds and uncontrolled thickets shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds and/or uncontrolled thickets after a service of notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed ~~by the authority having jurisdiction by the City of Prairie Village municipal code.~~ Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds and/or uncontrolled thickets growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

Sections 302.4.1 through 302.4.6 of the 2012 IPMC is hereby added to read as follows:

302.4.1 Weeds/Thickets to be Removed. ~~It shall be unlawful for any owner, occupant, or agent of any property or any area between the property lines of said property and the centerline of any adjacent street or alley, including but not specifically limited to, sidewalks, streets alleys, easements, rights-of-way and all other areas, public or private. All weeds and/or uncontrolled thickets as hereinabove defined are hereby declared a nuisance and are subject to abatement as hereinafter provided. Property owners are responsible for maintaining property free from weeds and thickets, including the area between the property lines of said property and the centerline of any adjacent street or alley, including, but not specifically limited to, sidewalks, streets, alleys, easements, right-of-way, and all other areas, public or private. All weeds and/or uncontrolled thickets as herein described are hereby declared a nuisance and are subject to abatement as hereinafter provided.~~

Commented [JR9]: Reworded for clarity.

302.4.2 Notice to Remove.

A. The code official or an authorized agent shall ~~direct the City Clerk to~~ issue a notice of violation and order the owner, occupant, or agent of any property in the City upon which weeds exist in violation of this chapter; provided however, in the event a notice and order was previously served upon the owner, occupant or agent of the property for a violation of the City's weed control ordinance during the same calendar year, no further notice shall be required prior to any abatement action by the City. Such notice and order shall be issued in writing to the owner, occupant or agent by certified mail, return receipt requested, or by personal service. If the property is unoccupied and the owner is a nonresident, such notice and order shall be sent by certified mail, return receipt requested to the last known address of the owner. The notice and order may be made by publication in the official City newspaper in the event there is no resident agent and the owner is either unknown or is a nonresident (provided a nonresident owner with a known address is also sent notice by certified mail as required hereinabove.)

Commented [JR10]: The City clerk is not normally involved in issuing notices of violation – this is done by code enforcement officers.

B. Such notice shall include the following:

1. That the owner, occupant, or agent is in violation of the City weed control ordinance.
 2. That the owner, occupant, or agent is ordered to cut, destroy or remove the weeds and/or uncontrolled thickets within (5) days of the receipt of notice and order, or if the notice and order is served by publication, within (10) days of the date of publication, the applicable time period hereinafter referred to as the "correction period".
 3. That before the expiration of the correction period, the owner, occupant, or agent may request a hearing before the governing body or its designated representative.
 4. That if within the correction period the owner, occupant, or agent fails to request a hearing or to cut destroy or remove the weeds and/or uncontrolled thickets to the satisfaction of the code official or an authorized assistant, the City or its authorized agent will cut, destroy, or remove the weeds and/or uncontrolled thickets and assess against the owner, occupant or agent the total costs of the cutting, destruction, or removal of the weeds and/or uncontrolled thickets including a reasonable administrative fee and the cost of all notices.
 5. That payment of the assessed total costs are due and payable within thirty (30) days following the receipt of notice of such costs, or the city will levy such costs against the property as a special assessment. And further pursuant to Kansas statute, the City may also pursue the collection of such costs by seeking a personal judgment against the owner in Johnson County District Court as provided by K.S.A. 12-1, 115 and amendments thereto.
 6. That no further notice shall be given by the City prior to any additional cutting or removal of weeds and/or uncontrolled thickets on the property by the City or its authorized agent during the current calendar year and that any such additional costs will be assessed in the same manner.
 7. That separate from and independent of any abatement action of the weed violation by the City, the code official, at his or her option, may also file a complaint or complaints in the Municipal Court of the City against the owner, occupant or agent of the property for any violation of the City weed control ordinance.
 8. That the code official shall be contacted if there are any questions regarding the notice and order.
- C. In the event any owner, occupant or agent of any property refuses acceptance of any notice and order prescribed ~~by subsection (A) above~~, or in the event the city has made reasonable but unsuccessful efforts to provide notice in the manner prescribed ~~by subsection (A) above~~, a copy of said notice and order shall be posted on the premises and additional copies shall be sent to all known addresses of any owner, occupant or agent by First Class U.S. mail, and notice shall then be deemed given at such time pursuant to ~~K.S.A 12-1617f~~, Kansas State Statute.

302.4.3 Abatement; Assessment of Costs.

- A. If during the correction period prescribed above, the owner, occupant or agent fails to request a hearing or refuses or fails to cut, destroy or remove such weeds and/or uncontrolled thicket to the satisfaction of the code official or an authorized assistant, the City or its authorized agent shall cut, destroy, or remove such weeds and/or uncontrolled thicket and shall keep an account of the cost of same and report them to the City Clerk. Provided, if a notice and order was previously served upon the owner, occupant, or agent of the property for a violation of the city weed control ordinance during the same calendar year, the city or its authorized agent may proceed to cut, destroy or remove any weeds and/or uncontrolled thicket without any delay or further notice.
- B. The City shall issue a notice of costs to the owner, occupant or agent by certified mail, return receipt requested, providing the costs of abatement of the nuisance, which shall include the costs of cutting, destroying, or removing the weeds and/or uncontrolled thickets, a reasonable administrative fee and the cost of all notices. Such notice shall also state that payment of the costs is due and payable within thirty (30) days following receipt of the notice.
- C. If the costs of abatement remain unpaid after thirty (30) days following receipt of the notice of costs, a record of the costs of abatement shall be certified to the City Clerk, who shall cause such costs to be assessed against the property. The City Clerk shall certify the assessment to the County Clerk at

the time other special assessments are certified for spreading on the tax rolls of the county. Further, the City may also pursue the collection of such costs by seeking a personal judgment against the owner in Johnson County District Court, as provided by K.S.A 12-1, 115, and amendments thereto.

- D. If there is a change in the record owner of title to the property subsequent to giving notice pursuant to this article, the City may not recover any costs or levy an assessment for the costs incurred by the cutting, destruction or removal of weeds and/or uncontrolled thickets on the property unless a new record owner of title to the property is provided notice as required by this article. (K.S.A. 12-1617f)

302.4.4 Right of Entry. The City and its authorized agent(s) are hereby expressly authorized to enter upon private property at all reasonable hours for the purpose of cutting, destroying, or removing such weeds and/or uncontrolled thickets in a manner consistent with this article.

302.4.5 Unlawful Interference. It shall be unlawful for any person to interfere with or to attempt to prevent the City or its authorized agent(s) from entering upon any such property or from proceeding with such cutting, destruction, or removal. Such interference shall constitute a code violation.

302.4.6 Complaint. Separate from and independent of any abatement action as provided for herein, the code official, at his or her option, may also file a complaint or complaints in the Municipal Court of the City against the owner, occupant or agent of the property for any violation of the city weed control ordinance.

8-209 AMENDMENTS TO SECTION 302.8 – MOTOR VEHICLES

Section 302.8 of the ~~2012-2018~~ IPMC is hereby amended to read as follows:

302.8 Motor vehicles. It is a violation of this chapter for any person, partnership, corporation, or other entity, or their agent either as owner, lessee, tenant, or occupant of land within the city to park, store, deposit, or permit to be parked, stored, or deposited on such land or on the public street adjacent thereto a vehicle that is inoperative or unlicensed. No vehicle shall at any time be in a state of major disassembly, disrepair, on in a state of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth designed for the environmentally safe application of the paint. The provisions of this article shall not apply to owners who have temporarily placed their motor vehicle in an inoperable condition while working on the vehicle on their premises, provided that such work is performed inside an enclosed structure designed and approved for such use. In no event shall an owner or person in possession maintain a motor vehicle on his or her premises in an inoperable condition, outside of an enclosed structure, for a period in excess of 48 hours.

Sections 302.8.1 through 302.8.14 of the 2012 IPMC are hereby added as follows:

302.8.1 Motor Vehicle Nuisances Unlawful; Defined; Exceptions. It shall be unlawful for any person to maintain or permit any motor vehicle nuisance within the City.

- (A) A motor vehicle nuisance is any motor vehicle which is not currently registered or tagged pursuant to K.S.A. 8-126 to 8-149 inclusive, as amended; or parked in violation of City ordinance; or incapable of moving under its own power; or in a junked, wrecked, or inoperable condition. Any one of the following conditions shall raise the presumption that a vehicle is junked, wrecked, or inoperable.

- (1) Absence of a current registration plate upon the vehicle;
- (2) Placement of the vehicle or parts thereof upon jacks, blocks, or other supports;
- (3) Absence of one or more parts of the vehicle necessary for the lawful operation of the vehicle upon street or highway.

- (B) The provisions of this section shall not apply to:

- (1) Any motor vehicle which is fully enclosed in a garage or other building;
- (2) The parking or storage of a vehicle inoperable for a period of 48 consecutive hours or less;

- (3) Any person conducting a business enterprise in compliance with the existing zoning regulations.

However, nothing in this subsection shall be construed to authorize the maintenance of a public nuisance.

302.8.2 Complaints; Inquiry and Inspection. The code official shall make inquiry and inspection of premises upon receiving a complaint or complaints stating that a motor vehicle nuisance exists and describing the same and where located ~~or is informed that a motor vehicle nuisance may exist by the Board of Health, Police Chief, or the Fire Chief.~~ The code official or designee may make such inquiry and inspection when he or she observes conditions which appear to constitute a motor vehicle nuisance. Upon making any inquiry and inspection, the code official or designee shall maintain a written report of findings.

302.8.3 Right of Entry. It shall be a violation of this article to deny the code official or his or her designated agent(s) the right of access and entry upon private property at any reasonable time for the purpose of making inquiry and inspection to determine if a nuisance exists.

302.8.4 Notice. Any person found by the code official to be in violation of Section 302.8.1, as amended, shall be served a notice of such violation. The notice shall be served by restricted mail, postage prepaid, return receipt requested or personally served; ~~provided that if the owner or his or her agent in charge of the motor vehicle is a resident of Johnson County, Kansas, the notice shall be personally served by the code official or a law enforcement officer.~~ In the event that such person cannot be served in person or by restricted mail or such person is unknown or his or her location is unknown, the code official shall make an affidavit to that effect and service may be made by publication of the notice once each week for two consecutive weeks in an official city newspaper and by posting the notice on the motor vehicle.

302.8.5 Same: Contents. The notice shall state the condition(s) which is (are) in violation of Section 302.8.1. The notice shall also inform the person that:

- (1) He, she or they will have ten (10) days from the date of serving the notice to abate the condition(s);
- (2) He, she, or they will have ten (10) days from the date of serving the notice to request a hearing before the governing body on the matter as provided by Section 302.8.9.
- (3) Failure to abate the condition(s) or to request a hearing within the time allowed may result in prosecution as provided in Section 302.8.9 and/or abatement of the condition(s) by the City as provided in Section 302.8.7.

302.8.6 Failure to Comply; Penalty. Should the person fail to comply with the notice to abate the nuisance or request a hearing, the code official may file a complaint in the Municipal Court of the City against such person and upon conviction, be finned an amount consistent with the violation penalties outlined in 106.4 of the IPMC. ~~finned in an amount not to exceed \$500, or be imprisoned not to exceed 30 days, or be both fined and imprisoned. Each day during, or on which a violation occurs, or continues after notice has been served shall constitute an additional or separate offense.~~

302.8.7 Abatement. In addition to, or as an alternative to prosecution as provided in Section 302.8.6 the code official may seek to remedy violations of this article in the following manner. If a person to whom a notice has been sent pursuant to Section 302.8.4 has neither alleviated the condition(s) causing the alleged violation, or requested a hearing before the governing body within the time period specified herein, the code official may present a resolution to the governing body for adoption authorizing the code official or other agents of the city to abate the condition(s) causing the violation at the end of ten (10) days after passage of the resolution. The resolution shall further provide that the costs incurred by the city shall be charged against the lot or parcel of ground on which the motor vehicle nuisance was located, or against lots or parcels of property in the city which are owned by the owner of the motor vehicle causing the nuisance, as provided in Section 302.8.10. A copy of the resolution shall be served upon the person in violation in one of the following ways:

- (1) Personal service upon the person in violation;
- (2) Service by certified mail, postage prepaid, return receipt requested;

Commented [JR11]: Amended this section to reflect the same violation penalties as other violations of the IPMC.

- (3) In the event the whereabouts of such person are unknown and the same cannot be ascertained in the exercise of reasonable diligence, an affidavit to that effect shall be made by the code official and filed with the city clerk, and the serving of the resolution shall be made by publishing the same once each week for two consecutive weeks in the official city newspaper and by posting a copy of the resolution on the premises where such condition(s) exist.

302.8.8 Disposition of Vehicle. Disposition of any motor vehicle removed and abated from private property pursuant to this article shall be as provided by ~~K.S.A. 8-1102, as amended.~~[Kansas State Statute.](#)

302.8.9 Hearing. If a hearing is requested within the ten (10) day period as provided in Section 302.8.5, such request shall be made in writing to the governing body. Failure to make a timely request for a hearing shall constitute a waiver of the person's right to contest the findings of the code official before the governing body. The hearing shall be held by the governing body as soon as possible after filing the request and the person shall be advised by the city of the time and place of the hearing at least five (5) days in advance thereof. At such hearing the person may be represented by counsel, and the person and the city may introduce such witnesses and evidence as is deemed necessary and proper by the governing body. The hearing need not be conducted according to the formal rules of evidence. Upon conclusion of the hearing, the governing body shall record its determination of the matter by means of adopting a resolution and serving the resolution upon the person in the manner provided in Section 302.8.7.

302.8.10 Costs Assessed. If the city abates the motor vehicle nuisance pursuant to this chapter, the cost of abatement shall be charged against the lot or parcel of ground on which the nuisance was located or against lots or parcels of property in the city which are owned by the owner of the motor vehicle causing the nuisance. The city clerk shall, at the time of certifying other taxes to the county clerk, certify the costs as provided in this section. The county clerk shall extend the same on the tax roll and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid.

302.8.11 Inoperable Vehicles; Authorization of Code Official to Order Removal. It is a violation of this chapter for any person, partnership, corporation, or other entity, or their agent either as owner, lessee, tenant, or occupant of land within the city to park, store, or deposit, or permit to be parked, stored, or deposited on such land or on the public street adjacent thereto, a vehicle that is not in an operating condition. In the event that the code official finds that any such person has parked, stored, or deposited, or permitted to be parked, stored, or deposited on such land or in the streets immediately adjacent thereto such a vehicle, the orders that he or she enters may include an order to remove such vehicle from such land or the street immediately adjacent thereto. In the event the person to whom the order is directed fails to remove such vehicle within the specified time, the code official may enter an order authorizing the city to tow and remove the vehicle as provided by ~~K.S.A. 8-1102, as amended.~~[Kansas State Statute.](#)

302.8.12 Parking and Storage of Inoperable Vehicles in Districts Zoned R-1 Through R-4 and RP-1 Through RP-4.

- (A) It is unlawful for the owner or person in possession of any motor vehicle to park or place the vehicle upon a street, driveway, lot, plot, or tract within any district zoned R-1 through R-4 and RP-1 through RP-4 (except in an enclosed structure) while the vehicle is in an inoperable condition. The provisions of this article shall not apply to owners who have temporarily placed their motor vehicles in a inoperable condition while working on the vehicles on their premises. In no event shall an owner or person in possession maintain a motor vehicle on his or her premises in an inoperable condition for a period in excess of forty eight (48) hours unless such vehicle is placed in an enclosed structure.
- (B) Prior to issuing a citation the code official or a police officer of the city shall make a reasonable attempt to notify and inform the owner or person in possession of the vehicle of the ordinance violation. The notification shall state the date and time which it is issued and shall notify the owner or person in possession of the vehicle that in the event the same is not placed in an operating condition, removed from the premises, or placed in an enclosed structure within forty eight (48) hours of the issuance of the notice, a citation will be filed against the owner or person in possession in municipal court. In no event shall the temporary moving of such vehicle by the owner or person in possession of the same operate as a defense to a citation alleging violation of this section.

302.8.13 Parking and Storage of Inoperable Vehicles in Districts Zoned C-O Through C-2 and CP-O Through CP-2.

- (A) It is unlawful for the owner or person in possession of any motor vehicle to park or place the vehicle upon a street, driveway, lot, plot or tract within any district zoned C-O through C-2 and CP-O through CP-2 (except in an enclosed structure) while the vehicle is in an inoperable condition. Provided however, that section 302.8.14 shall apply to filling stations (or gasoline service stations) operating as special uses or nonconforming uses.
- (B) Prior to issuing a citation, the code official or a police officer of the city shall make a reasonable attempt to notify and inform the owner or person in possession of the vehicle of the ordinance violation. The notification shall state the date and time at which it is issued and shall notify the owner or person in possession of the vehicle that in the event the same is not removed from the premises, or placed in an enclosed structure within forty eight (48) hours of the issuance of the notice, a citation will be filed against the owner or person in possession in municipal court. In no event will the temporary moving of such vehicle by the owner or person in possession operate as a defense to a citation alleging violation of this section.

302.8.14 Parking and Storage of Motor Vehicles Accepted for Repair by Filling Stations (Or Gasoline Service Stations) Operating as Special Uses or Nonconforming Uses.

- (A) The regulations set forth in this section shall apply to the parking or storing of motor vehicles accepted for repair by filling stations (or gasoline service stations) operating as special or nonconforming uses anywhere in the city.
- (B) All such vehicles may be stored or parked only in an enclosed structure or in parking spaces located on the premises of such filling station. Such vehicles shall not be parked on the street.
- (C) No more than twelve (12) such vehicles shall be stored or parked on the premises of such filling station (other than in an enclosed structure) at any one time.
- (D) No such vehicles shall be parked or stored on the premises (other than in an enclosed structure) for a period in excess of fourteen (14) consecutive days.

8-210 – AMENDMENTS TO SECTION 304.7 – ROOFS AND DRAINAGE

Section 304.7 of the ~~2012-2018~~ IPMC is hereby amended to read as follows:

304.7 Roofs and Drainage. The roof and flashing shall be sound, not missing shingles or any other roofing component, not have holes, or other obvious visible damage or deterioration, nor have any other defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance or discharges the water directly onto adjacent property.

8-211 – ADDITION OF SECTION 302.10 – ANIMAL SANITATION

Section 302.10 of the ~~2012-2018~~ IPMC is hereby added to read as follows:

302.10 Animal sanitation. No excessive accumulation of animal waste shall be permitted on any property. Animal waste shall not be disposed of in an open ditch or storm drain. All carcasses of animals shall not remain exposed after death.

8-212 – ADDITION OF SECTION 302.11 – POOLS OF WATER

Section 302.11 of the ~~2012-2018~~ IPMC is hereby added to read as follows:

302.11 Pools of water. Ponds, reservoirs, swimming pools or any other receptacles of water shall be maintained free of trash, debris, garbage or other effluvia and shall not serve as a breeding ground for insects or other vermin.

8-213 – AMENDMENTS TO SECTION 304.14 – INSECT SCREENS

Section 304.14 of the 2012-2018 IPMC is hereby amended to read as follow:

304.14 Insect screens. During the period from May 15 to October 15, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch, and every screened door used for insect control shall have a self-closing device in good working condition. Exception: Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

8-214 – AMENDMENTS TO SECTION 304.19 – GATES AND FENCES

Section 304.19 of the 2012-2018 IPMC is hereby amended to read as follows:

304.19 Gates and fences.

Gates. All exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

Fences. All fencing shall be maintained in good condition free of damage, breaks, or missing structural members. Areas that are leaning, buckling, sagging, or deteriorating shall be repaired or replaced with material compatible with the undamaged portions of the fence and be in compliance with the zoning regulations. Where fences have been painted, all peeling, flaking and chipped paint shall be eliminated and surfaces repainted.

8-215 – ADDITION OF SECTION 308.1.1 – TRASH AND REFUSE.

Section 308.1.1 of the 2012-2018 IPMC is hereby added to read as follows:

308.1.1 Trash and Refuse. The throwing, leaving, depositing or allowing the accumulation of any worn out, broken, or worthless item, waste, garbage, trash, debris, yard waste or refuse on any property, drainage course or other land is prohibited. Such items include those that impeded mowing of weeds or tall grass, negatively impact surrounding properties, are food products or food containers attracting insects, rodents or animals, or are useless as evidenced by their broken, deteriorated or dismantled condition.

Commented [JR12]: Added yard waste to clarify that leaves and other yard waste are prohibited from being left on property for extended period of time.

Commented [JR13]: Such as blowing leaves and other yard waste onto neighboring property

8-216 – ADDITION OF SECTION 310 – STORAGE OF USEFUL ITEMS

Section 310 of the 2012-2018 IPMC is hereby added to read as follows:

**Section 310
Storage of Useful Items**

310.1 Storage of Useful Items.

- (A) Residential Property. No person shall place, construct, install affix, store or allow to remain, any item, object or structure on any property zoned or used for single family or duplex purposes except as specifically and explicitly permitted by this section.
- (B) Permitted Items. The following items, objects or structures are permitted as specified in subsection (a):
 - 1. Any item, object or structure permitted under the applicable provisions of the zoning ordinance, in full compliance with the authorizing provision. The intent of this subsection is to permit only those items specifically permitted under the applicable zoning district regulations or permitted accessory uses.
 - 2. Authorized trash containers.
 - 3. Firewood, neatly stacked and free of insects and vermin, behind the front building line extended and behind the front and side platted building lines.
 - 4. Swing sets and other similar recreational equipment.

- (C) All other Items. Any item, object or structure not specifically authorized in subsection (b) must be located within a fully enclosed structure, or within the back yard and fully screened from view from any adjacent property by a wall, fence or landscaping installed with materials of quality compatible with the immediate neighborhood as determined by the code official. Such screening shall be constructed and maintained in accordance with applicable city codes and shall be adequate to prevent substantial viewing of the enclosed objects from any place within the adjacent property or any structure located on that property.
- (D) All Other property. With respect to all property other than that covered by subsection (a), no person shall place, construct, install, affix or store or allow to remain, any item, object or structure except those specified in subsection (b) (1).
- (E) Notwithstanding any other applicable provision, permitted items, objects or structures shall occupy no more than 20 percent of the allowable outside storage area. With respect to matters governed by subsection (c) above, in measuring the area occupied by such items, objects or structures to determine if the permitted 20 percent is exceeded, a rectangle shall be constructed to include all points where any such item, object or structure is located and the area shall be calculated to include all that area within the rectangle. This method of calculating area shall not apply to those items specifically authorized in subsections (b)(1), (b)(2), and (b)(3) above.

8-216 – AMENDMENTS TO SECTION 602.3 – HEAT SUPPLY

Section 602.3 of the ~~2012-2018~~ IPMC is hereby amended to read as follows:

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units, or sleeping units on terms either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 15 to May 15 to maintain a minimum temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the 2012 International plumbing Code.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

8-217 – AMENDMENTS TO SECTION 602.4 – OCCUPIABLE WORK SPACES.

Section 602.4 of the IPMC is hereby amended to read as follows:

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 15 to May 15 to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

(Ord. 1994; Sec. 1; [Ord. 2289](#), Sec. 1, 2013)

ORDINANCE NO. 2434

AN ORDINANCE AMENDING CHAPTER IV OF THE PRAIRIE VILLAGE MUNICIPAL CODE ENTITLED “BUILDINGS AND CONSTRUCTION” BY AMENDING ARTICLE 1 ENTITLED “INTERNATIONAL BUILDING CODE” TO INCORPORATE BY REFERENCE THE “INTERNATIONAL BUILDING CODE, 2018 EDITION.”

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, KANSAS:

Section I.

Article I of Chapter IV of the Prairie Village Municipal Code is hereby amended to read as follows:

ARTICLE 1. INTERNATIONAL BUILDING CODE

4-101 INTERNATIONAL BUILDING CODE ADOPTED

The *International Building Code, 2018 Edition*, published by the International Code Council, hereafter referred to as the 2018 IBC, is hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added, or changed in the City Code. At least one (1) copy of said *International Building Code, 2018 edition* will be kept on file in the office of the City Clerk, marked or stamped “Official Copy as Incorporated by Ordinance No. 2434,” with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

4-102 AMENDMENTS TO SECTION 101.1 - TITLE

Section 101.1 of the 2018 IBC is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the *Building Code of the City of Prairie Village*, hereinafter referred to as “this code.”

4-103 AMENDMENTS TO SECTION 101.4 – REFERENCED CODES

Section 101.4 of the 2018 IBC is hereby amended to read as follows:

101.4 Referenced Codes. The other codes listed in Sections 101.4.1 through 101.4.9 and referenced elsewhere in this code shall be considered to be part of the requirements of this code to the prescribed extent of each such reference.

101.4.1 Gas. The provisions of the *International Fuel Gas Code* (PVMC Chapter 4, Article 5) shall apply to the installation of gas piping from the point of delivery, gas appliances, and related accessories as covered in this code.

These requirements shall apply to the gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

101.4.2 Mechanical. The provisions of the *International Mechanical Code* (PVMC Chapter 4, Article 4) shall apply to the installation, alterations, repairs, and replacement of mechanical systems, including equipment, appliances, fixtures, fittings, and/or appurtenances, including ventilation, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy-related systems.

101.4.3 Plumbing. The provisions of the *International Plumbing Code* (PVMC Chapter 4, Article 3) shall apply to the installation, alteration, repair, and replacement of plumbing systems, including equipment, appliances, fixtures, fittings, and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the *International Private Sewage Disposal Code* shall apply to private sewage disposal systems.

101.4.4 Property maintenance. The provisions of the *International Property Maintenance Code* (PVMC Chapter 8, Article 2), shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators, and occupants; and occupancy of existing premises and structures.

101.4.5 Fire prevention. The provisions of the *International Fire Code* (PVMC Chapter 7, Article 2), shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property, or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression, automatic sprinkler systems and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

101.4.6 Energy. The provisions of the *International Energy Conservation Code* (PVMC Chapter 4, Article 6) shall apply to all matters governing the design and construction of buildings for energy efficiency.

101.4.7 Electrical. The provisions of the *NFPA 70 National Electrical Code* (PVMC Chapter 4, Article 7) shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances thereto.

101.4.8 Existing buildings. The provisions of the *International Existing*

Building Code (PVMC Chapter 4, Article 8) shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

101.4.9 Swimming Pools. The provisions of the *International Swimming Pool and Spa Code* (PVMC Chapter 4, Article 9) shall apply to the construction, alteration, movement, renovation, replacement, repair, and maintenance of aquatic recreation facilities, pools, and spas.

4-104 DELETION OF SECTION 103.2 – APPOINTMENT

Section 103.2 of the 2018 IBC is hereby deleted.

4-105 AMENDMENTS TO SECTION 105.1 – PERMIT REQUIRED

Section 105.1 of the 2018 IBC is hereby amended to read as follows:

105.1 Permit 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, plumbing, fire alarm, fire detection, automatic fire extinguishing, or where flammable and combustible liquids are produced, processed, transported, stored, dispensed, or used, the installation of which is regulated by this Code, or to cause any such work to be done, shall first make application to the Building Official to obtain the required permit.

105.1.1 Annual permit. Section 105.1.1 of the 2018 IBC is hereby deleted.

105.1.2 Annual permit records. Section 105.1.2 of the 2018 IBC is hereby deleted.

105.1.3 County and city license required. All persons undertaking work which requires a permit as outlined in Section 105, or seeking to obtain that permit from the City, are required to have a currently valid contractor's license from Johnson County Contractor's Licensing Program and a valid contractor's license from the City of Prairie Village.

Exception: The owner of a single-family dwelling shall be allowed to secure a permit to construct, alter, or repair said home, provided the following conditions are met:

1. The homeowner currently occupies the dwelling and has been residing at the property for a minimum of three (3) months.
2. The homeowner undertakes the work themselves, without compensation, and no person shall be employed to assist the homeowner in any way on such work except a builder or building

contractor licensed by the City.

The Building Official may waive the provisions of this Section where it can be established that no license exists for the installation, alteration, or repair of a certain type of work requiring a permit, or due to other unique circumstances.

105.1.4 City license suspension and revocation. The Building Official is hereby authorized to suspend and/or revoke a city-issued contractor's license when there is evidence that the contractor knowingly violated the City's municipal code. If the building official suspends a contractor's license, he or she shall give the reasons therefore in writing and mail a copy to the license holder. The license holder may appeal such suspension by filing a written notice thereof with the City Clerk within 15 days after the notice of suspension or revocation was given. Appeals from suspensions or revocations shall be governed by Section 19.54.024 of the Prairie Village Zoning regulations.

4-106 AMENDMENTS TO SECTION 105.2 – WORK EXEMPT FROM PERMIT

Section 105.2 of the 2018 IBC is hereby amended to read as follows:

105.2 Work exempt 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. Sidewalks and driveways not more than 30 inches above grade and not over any basement or story below and are not part of an accessible route. Note: Right-of-way permits are required for sidewalk or driveway installation or replacement in the public right-of-way. All right-of-way permits are to be obtained from the Prairie Village Public Works Department.
2. Re-siding the dwelling or structure with materials other than stucco or EIFS.
3. Minor maintenance or repair work consisting of painting, papering, tiling, carpeting, cabinets, countertops, and similar work.
4. Temporary motion picture, television, and theater stage sets and scenery.
5. Prefabricated swimming pools accessory to Group R-3 occupancy, as applicable in Section 101.2, which are less than 24 inches deep, do not exceed 5,000 gallons, and are installed entirely above ground. Note: said swimming pools must be located in rear yard.
6. Swings and other playground equipment accessory to one-and two-family dwellings that do not exceed the 30% building coverage limit

and do not exceed 120 square feet for lots under 10,000 square feet or 200 square feet for lots over 10,000 square feet.

7. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support.
8. Non-fixed and movable fixtures, cases, racks, counters, and partitions not over 5 feet, 9 inches in height.

Electrical:

1. Listed cord and plug-connected temporary decorative lighting.
2. Minor repair work or replacement of lamps, or branch circuit over current devices of the required capacity in the same location.
3. Repair or replacement of electrical wiring, devices, appliances, apparatus, or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy, and not part of a fire alarm system.
4. Reinstallation of attachment plug receptacles, but not the outlet therefore.
5. Portable motors or other portable appliances energized by means of a cord having an attachment plug end to be connected to an approved receptacle, when that cord is permitted by this code.
6. Repair or replacement of fixed motors, transformers, or fixed approved appliances of the same type and rating in the same location.
7. A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

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

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot, or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part which does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds or less of refrigerant and actuated by motors of 1 horsepower or less.

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, sinks, and lavatories in the same location.

105.2.1 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 building official.

105.2.2 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.

105.2.3 Repairs. Application or notice to the Building 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.

4-107 AMENDMENTS TO SECTION 105.3 – APPLICATION FOR PERMIT

Section 105.3 of the 2018 IBC is hereby amended to read as follows:

105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the Prairie Village Codes Department for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. 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 definitively locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section 107.
5. State the valuation of the proposed work.

6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as required by the Building Official.

It shall be unlawful for any person to erect or cause to be erected within the City of Prairie Village any building or structure of any kind or enlarge or add to the outside dimension thereof, or relocate any building or structure within the City without a building permit being first obtained upon approval by the Building Official or his or her duly authorized designee. The application for such permit shall be made and the permit obtained before work is commenced upon any building or structure of the foundation thereof, or before the removal of any building begins.

105.3.1 Performance Bonds. The Building Official may require from the contractor a good and sufficient surety performance bond in the amount of \$5,000 at the time of issuance of the building permit for significant construction projects. The performance bond shall be issued by a surety company licensed and qualified to operate in the State of Kansas and approved by the City with a duly appointed agent.

Significant construction projects are defined as construction projects which will exceed \$100,000. The Building Official and the Public Works Director will determine whether a bond will be required and the amount not to exceed \$5,000 for those situations involving individual homeowners filing permit applications for minor buildings, structures, or additions. The performance bond will be approved by the Building Official predicated and guaranteed upon the fact that the permit applicant shall be and is, in fact, a guarantor that the streets and sidewalks in the area that they are working in shall remain free and clear of dirt, mud, gravel, and other debris. When the area does not remain free and clear of dirt, mud, gravel, and other debris, the Building Official shall provide notice of same to the permittee. Upon receipt of such notification, the permittee shall be allowed a period of two hours in which to remedy any and all defects caused by the acts of the contractor. If action has not been taken within the two hour period, or if such action fails to adequately remedy all defects within the affected area, then the Building Official or his/her authorized representative may direct the City to perform such duties and assess all cleanup charges against the performance bond. The cleanup charge will be based upon the cost to the City for actual cleanup, as determined by the Building Official and the Director of Public Works.

105.3.2 Action on Application. The Building Official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or construction documents do not conform to the requirements of pertinent laws, the Building Official shall reject such application in writing, stating the reasons therefore. If the Building Official is satisfied that the proposed

work conforms to the requirements of this code and laws and ordinances applicable thereto, the Building Official shall issue a permit therefore as soon as practicable.

105.3.3 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 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 Building Official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

105.3.4 Application for permit to move a building or other structure. Application for a permit to move a building or other structure shall include the information as required in Sections 105.3.4.1 or 105.3.4.1. The application shall be made not less than 14 calendar days prior to the commencement of the move and be accompanied by a fee of \$500. Buildings or structures shall not be lifted off their foundation until a permit to move the building or structure has been obtained. No person, firm, or corporation shall move, haul, or transport any building or structure of the height when loaded for movement of 16 feet or more from the surface of the highway, road, street, or alley, or a width of eight feet or more without first obtaining a permit therefore.

105.3.4.1 Moving building or structures within or into the City limits. A permit for a foundation, or new single-family dwelling or a remodel permit shall be secured prior to the issuance of a permit to move a building or structure. The foundation shall be constructed prior to the building or structure being moved. All applications for permits to move building or structures within the City limits of Prairie Village or into the City shall include the following information:

1. The dimensions of the building or structure as to length, width, and height at its highest point when loaded for moving.
2. A letter verifying that all utilities have been disconnected, i.e. gas, electric, water, and sewer. A verbal or electronic communication from the utility company is acceptable in lieu of a letter.
3. A letter or electronic communication from any utility company having overhead lines along the proposed route, indicating they have approved the route.
4. Letters from the Prairie Village Police Department and Public Works Department approving the date, time, and route of the move.
5. A letter indicating the day and hour when the move is to start; the length of time required for the move; and the number of escort vehicles. In no event will a move be allowed on a

Saturday or Sunday or a holiday unless specifically allowed by the Public Works Director and Chief of Police.

6. A map showing the route of the move.
7. A copy of the state highway move permit, if applicable.
8. Copies of written notices to the owners of adjacent lots along the route who may be affected by utility disconnects. The letter will provide the date and time of the move.
9. Written permission from the private property owners(s) to trim any trees on private property necessary to provide clearance for the move along the approved route.
10. Written permission from the City of Prairie Village Public Works Department to trim trees in the public right-of-way necessary to provide clearance for the move along the approved route.
11. Sewer permit from Johnson County Wastewater.
12. Water meter permit from WaterOne.
13. Verification from the Codes Department that the building or structure to be moved is compatible with adjacent building or structure in the area where the building or structure is to be moved.
14. Verification from the Codes Department that the building or structure meets current adopted codes and standards.
15. A plot plan, sealed by a Kansas design professional, showing the property or lot where the building or structure is to be moved. A legal description of the property shall be included.

105.3.4.2 Buildings or structures being moved out of the City or passing through the City. All permit applications for moving buildings or structures out of or through the City shall include the following:

1. The dimensions of the building or structure as to length, width, and height at its highest point when loaded for moving.
2. A letter verifying that all utilities have been disconnected, i.e. gas, electric, water, and sewer. A verbal or electronic communication from the utility company is acceptable in lieu of a letter.
3. A letter or electronic communication from any utility company having overhead lines along the proposed route indicating that they have approved the route.
4. A letter indicating the day and hour when the move is to start; the length of time required for the move; and the number of escort vehicles. In no event will a move be allowed on a Saturday or Sunday or a holiday unless specifically allowed by the Public Works Director and the Chief of Police.
5. A map showing the route of the move.
6. A copy of the state highway move permit, if applicable.
7. Letters from the Police Department and the Public Works Department approving the route of the move and the date and time of the move.

8. Copies of written notices to the owners of adjacent lots along the route who may be affected by utility disconnects. The letter will provide the date and time of the move.
9. Written permission from the private property owner(s) to trim any trees on private property necessary to provide clearance for the move along the approved route.
10. Written permission from the City of Prairie Village Public Works Department to trim trees in the public right-of-way to provide clearance for the move along the approved route.
11. A plot plan, sealed by a Kansas design professional, showing the property or lot where the building is to be removed. A legal description of the property is to be included

105.3.4.3 Bond and insurance required. It shall be the duty of any person at the time of making application for permit as provided in Section 105.3 to execute in favor of this City a good and sufficient bond to the City in the sum of \$10,000 with good and sufficient security, conditioned, among other things, that the principal shall pay any and all damages which may be caused to any property, public or private, within the City when such injury or damage shall be inflicted by the principal or his or her agent, servant, employee, workman, contractor, subcontractor, and such bond shall be conditioned so that the principal will serve, indemnify, protect and save harmless the City from any and all liability, and that he or she will, in all respects, comply with all ordinances of the City, the terms of his or her permit, and be conditional upon his or her faithful performance of the move. The form of such bond must be approved by the City Attorney.

The applicant shall file with the City a certificate of insurance, demonstrating evidence of satisfactory Commercial General Liability and Automobile Liability insurance. No permit shall be issued until such evidence is filed.

Policies of insurance must contain the following limits of protection and conditions:

1. Commercial General Liability insurance on an occurrence basis in amounts no less than \$500,000 bodily injury and property damage per occurrence.
2. Automobile Liability insurance in an amount no less than \$250,000 bodily injury each person/\$500,000 bodily injury each occurrence/\$250,000 property damage each occurrence; or \$500,000 bodily injury and property damage combined single limit.

The City will only accept coverage from an insurance carrier meeting these criteria:

1. Is licensed to do business in the State of Kansas; and
2. Carries a Best's policyholder and financial rating of A;
3. Carries at least a Class X financial rating;
4. Or is a company mutually agreed upon by the City and the applicant.
5. The City shall be notified in writing not less than 30 days prior to cancellation or material modification of any policy provisions.

105.3.4.4 Conditions of the permit. In addition to other provisions of this code, the permit holder shall be responsible for compliance of the following:

1. Move a building or structure only over streets approved by the Department of Public Works and the Chief of Police and designated for such use in the written application.
2. Notify the Building Official within 48 hours of move in writing of a desired change in moving date and route of move as proposed in the application. Change of route must be approved by the Building Official, the Director of Public Works, and the Chief of Police prior to initiating the move.
3. Notify the Building Official in writing of any and all damages to the public and private property within 24 hours after damage has occurred.
4. It shall be the duty of any persons moving any building or structure to display red lanterns or other warning devices used in compliance with City traffic ordinances or state statutes thereon in such a manner as to show the extreme height and width thereof from 30 minutes after sunset to 30 minutes before sunrise, and shall have sufficient escort as provided by City ordinance, state statutes, or as determined as necessary for public safety by the Chief of Police.
5. No building or structure or any part of a building or structure being moved shall be left in the street or in the dedicated right-of-way line between the curb and the front property line of any lot.
6. Any open foundation or excavation shall be protected by a four foot high fence minimum. Erosion and sediment control measures shall be put in place as needed and shall remain in place until vegetation has been established.
7. Within 30 days of the move, all debris and miscellaneous building materials shall be removed from the site. The existing foundation shall be demolished and removed, and all excavations shall be filled to grade.

4-108 AMENDMENTS TO SECTION 105.4 – VALIDITY OF PERMIT

Section 105.4 of the 2018 IBC is hereby amended to read as follows:

105.2.2 Validity of permit. The issuance or granting of a permit shall not be construed to be permit for, or an approval of, any violation of any of the provisions of this code or 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 and other data shall not prevent the Building Official from requiring the correction of errors in the construction documents and other data. The Building Official is also authorized to prevent occupancy or use of a structure wherein violation of this code or any other ordinances of this jurisdiction.

4-109 AMENDMENTS TO SECTION 105.5 - EXPIRATION

Section 105.5 of the 2018 IBC is hereby amended to read as follows:

105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 90 days after the work has commenced. All work shall be documented by an inspection as described in Section 110 of this code. Failure to request an inspection of newly completed work for any period of 90 days or more shall constitute suspension or abandonment of work, at which time said permit shall become invalid. It shall be unlawful for any person, firm, or corporation to allow a permit to become invalid. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. The Building Official may place reasonable conditions as necessary on the issuance of extensions.

4-110 AMENDMENTS TO SECTION 107.1 – SUBMITTAL DOCUMENTS - GENERAL

Section 107.1 of the 2018 IBC is hereby amended to read as follows:

107.1 General. Submittal documents consisting of construction documents, statement of special inspections, geotechnical report, and other data shall be submitted in two or more sets with each permit application. The construction documents shall be prepared by a Kansas registered design professional as required by the municipal code of the City of Prairie Village, Kansas. Where special conditions exist, the Building Official is authorized to require additional construction documents to be prepared by a Kansas registered design professional.

Exception: The Building 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 a review of construction documents is not necessary to obtain compliance with this code.

107.1.1 One and two-family dwellings. Construction documents for

residential structures designed in accordance with the 2018 edition of the *International Residential Code* shall be prepared by a registered design professional, duly registered in the State of Kansas and in good standing. The drawing shall bear the professional seal of the design professional.

Exception: The Building Official is authorized to waive the submission of construction documents and other data if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

4-111 AMENDMENTS TO SECTION 109 – FEES

Section 109 of the 2018 IBC is hereby amended as follows:

109.1 Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment or revision to a permit be released until the additional fee, if any, has been paid.

109.2 Schedule of permit fees. A fee for each permit shall be required, in accordance with the schedule as established by resolution of the Governing Body.

109.3 Building permit valuations. The applicant for a permit shall provide an estimated building cost at time of application. Building cost shall include total value of work, including materials and labor, for which the permit is being issued. If, in the opinion of the Building Official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the Building Official. The Building Official shall use the ICC Building Valuation Data Table of the most current issue to establish a minimum criteria for cost analysis. The higher value of the two comparisons shall establish the cost of work to establish permit and plan review fees.

109.4 Work commencing before permit issuance. Any person who commences any work before obtaining the necessary permits shall be subject to a fee established by the Building Official that shall be in addition to the required permit fees. Said fee is hereby established at “double” the required permit fee.

109.5 Related fees. The payment of the fee for construction, alteration, removal, or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from payment of other fees that are prescribed by law. These related fees may include, but are not limited to, the following: Board of Zoning Appeals, Planning Commission, right-of-way permits, or drainage permits.

109.6 Refunds. The Building Official may authorize the refund of any fee which was erroneously paid or collected, subject to the following conditions:

1. The Building Official may authorize a refund of not more than 80% of the permit fee paid when no work has commenced for a permit issued in accordance with this code.
2. No permit fee may be refunded if work has commenced on a project.

4-112 AMENDMENTS TO SECTION 114.4 – VIOLATION PENALTIES

Section 114.4 of the 2018 IBC is hereby amended to read as follows:

114.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, demolishes, or repairs a building or structure in violation of the approved construction documents or directive of the Building Official or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law, or other references incorporated, is guilty of a public offense and may be subject to punishment as provided in PVMC Chapter 1, Article 1, Section 1-116.

4-113 AMENDMENTS TO SECTION 116.1 – NUISANCES AND UNSAFE STRUCTURES – LEGISLATIVE FINDINGS

Section 116.1 of the 2018 IBC is hereby amended to read as follows:

116.1 Legislative findings. The purpose of this section is to provide reasonable controls restricting and prohibiting the allowance of nuisances and unsafe structures to exist on property within the City; to declare that certain conditions constitute public nuisances or structures, which are unsightly; a menace dangerous to the health of the inhabitants of the City; are offensive to the general public health, safety, and welfare of the community; to provide a method of enforcement of this section; to provide procedures to notify property owners or those in control of real property; to provide a method of assessment or collection of costs for abatement by the City; to declare that the existence of such violations are unlawful; and to provide penalties for enforcement through the Municipal Court system.

The Governing Body of the City hereby finds that the allowances of nuisances and unsafe or dangerous structures, as defined herein, on private property or adjacent rights-of-way or easements are public nuisances which are unsightly, a menace dangerous to the health of the inhabitants of the City; of the residential or commercial area and the residents thereof, and are offensive to the general public health, safety, and welfare of the community. Such nuisances or unsafe structures promote conditions which may cause disease, pollution, proliferation of rats, vermin, mosquitoes and snakes; the spread of fire; a harmful environment for transients and the community as a result of transient use; harmful attractions for children; creates long and short impacts on the area, including the diminution of property values and the integrity of the neighborhood; and interferes with the orderly development of property in the City.

4-114 AMENDMENTS TO SECTION 116.2 – NUISANCES AND UNSAFE STRUCTURES – DEFINITIONS

Section 116.2 of the 2018 IBC is hereby amended to read as follows:

116.2 Definitions.

- a) City – the City of Prairie Village.
- b) Graffiti – any drawing, painting, writing, inscription, figure or mark, regardless of its content, of the type which is commonly known and referred to as graffiti, which is written, drawn, painted, sprayed, scratched, or otherwise placed or affixed, regardless of the nature of the material used, on any wall, window, rock, building portion thereof, fence, gate, sign, other structure, tree, or other real or personal property.
- c) Nuisance – any condition which causes or creates an unreasonable interference with the rights of the general public and shall include, but not be limited to, graffiti, rank vegetation, rank or infested compost heaps, dense smoke, excessive dust, ash or fine particles in the air, rank ponds or standing water including swimming pools, water receptacles, and undrained areas, cesspools, rank odors, unkempt trash, refuse, brush and limbs, debris or building materials, rank sewage or septic system, excessive accumulation of animal waste, exposed animal carcasses after death, sheds, garages or other accessory structures allowing infestation of rodents or insects or left unsecured to allow the entry of animals, humans, or the natural elements such as rain, hail, and snow, or otherwise left unkempt or unsightly, except for outdoor dog or pet houses maintained in a clean and reasonable manner; trees, shrubs, or plants which are dead, diseased, or infested which present a harmful or dangerous condition to the public; exposed refrigerators or freezers or other appliances left unsecured; and any other condition which is determined to present a dangerous or harmful condition to the public.
- d) Perennial violator – Any person who shows an annual pattern of failing to comply with this section which may be shown by repeated notices of abatement notices of costs, or previous violations.
- e) Person – Any individual; individual's partnership; corporation; unincorporated association; other business organization; committee; board; trustee; receive; agent; or any representative who has charge, care, or responsibility of maintenance of any property, lot, or parcel of land regardless of status of owner, tenant, or lessee, and regardless of whether such person has possession.
- f) Property owner – The named property own as indicated in official records maintained by Johnson County, Kansas.
- g) Qualified expert – A person who is regularly employed to conduct structural inspections to comply with life, safety, mechanical, plumbing, health, and building codes or a licensed professional in the field of engineering or architecture.
- h) Representative – Any person or entity listed in the Johnson County, Kansas Appraiser's Office or Treasurer's Office for the purposes of paying taxes; a registered agent with the Kansas Secretary of State's Office for corporate or partnership owners; an agent or manager directed by the property owner, estate, or court order to represent the interests of the property or to otherwise control activities on the real property; or a corporate officer.
- i) Tenant – Any person who has a severable or non-severable interest in the real property either oral or written lease or covenant or by other methods of conveying a limited interest in such lands; or by any person who occupies or has possession of such real property.
- j) Unsafe structure – Any structure or part of a structure which remains or is

damaged to present a dangerous or unsafe condition to the public, including, but not limited to, structures damaged by fires, damaged by natural events or elements such as wind, tornadoes, earthquakes, flooding, or settling of the ground; damaged by insect infestation; damaged due to the failure to provide reasonable maintenance; structures occupied or unoccupied which have broken windows, missing boards or siding, unsecured doors, or unsecured openings which allow the harboring of animals, insects, transients, or create an attraction to children; structure which, due to the opinion of Qualified Experts or inspectors, including but not limited to, fire, engineering, or architectural experts; present an unsafe or dangerous condition to those on or near the property; unfinished structures where no occupancy permit has been issued, and any building permit has lapsed for more than 90 days; structures which remain unfinished, or without an occupancy permit, after 18 months from the date of the first building permit and where no inspection for newly-completed work has been requested within the last 90 days.

4-115 AMENDMENTS TO SECTION 116.3 – NUISANCE AND UNSAFE STRUCTURES – UNLAWFUL; RESPONSIBILITY TO ABATE

Section 116.3 of the 2018 IBC is hereby amended to read as follows:

116.3 Nuisance and unsafe structure unlawful; responsibility to abate. It shall be unlawful for any property owner, owner’s agent, or tenant of real property to allow or maintain a nuisance or unsafe structure on any lot or parcel of ground within the City, including any areas between the property lines of said property and the center line of any adjacent street or alley, including sidewalks, streets, alleys, easements, and rights-of-way. The property owner, owner’s agent, or tenant shall be responsible for the removal or abatement of any nuisance or unsafe structure.

4-116 AMENDMENTS TO SECTION 116-4 – ENFORCEMENT AGAINST NUISANCES; DESIGNATION OF OFFICER; NOTICE TO APPEAR; NOTICE OF ABATEMENT; HEARING

Section 116.4 of the 2018 IBC is hereby amended to read as follows:

116.4 Enforcement against nuisances; designation of officer; notice to appear; notice of abatement; hearing. The Building Official shall assist the Governing Body with the administration and enforcement of this section with regards to nuisances. The Building Official shall authorize the investigation of nuisances by his or her designated agents. If it is determined that a nuisance exists and is not remedied by the property owner in timely manner after receiving notice of violation, then the Building Official, or his or her designated agent, shall file a written report with the Governing Body describing the situation, its location, and the circumstances supporting the determination that the matter is a nuisance. If the Governing Body concurs with the report, it shall issue an Order of Abatement directing the property owner, owner’s agent, or tenant to remove and abate the nuisance within 10 days. The Order of Abatement shall state:

1. A common or legal description of the property, or both;
2. That the property is in violation of this section;
3. The nature of the nuisance, including relevant ordinances or statutes, with sufficient information to reasonably enable the recipient to determine the nature of the violation to allow for self-abatement;
4. That the recipient should remove and abate the nuisance within 10 days of receipt of the order;
5. That the recipient, upon written request, may obtain a hearing before the Governing Body or its designated representative, provided that such request is received by the City Clerk within the 10 day period;
6. That failure to comply with the order shall result in the City's right to remove and abate the nuisance with assessment of the City's costs being made against the property and the recipient;
7. That failure to pay such assessment within 30 days of the City's notice of costs of such removal and abatement shall result in the filing of a tax lien against the property, or the filing for a personal judgement against the recipient, or both;
8. That such violations are subject to prosecutions, and that such prosecution shall be independent of any enforcement of the order.

The Order of Abatement shall be served on the property owner, owner's agent, or tenant by certified mail, return receipt requested, or by personal service; provided any order served on a tenant shall also be served on the owner or owner's agent. If the property is unoccupied and the owner is a non-resident, then the order will be mailed by certified mail, return receipt requested, to the owner's last known address. If, during the preceding 24 month period, the owner, owner's agent, or tenant has failed to accept delivery or to otherwise effectuate receipt of a notice or order sent pursuant to this section, in addition to the methods of service described above, the Governing Body may serve on such person any further order by other methods, including but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail; provided, if the property is unoccupied and the owner is a non-resident, any alternative notice provided for in this paragraph shall be given by telephone communication or first class mail.

If a recipient of an Order of Abatement makes a written request for a hearing within the 10 day period, a hearing shall be immediately scheduled before the Governing Body or its designated representative. At such hearing, all relevant parties, interest holders, and City officials shall be allowed to present evidence concerning the status of property and the conditions creating the nuisance. Thereafter, the Governing Body or its designated representative may rescind, modify, or uphold the Order of Abatement. In making such a determination, the Governing Body or its designated representative shall describe the relevant facts and specific statute or code provisions being relied upon and state any such other stipulations, methods or removal, and abatement of orders as deemed necessary. If the Order of Abatement is either modified or upheld, the property owner, owner's agent, or tenant shall be given a reasonable time to remove and abate the nuisance, not to exceed 10 days.

If the Building Official or designated representative determines that a violation of this

section exists, he or she may issue a notice to appear in municipal court for such violation. No other procedures are required as a prerequisite to the issuance of a notice to appear. The imposition of any removal and abatement action described herein shall not preclude any appropriate prosecution or penalties. Likewise, the imposition of any prosecution or penalties shall not preclude any appropriate action described herein to remove or abate a nuisance or to collect removal and abatement costs.

4-117 AMENDMENTS TO 116.5 – ABATEMENT OF NUISANCE BY CITY; NOTICE OF COSTS; ASSESSMENT AND COLLECTION

Section 116.5 of the 2018 IBC is hereby amended to read as follows:

116.5 Abatement of nuisance by city; notice of costs; assessment and collection. If the recipient of the notice of abatement fails to comply with the Order of Abatement, or, if appropriate, with any order after a hearing on the matter, the City shall have the right to go onto the property to remove and abate the nuisance in a reasonable manner. It shall be unlawful for any person to interfere with or attempt to prevent the City or its agents from such action. The City and its agents shall not be responsible for damage to any real or personal property due to reasonable methods of gaining entrance onto the property or for damages to any real or personal property in the reasonable exercise of the removal and abatement of the nuisance. The City may use its own employees or contract for services to remove and abate the nuisance.

If the City removes and abates the nuisance, the City shall give a Notice of Costs to the property owner, owner's agent or tenant by certified mail, return receipt requested, stating the costs of such removal and abatement incurred by the City; provided, any notice served on a tenant shall also be served on the owner or owner's agent.

The costs shall include the City's cost of providing the notice, including any postage. The recipient shall have 30 days from the date of receipt of such notice to make full payment. The Notice of Costs shall state:

1. The common or legal description of the property, or both;
2. The nature of the nuisance, including relevant ordinances;
3. The nature of the work performed to remove and abate the nuisance;
4. The costs incurred for the abatement of the nuisance in either a lump sum or in an itemized form (including the cost of the notice);
5. That payment is due and payable within 30 days of receipt of the notice
6. That payment should be made payable to the City of Prairie Village, Kansas, and submitted to the City Clerk with a written indication of the purpose of the payment and the address of the property where the nuisance occurred;
7. That failure to pay the entire amount within the 30 day period shall allow the City to file a lien against the property or to pursue litigation for recovery of the costs, or both; and
8. That such additional remedies to recover costs shall include additional amounts,

including interest, court costs, attorney fees, and administrative costs.

If the costs are not paid within the 30 day period, the costs shall be collected in a manner provided by Kansas state statute or shall be assessed as a special assessment against the property. The City Clerk at the time of certifying other City taxes, shall certify the unpaid portion of the costs, and the County Clerk shall extend the same on the tax roll of the county against the property, and it shall be collected by the County Treasurer and paid to the City as other City taxes are collected and paid. The City may pursue collection both by levying a special assessment, and in the manner provided by Kansas state statute, but only until the full costs, including applicable interest, court costs, attorney's fees, and administrative costs have been paid in full.

4-118 ADDITION OF SECTION 116.6 – ENFORCEMENT AGAINST UNSAFE STRUCTURES; DESIGNATION OF OFFICER; NOTICE TO APPEAR; HEARING; RESOLUTION

Section 116.6 of the 2018 IBC is hereby added to read as follows:

116.6 Enforcement against unsafe structures; designation of officer; notice to appear; hearing; resolution. The Building Official shall be charged with the administration and enforcement of this section as it concerns unsafe structure. The Building Official shall authorize the investigation of violations of this section by his or her designated agents. If it is determined that a violation of this section exists, then the Building Official or his or her designated agent shall file a written report with the Governing Body of the City describing the situation, its location, and the circumstances that support the determination that the structure is unsafe. The Governing Body shall then fix a time and place at which the owner, representative, tenant, or lienholders of record may appear and show cause why such structure should not be condemned and ordered repaired or demolished. Such resolution shall be published once each week for two consecutive weeks. At least 30 days shall elapse between the last publication and the date set for the hearing. A copy of the resolution shall be mailed by certified mail, return receipt requested, within 3 days after its first publication to each such owner, representative, tenant, or lienholder of record, as can reasonably be determined, at the last known place of residence, and shall be marked "deliver to addressee only."

On the hearing date fixed by the Governing Body's resolution, all relevant parties, interest holders and relevant city officials shall be allowed to present evidence concerning the status of the property. The Governing Body shall subsequently make findings by resolution. If the Governing Body finds that such structure is unsafe or dangerous, such resolution shall direct the structure to be repaired or removed and the premises made safe and secure. Such resolution shall be published once in the official city newspaper and a copy mailed to the owners, representatives, tenants, or lienholders of record by certified mail, return receipt requested. The resolution shall affix a reasonable time within which the repair or removal of such structure within the time stated, or fails to diligently commence such action until the work is completed, the Governing Body will cause the structure to be razed and removed.

If an authorized agent determines that a violation of this section exists, he or she may issue a notices to appear in municipal court for such violations. No other procedures are required as a prerequisite to the issuance of a notice to appear.

4-119 ADDITION OF SECTION 116.7 – EXCAVATION FILL

Section 116.7 of the 2018 IBC is hereby added to read as follows:

116.7 Excavation fill. It shall be the duty of the property owner, representative, or the tenant, upon removal of a structure, to fill any basement, after removing all concrete footings and foundation walls, or other excavation located upon the premises and take any other action necessary to leave such premises in a safe condition, including grading and seeding or sodding of the area, removal of dirt or mud from roads, streets, alleys, or sidewalks, to allow for proper drainage of the site, and to remove any and all refuse, trash, debris, brush and limbs, or materials from the site.

4-120 ADDITION OF SECTION 116.8 – REMOVAL OF UNSAFE STRUCTURES; SALVAGE; SALE; ASSESSMENT AND COLLECTION OF COSTS; PROCEDURE

Section 116.8 of the 2018 IBC is hereby added to read as follows:

116.8 Removal of unsafe structures; salvage; sale, assessment and collection of costs; procedure. If the owner of any structure has failed to commence the repair or removal of such structure within the time stated in the resolution, or has failed to diligently prosecute the same thereafter, the City may proceed to raze and remove such structure and make the premises safe and secure. The City may perform this work through its own employees or contract for services to perform the work. The City shall keep an account of the costs for such work and may sell the salvage rom such structure and apply the proceeds or any necessary portion thereof to pay the cost of removing such structure and making the premises safe and secure. All moneys in excess of that necessary to pay such costs after the payment of all associated invoices shall be paid to the owner of the premises upon which the structure was located.

The City shall give notice to the owner of such structure by certified mail, return receipt requested, of the total cost incurred by the City in removing such structure and making the premises safe and secure. Such notice shall also state that payment of such costs is due and payable within 30 days following receipt for such notice. If the cost is not paid within the 30 day period, and if there is no salvageable material or if moneys received from the sale of salvage or from the proceeds of any insurance policy in which the City has created a lien pursuant to Kansas state statute are insufficient to pay the cost of such work, the balance shall be collected in a manner provided by Kansas state statute, but only until the full cost and applicable interest has been paid in full. Whenever any structure is removed from any premises under

the provisions of this section, the City Clerk shall certify to the County Appraiser that such structure has been removed.

4-121 ADDITION OF SECTION 116.9 – PROOF OF REPAIRING OR REBUILDING

Section 116.9 of the 2018 IBC is hereby added to read as follows:

116.9 Proof of repairing or rebuilding. In lieu of the payment of proceeds, the insured may present satisfactory proof to the Building Official that the insured has or will remove debris and repair, rebuild, or otherwise make the premises safe and secure. Upon presentation of such sufficient evidence, the Building Official, along with the City Clerk, shall certify that adequate proof of repairing or rebuilding has been given and that payment of insurance proceeds to the City shall not be paid, subject to any lien created by the City

4-122 ADDITION OF SECTION 116.10 – CITY NOT PARTY TO INSURANCE CONTRACT

Section 116.10 of the 2018 IBC is hereby added to read as follows:

116.10 City not party to insurance contract. This section does not make the City a party to any insurance contract, nor is the insurer liable to any party or any amount in excess of the proceeds otherwise payable under its insurance policy.

4-123 ADDITION OF SECTION 116.11 – FAILURE TO PAY INSURANCE PROCEEDS OR TO OBTAIN A CERTIFICATE IN LIEU OF PAYMENT PROCEEDS

Section 116.11 of the 2018 IBC is hereby added to read as follows:

116.11 Failure to pay insurance proceeds or to obtain a certificate in lieu of payment of proceeds. It is unlawful for any person to fail to provide the payment of insurance proceeds as required by this section unless a certificate in lieu of payment of proceeds has been obtained through the City.

4-124 ADDITION OF SECTION 116.12 – IMMEDIATE HAZARDS

Section 116.12 of the 2018 IBC is hereby added to read as follows:

116.12 Immediate hazards. In the event the public officer under this section

determines that a nuisance or unsafe structure exists which creates an immediate hazard, then the City shall proceed, without delay, to take steps to abate the situation and without prior notice to or hearing of the owner, representative, or tenant. The cost of such action shall be assessed as permitted by Kansas State Statute.

**4-125 ADDITION OF SECTION 116.13 – RIGHT OF ENTRY;
UNLAWFUL INTERFERENCE; PENALTY**

Section 116.13 of the 2018 IBC is hereby added to read as follows:

116.13 Right of entry; unlawful interference; penalty. Any authorized officer or agent of the City pursuant to this Article, shall be allowed to enter onto any land within the city limits to investigate violations of this Article or for the abatement of violations pursuant to this Article. It shall be unlawful for any person to interfere with a public officer or agent of the City in performing his or her duties pursuant to this article whether investigation or abating violations. Any person who interferes with an officer or agent of the City pursuant to this Article shall be punished as provided in Section 116.14.

4-126 ADDITION OF SECTION 116.14: PENALTY

Section 116.14 of the 2018 IBC is hereby added to read as follows:

116.14 Penalty. Any property owner, representative, tenant or person found in violation of this article shall be subject to prosecution in municipal court. Any such person found guilty of violating the provisions of this article shall be subject to a fine of not less than \$50 nor more than \$500 and not more than 10 days in jail, or both. Any person found guilty of violating the provisions of this article two or more times within any one year period, or determined by the municipal court to be a perennial violator, shall be fined not less than \$250 nor more than \$500 and shall be subject to a sentence not to exceed 30 days in jail, or both. Prosecution of any offender under this article does not limit the City's right to pursue assessment or collection of costs as stated in this article, or by other laws. Each day that any violation shall continue shall constitute a separate offense.

Section II. Repeal of Prior Ordinances.

All ordinances and parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed.

Section III. Effective Date

This ordinance shall take effect and be in force beginning June 1, 2021 upon and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED THIS ____ day of March, 2021.

Eric Mikkelson, Mayor

ATTEST:

APPROVED AS TO FORM:

Adam Geffert
City Clerk

David E. Waters
City Attorney

ORDINANCE NO. 2435

AN ORDINANCE AMENDING CHAPTER IV OF THE PRAIRIE VILLAGE MUNICIPAL CODE ENTITLED “BUILDINGS AND CONSTRUCTION” BY AMENDING ARTICLE 2 ENTITLED “INTERNATIONAL RESIDENTIAL CODE” TO INCORPORATE BY REFERENCE THE “INTERNATIONAL RESIDENTIAL CODE, 2018 EDITION.”

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, KANSAS:

Section I.

Article II of Chapter IV of the Prairie Village Municipal Code is hereby amended to read as follows:

ARTICLE 2. INTERNATIONAL RESIDENTIAL CODE (IRC)

4-201 INTERNATIONAL RESIDENTIAL CODE ADOPTED

The *International Residential Code, 2018 Edition*, published by the International Code Council, hereafter referred to as the 2018 IRC, is hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added, or changed in the City Code. At least one (1) copy of said *International Residential Code, 2018 edition*, will be kept on file in the office of the City Clerk, marked or stamped “Official Copy as Incorporated by Ordinance No. 2435,” with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

4-202 AMENDMENTS TO SECTION R101.1 - TITLE

Section R101.1 of the 2018 IRC is hereby amended to read as follows:

R101.1 Title. These provisions shall be known as the *Residential Code for One and Two Family Dwellings of the City of Prairie Village*, hereinafter referred to as the 2018 IRC.

4-203 AMENDMENTS TO SECTION R101.4 – ADMINISTRATION

Section R101.4 of the 2018 IRC is hereby added to read as follows:

R101.4 Administration. The administrative and enforcement provisions for this code shall be those provisions found in Sections 103 through 116 of the International Building Code.

4-204 AMENDMENTS TO SECTION R102.5 – APPENDICES ADOPTED

Section R102.5 of the 2018 IRC is hereby amended to read as follows:

R102.5 Appendices adopted. The following appendices are adopted as part of this code:

- a. Appendix H – Patio Covers
- b. Appendix K – Sound Transmission

4-205 AMENDMENTS TO TABLE R301.2(1) OF SECTION R301 – CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

Table R301.2(1) of the 2018 IRC is hereby amended to read as follows:

**TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

GROUND SNOW LOAD	WIND DESIGN 1.Speed-mph 2.Topographic Effects	SEISMIC DESIGN CATAGORY	SUBJECT TO DAMAGE FROM 1.Weathering 2.Frost Line Depth 3.Termite	WINTER DESIGN TEMP	ICE BARRIER UNDERLAYMENT REQUIRED	FLOOD HAZARDS	AIR FREEZING INDEX	MEAN ANNUAL TEMP
20	1. 115 mph 2. No	A	1.Severe 2. 36" 3.Moderate to Heavy	6°	YES	CURRENT FIRM	1000	54°

4-206 AMENDMENTS TO SECTION R302.3 – TWO-FAMILY DWELLINGS

Section R302.3 of the 2018 IRC is hereby amended to read as follows:

R302.3 Two-family dwellings. Two-family dwellings shall comply with the same fire separation requirements as townhouses per Section R302.2.

4-207 AMENDMENTS TO SECTION R303.4 – MECHANICAL VENTILATION

Section R303.4 of the 2018 IRC is hereby amended to read as follows:

R303.4 Mechanical ventilation. Where the air infiltration rate of a dwelling unit is less than three (3) air changes per hour when tested with a blower door at a pressure of 0.2 inch w.c (50 Pa) in accordance with Section N1102.4.1.2, the dwelling unit shall be provided with whole-house ventilation in accordance with Section M1505.4.

4-208 ADDITION OF SECTION R309.6 – RESIDENTIAL DRIVEWAYS

Section R309.6 of the 2018 IRC is hereby amended to read as follows:

R309.6. Residential driveways. Residential concrete and asphalt driveway slabs shall be a minimum of 4 inches thick. The driveway shall have a constant slope so as to avoid ponding of water. The slope shall be away from the house or building or drain. Concrete driveways shall be provided with #4 rebar at 24” on center spacing in both directions as a minimum standard, and installed in accordance with ACI318-11 concrete quality and field practices.

4-209 DELETION OF SECTION R313.2 – ONE- AND TWO-FAMILY DWELLINGS AUTOMATIC FIRE SPRINKLER SYSTEMS

Section R313.2 of the 2018 IRC is hereby deleted.

4-210 AMENDMENTS TO SECTION R401.2 - REQUIREMENTS

Section R401.2 of the 2018 IRC is hereby amended to read as follows:

R401.2 Requirements. Foundation construction shall be capable of accommodating all loads according to Section R301 and of transmitting the resulting loads to the supporting soil. Fill soils that support footings and foundations shall be designed, installed and tested in accordance with accepted engineering practice.

R401.2.1 Design required. A design in accordance with accepted engineering practice shall be provided for concrete or masonry foundation walls when any of the following conditions exist:

1. Walls subject to hydrostatic pressure from groundwater.
2. Walls supporting more than 48 inches of unbalanced fill that do not have permanent lateral support at the top and bottom.
3. Sites containing CH, MH, OL, or OH soils as identified in Table R405.1.
4. Foundation walls exceeding 10 feet in height, measured from the top of the wall to the bottom of the slab.
5. Lots identified on the grading plan as having more than 6 feet of fill or having a finished slope steeper than 4 units horizontal to 1 unit vertical before grading.
6. Footings and foundations with existing fill soils below the footing level.
7. Sloping lots greater than 4 to 1 before grading.
8. Lots where some of the footings bear on soil and other footings bear on rock.
9. Areas where problems have historically occurred.
10. Stepped footing and foundation walls.

R401.2.2 Continuous footing reinforcement. Continuous footings for basement foundation walls shall have a minimum horizontal reinforcement

consisting of not less than two (2) No. 4 bars, uniformly spaced, located a minimum 3 inches clear from the bottom of the footing.

R401.2.3 Foundation anchorage. The spacing of anchor bolts or foundation anchor straps required by Section R403.1.6 shall be reduced to a maximum of 3 feet on center for basement foundation walls.

4-211 AMENDMENTS TO SECTION R405.1 – CONCRETE OR MASONRY FOUNDATIONS

Section R405.1 of the 2018 IRC is hereby amended to read as follows:

R405.1 Concrete or masonry foundations. Drains shall be provided around all concrete or masonry foundations that retain earth and enclose habitable or usable spaces located below grade. Drainage tiles, gravel, or crushed stone drains, perforated pipe, or other approved systems or material shall be installed at or below the area to be protected and shall discharge by gravity or mechanical means into an approved drainage system. Gravel or crushed stone drains shall extend at least 1 foot beyond the outside edge of the footing and 6 inches above the top of the footing and be covered with an approved filter membrane material. The top of open joints of drain tiles shall be protected with strips of building paper. Perforated drains shall be surrounded with an approved filter membrane or the filter membrane shall cover the washed gravel or crushed rock covering the drain. Drainage tiles or perforated pipe shall be placed on a minimum of 2 inches of washed gravel or crushed rock at least one sieve size larger than the tile joint opening or perforation and covered with not less than 6 inches of the same material.

Exceptions:

1. A drainage system is not required when the foundation is installed on well-drained ground or sand-gravel mixture soils according to the Unified Soil Classification System, Group I Soils, as detailed in Table R405.1 This exception must be verified and documented by a soils engineer and/or a certified testing agency.
2. A filter membrane is not required where perforated drains are covered with at least 18 inches of washed gravel or crushed rock.
3. For gravel or crushed stone drains, a filter membrane is not required when the gravel or crushed stone extends at least 18 inches above the top of the footing.

4-212 ADDITION OF SECTION R506.3 – DESIGN REQUIRED

Section R506.3 of the 2018 IRC is hereby added to read as follows:

R506.3 Design required. A design in accordance with accepted engineering practice shall be provided for concrete floors when the limitations for fill material set

forth in Section R506.2.1 are exceeded.

4-213 ADDITION OF SECTION R506.4 – BASEMENT FLOOR SLAB ISOLATION

Section R506.4 of the 2018 IRC is hereby added to read as follows:

R506.4 Basement floor slab isolation. Basement floor slabs shall be isolated from column pads, interior columns, and interior bearing walls to facilitate differential movement. Nonbearing walls supported on basement floor slabs shall be provided with a minimum 1 inch expansion joint to facilitate differential movement between the floor slab and the floor framing above. Isolation and/or expansion joint is not required within 6 inches of exterior walls.

4-214 AMENDMENTS TO TABLE N1102.1.2 IN SECTION R401.1.2 – INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT

Table N1102.1.2 in Section R401.1.2 of the 2018 IRC is hereby amended to read as follows:

TABLE N1102.1.2 (R402.1.2)
INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT^a

Climate zone	Fenestration U-factor (b)	Skylight (b) U-factor	Glazed Fenestration SHGC (b)(e)	Ceiling R-value	Wood Frame wall R-value	Mass wall R-value (i)	Floor R-value	Base-ment wall R-value (c)	Slab (d) R-value & Depth	Crawl space(c) Wall R-value
4 not marine	0.32	0.55	0.40	49	15	8/13	19	10/13	10/2ft	10/13

For SI: 1 foot = 304.8 mm.

NR = Not Required.

- a. R-values are minimums. U-factors and SHGC are maximums. Where insulation is installed in a cavity, that is less than the label or design thickness of the insulation, the installed R-value 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.
- d. R-5 insulation shall be provided under the full slab area of a heated slab.
- e. There shall be no SHGC requirements in the Marine zone.
- f. Basement wall insulation shall not be required in warm-humid locations as defined by figure N1101.7 and Table N1101.7
- g. Alternatively, insulation sufficient to fill the framing cavity providing not less than R-value of R-19.
- h. The first value is cavity insulation, the second value is continuous insulation. Therefore, as an example, "13+5" means R-13 cavity insulation plus R-5

continuous insulation.

- i. Mass walls shall be in accordance with section N1102.2.5. The second R-value applies where more than half of the insulation is on the interior of the mass wall.

4-215 AMENDMENT TO SECTION N1102.4.1.2 – TESTING

Section N1102.4.1.2 of the 2018 IRC is hereby amended to read as follows:

N1102.4.1.2 Testing. Where required by the building official, the building or dwelling unit shall be tested and verified as having an air leakage rate not exceeding 5 air changes per hour. Testing shall be conducted with a blower door at a pressure of 0.2 inches w.g. (50 Pascals). Testing shall be conducted by an approved third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the building official. Testing shall be performed at any time after creation of all penetrations of the building thermal envelope. During testing:

1. Exterior windows and doors, fireplace, and stove doors shall be closed, but not sealed beyond the intended weather-stripping or other infiltration control measures;
2. Dampers, including exhaust, intake, makeup air, backdraft, and flue dampers shall be closed, but not sealed beyond intended infiltration control measures;
3. Interior doors, if installed at the time of the test, shall be open;
4. Exterior doors for continuous ventilation systems and heat recovery ventilators shall be closed and sealed;
5. Heating and cooling systems, if installed at the time of the test, shall be turned off; and
6. Supply and return registers, if installed at the time of the test, shall be fully open.

4-216 AMENDMENT TO SECTION N1106.4 - ERI-BASED COMPLIANCE.

Section N1106.4 of the 2018 IRC is hereby added to read as follows:

N1106.4 ERI-based compliance. Compliance based on an ERI analysis requires that the rated design be shown to have an ERI less than or equal to the appropriate value of 68 when compared to the ERI reference design. Where on-site renewable energy is included for compliance using the ERI analysis of Section N1106.4, the building shall meet mandatory requirements of Section N1106.2, and the building thermal envelope shall be greater than or equal to the levels of efficiency and SHGC in Table N1102.1.2 or Table N1102.1.4.

4-217 AMENDMENTS TO SECTION E3902.5 – UNFINISHED BASEMENT RECEPTACLES

Section E3902.5 of the 2018 IRC is hereby amended to read as follows:

E3902.5 Unfinished basement receptacles. 125-volt, single-phase, and 15- and 20-ampere receptacles installed in unfinished basements shall have ground-fault circuit-interrupter protection for personnel. For purpose of this section, unfinished basements are defined as portions or areas of the basement not intended as habitable rooms.

Exceptions: A receptacle supplying only a permanently installed fire alarm, burglar alarm system, or where a dedicated single-use style receptacle is installed for the sole purpose to supply power to a sump pump and the face of the receptacle is labeled not GFCI protected. Receptacles installed in accordance with this exception shall not be considered as meeting the requirement of Section E3901.9.

Section II. Repeal of Prior Ordinances.

All ordinances and parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed.

Section III. Effective Date

This ordinance shall take effect and be in force beginning June 1, 2021 upon and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED THIS ____ day of March, 2021.

Eric Mikkelson, Mayor

ATTEST:

APPROVED AS TO FORM:

Adam Geffert
City Clerk

David E. Waters
City Attorney

ORDINANCE NO. 2436

AN ORDINANCE AMENDING CHAPTER IV OF THE PRAIRIE VILLAGE MUNICIPAL CODE ENTITLED “BUILDINGS AND CONSTRUCTION” BY AMENDING ARTICLE 3 ENTITLED “INTERNATIONAL PLUMBING CODE” TO INCORPORATE BY REFERENCE THE “INTERNATIONAL PLUMBING CODE, 2018 EDITION.”

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, KANSAS:

Section I.

Article III of Chapter IV of the Prairie Village Municipal Code is hereby amended to read as follows:

ARTICLE 3. INTERNATIONAL PLUMBING CODE (IPC)

4-301 INTERNATIONAL PLUMBING CODE ADOPTED

The *International Plumbing Code, 2018 Edition*, published by the International Code Council, including Appendices B, C, D, and E, hereafter referred to as the 2018 IPC, is hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added, or changed in the City Code. At least one (1) copy of said *International Plumbing Code, 2018 edition*, will be kept on file in the office of the City Clerk, marked or stamped “Official Copy as Incorporated by Ordinance No. 2436,” with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

4-302 AMENDMENTS TO SECTION 101.1 - TITLE

Section 101.1 of the 2018 IPC is hereby amended to read as follows:

101.1 Title. These provisions shall be known as the *International Plumbing Code of the City of Prairie Village*, hereinafter referred to as “the 2018 IPC,” “the IPC” or “plumbing code.”

4-303 ADDITION OF SECTION 101.5 – ADMINISTRATION AND ENFORCEMENT

Section 101.5 of the 2018 IPC is hereby added to read as follows:

101.5 Administration and enforcement. The administrative and enforcement provisions for this code shall be those provisions found in Sections 103 through 116 of the *International Building Code, 2018 edition*.

4-304 AMENDMENTS TO SECTION 107.4 – TESTING

Section 107.4 of the 2018 IPC is hereby amended to read as follows:

107.4 Testing. Plumbing work and systems shall be tested as required in Section 312 and in accordance with Sections 107.4.1 through 107.4.3. Tests shall be made by the permit holder and observed by the code official as deemed necessary.

107.4.1 New, altered, extended, or repaired systems. New plumbing systems and parts of existing systems that have been altered, extended, or repaired shall be tested as prescribed herein to disclose leaks and defects, except that testing is not required in the following cases:

1. In any case that does not include addition to, replacement alteration, or relocation of any water supply, drainage, or vent piping.
2. In any case where plumbing equipment is set up temporarily for exhibition purposes.

107.4.2 Equipment, material, and labor for tests. All equipment, material, and labor required for testing a plumbing system or part thereof shall be furnished by the permit holder.

107.4.3 Re-inspection and testing. Where any work or installation does not pass any initial test or inspection, the necessary correction shall be made to comply with this code. The work or installation shall then be re-submitted to the code official for inspection and testing.

4-305 AMENDMENTS TO SECTION 305.4 - FREEZING

Section 305.4 of the 2018 IPC is hereby amended to read as follows:

305.4 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 temperatures unless adequate provision is made to protect such pipes from freezing by insulation, heat, or both. Exterior water supply system piping shall be installed not less than six inches (6") below the frost line. The frost line depth for the City of Prairie Village is thirty six inches (36").

Section II. Repeal of Prior Ordinances.

All ordinances and parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed.

Section III. Effective Date

This ordinance shall take effect and be in force beginning June 1, 2021 upon and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED THIS ____ day of March, 2021.

Eric Mikkelson, Mayor

ATTEST:

APPROVED AS TO FORM:

Adam Geffert
City Clerk

David E. Waters
City Attorney

ORDINANCE NO. 2437

AN ORDINANCE AMENDING CHAPTER IV OF THE PRAIRIE VILLAGE MUNICIPAL CODE ENTITLED “BUILDINGS AND CONSTRUCTION” BY AMENDING ARTICLE 4 ENTITLED “INTERNATIONAL MECHANICAL CODE” TO INCORPORATE BY REFERENCE THE “INTERNATIONAL MECHANICAL CODE, 2018 EDITION.”

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, KANSAS:

Section I.

Article IV of Chapter IV of the Prairie Village Municipal Code is hereby amended to read as follows:

ARTICLE 4. INTERNATIONAL MECHANICAL CODE (IMC)

4-401 INTERNATIONAL MECHANICAL CODE ADOPTED

The *International Mechanical Code, 2018 Edition*, published by the International Code Council, including Appendix A thereof, hereafter referred to as the 2018 IMC, is hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added, or changed in the City Code. At least one (1) copy of said *International Mechanical Code, 2018 edition*, will be kept on file in the office of the City Clerk, marked or stamped “Official Copy as Incorporated by Ordinance No. 2437,” with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

4-402 AMENDMENTS TO SECTION 101.1 - TITLE

Section 101.1 of the 2018 IMC is hereby amended to read as follows:

101.1 Title. These provisions shall be known as the *International Mechanical Code of the City of Prairie Village*, hereinafter referred to as the “2018 IMC, “the IMC” or “mechanical code.”

4-403 ADDITION OF SECTION 101.5 – ADMINISTRATION AND ENFORCEMENT

Section 101.5 of the 2018 IMC is hereby added to read as follows:

101.5 Administration and enforcement. The administrative and enforcement provisions for this code shall be those provisions found in Sections 103 through 116 of the International Building Code, 2018 edition.

4-304 ADDITION OF SECTION 102.12 – STATE BOILER INSPECTOR

Section 102.12 of the 2018 IMC is hereby added to read as follows:

102.12 State boiler inspector. Where permits are issued and portions of the work require inspection and approval of boilers and pressure vessels in accordance with K.S.A. 44-913 et. Seq. 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 of Kansas Fire Marshalls Office for complete information regarding state requirements.

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 250 psi.

Section II. Repeal of Prior Ordinances.

All ordinances and parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed.

Section III. Effective Date

This ordinance shall take effect and be in force beginning June 1, 2021 upon and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED THIS ___ day of March, 2021.

Eric Mikkelson, Mayor

ATTEST:

APPROVED AS TO FORM:

Adam Geffert
City Clerk

David E. Waters
City Attorney

ORDINANCE NO. 2438

AN ORDINANCE AMENDING CHAPTER IV OF THE PRAIRIE VILLAGE MUNICIPAL CODE ENTITLED “BUILDINGS AND CONSTRUCTION” BY AMENDING ARTICLE 5 ENTITLED “INTERNATIONAL FUEL GAS CODE” TO INCORPORATE BY REFERENCE THE “INTERNATIONAL FUEL GAS CODE, 2018 EDITION.”

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, KANSAS:

Section I.

Article V of Chapter IV of the Prairie Village Municipal Code is hereby amended to read as follows:

ARTICLE 5. INTERNATIONAL FUEL GAS CODE (IFGC)

4-501 INTERNATIONAL FUEL GAS CODE ADOPTED

The *International Fuel Gas Code, 2018 Edition*, published by the International Code Council, including Appendix A thereof, hereafter referred to as the 2018 IFGC, is hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added, or changed in the City Code. At least one (1) copy of said *International Fuel Gas Code, 2018 edition*, will be kept on file in the office of the City Clerk, marked or stamped “Official Copy as Incorporated by Ordinance No. 2438,” with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

4-502 AMENDMENTS TO SECTION 101.1 - TITLE

Section 101.1 of the 2018 IFGC is hereby amended to read as follows:

101.1 Title. These provisions shall be known as the *International Fuel Gas Code of the City of Prairie Village*, hereinafter referred to as the “2018 IFGC,” “the IFGC” or “fuel gas code.”

4-503 ADDITION OF SECTION 101.5 – ADMINISTRATION AND ENFORCEMENT

Section 101.6 of the 2018 IFGC is hereby added to read as follows:

101.5 Administration and enforcement. The administrative and enforcement provisions for this code shall be those provisions found in Sections 103 through 116 of the *International Building Code, 2018 edition*.

4-504 AMENDMENTS TO SECTION 303.4 – PROTECTION FROM VEHICLE IMPACT DAMAGE

Section 303.4 of the 2018 IFGC is hereby added to read as follows:

303.4 Protection from vehicle impact damage. Appliances and gas meters shall not be installed in a location subject to vehicle impact damage unless protected from vehicle impact damage per Section 312 of the *International Fire Code, 2018 edition*.

Section II. Repeal of Prior Ordinances.

All ordinances and parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed.

Section III. Effective Date

This ordinance shall take effect and be in force beginning June 1, 2021 upon and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED THIS ____ day of February, 2021.

Eric Mikkelson, Mayor

ATTEST:

APPROVED AS TO FORM:

Adam Geffert
City Clerk

David E. Waters
City Attorney

ORDINANCE NO. 2439

AN ORDINANCE AMENDING CHAPTER IV OF THE PRAIRIE VILLAGE MUNICIPAL CODE ENTITLED “BUILDINGS AND CONSTRUCTION” BY AMENDING ARTICLE 6 ENTITLED “INTERNATIONAL ENERGY CONSERVATION CODE” TO INCORPORATE BY REFERENCE THE “INTERNATIONAL ENERGY CONSERVATION CODE, 2018 EDITION.”

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, KANSAS:

Section I.

Article VI of Chapter IV of the Prairie Village Municipal Code is hereby amended to read as follows:

ARTICLE 6. INTERNATIONAL ENERGY CONSERVATION CODE (IECC)

4-601 INTERNATIONAL ENERGY CONSERVATION CODE ADOPTED

The *International Energy Conservation Code, 2018 Edition*, published by the International Code Council hereafter referred to as the 2018 IECC, is hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added, or changed in the City Code. At least one (1) copy of said *International Energy Conservation Code, 2018 edition*, will be kept on file in the office of the City Clerk, marked or stamped “Official Copy as Incorporated by Ordinance No. 2439,” with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

4-602 AMENDMENTS TO SECTION C101.1 – TITLE, DESIGN CRITERIA, APPLICABILITY

Section 101.1 of the 2018 IECC is hereby amended to read as follows:

C101.1 Title. These provisions shall be known as the *International Energy Conservation Code of the City of Prairie Village*, hereinafter referred to as the “2018 IECC”, “the IECC” or “energy conservation code.”

C101.1.1 Design criteria. City of Prairie Village design criteria for energy code compliance shall be Climate Zone 4, Not Marine.

C101.1.2 Applicability. One- and two-family dwellings and townhouses shall comply with the IRC 2018 as amended for energy code compliance. All other residential occupancies identified in the IBC 2018, Chapter 3, such as R-1, R-2, R-3, and R-4 shall comply with IECC 2018.

Exception: R-3 and R-4 facilities that are allowed within one- or two-family dwellings shall use the IRC 2018 for energy code compliance.

4-603 ADDITION OF SECTION C101.6 – ADMINISTRATION AND ENFORCEMENT

Section C101.6 of the 2018 IECC is hereby added to read as follows:

C101.6 Administration and enforcement. The administrative and enforcement provisions for this code shall be those provisions found in Sections 103 through 116 of the *International Building Code, 2018 edition*.

Section II. Repeal of Prior Ordinances.

All ordinances and parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed.

Section III. Effective Date

This ordinance shall take effect and be in force beginning June 1, 2021 upon and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED THIS ____ day of March, 2021.

Eric Mikkelson, Mayor

ATTEST:

APPROVED AS TO FORM:

Adam Geffert
City Clerk

David E. Waters
City Attorney

ORDINANCE NO. 2440

AN ORDINANCE AMENDING CHAPTER IV OF THE PRAIRIE VILLAGE MUNICIPAL CODE ENTITLED “BUILDINGS AND CONSTRUCTION” BY AMENDING ARTICLE 7 ENTITLED “NFPA 70 – NATIONAL ELECTRICAL CODE TO INCORPORATE BY REFERENCE THE “NFPA70 – NATIONAL ELECTRICAL CODE, 2017 EDITION.”

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, KANSAS:

Section I.

Article VII of Chapter IV of the Prairie Village Municipal Code is hereby amended to read as follows:

ARTICLE 7. NFPA70 – NATIONAL ELECTRICAL CODE

4-701 NFPA 70 – NATIONAL ELECTRICAL CODE INCORPORATED

The *NFPA 70: National Electric Code, 2017 edition*, published by the National Fire Protection Association, Inc. hereafter referred to as the NEC 2017, is hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added, or changed in the City Code. At least one (1) copy of said *NFPA 70: National Electrical Code, 2017 edition*, will be kept on file in the office of the City Clerk, marked or stamped “Official Copy as Incorporated by Ordinance No. 2440,” with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

4-702 ADDITION OF SECTION 90.10 – ADMINISTRATION AND ENFORCEMENT

Section 90.10 of the NEC 2017 is hereby added to read as follows:

90.10. Administration and enforcement. The administrative provisions for this code shall be those provisions contained in Sections 103 through 116 of the *International Building Code, 2018 edition*.

Section II. Repeal of Prior Ordinances.

All ordinances and parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed.

Section III. Effective Date

This ordinance shall take effect and be in force beginning June 1, 2021 upon and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED THIS ____ day of March, 2021.

Eric Mikkelson, Mayor

ATTEST:

APPROVED AS TO FORM:

Adam Geffert
City Clerk

David E. Waters
City Attorney

ORDINANCE NO. 2441

AN ORDINANCE AMENDING CHAPTER IV OF THE PRAIRIE VILLAGE MUNICIPAL CODE ENTITLED “BUILDINGS AND CONSTRUCTION” BY ADDING ARTICLE 9 ENTITLED “INTERNATIONAL EXISTING BUILDING CODE TO INCORPORATE BY REFERENCE THE “INTERNATIONAL EXISTING BUILDING CODE, 2018 EDITION.”

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, KANSAS:

Section I.

Article IX of Chapter IV of the Prairie Village Municipal Code is hereby amended to read as follows:

ARTICLE 9. INTERNATIONAL EXISTING BUILDING CODE

4-901 INTERNATIONAL EXISTING BUILDING CODE INCORPORATED

The *International Existing Building Code, 2018 edition*, published by the International Code Council, hereafter referred to as the 2018 IEBC, is hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added, or changed in the City Code. At least one (1) copy of said *International Existing Building Code, 2018 edition*, will be kept on file in the office of the City Clerk, marked or stamped “Official Copy as Incorporated by Ordinance No. 2441,” with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

4-902 AMENDMENT TO SECTION 101.1 – TITLE

Section 101.1 of the 2018 IEBC is hereby amended to read as follows:

101.1 Title. These provisions shall be known as the Existing Building Code of the City of Prairie Village, Kansas, hereinafter referred to as “the 2018 IEBC,” the “IEBC,” or “this code.”

4-903 AMENDMENT TO SECTION 103 – ADMINISTRATION

Section 103 of the 2018 IEBC is hereby amended to read as follows:

103.1 Administration. The administrative and enforcement provisions for this code shall be those provisions found in Section 103 through 116 of the *International Building Code, 2018 edition*.

Section II. Repeal of Prior Ordinances.

All ordinances and parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed.

Section III. Effective Date

This ordinance shall take effect and be in force beginning June 1, 2021 upon and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED THIS ____ day of March, 2021.

Eric Mikkelson, Mayor

ATTEST:

APPROVED AS TO FORM:

Adam Geffert
City Clerk

David E. Waters
City Attorney

ORDINANCE NO. 2442

AN ORDINANCE AMENDING CHAPTER IV OF THE PRAIRIE VILLAGE MUNICIPAL CODE ENTITLED “BUILDINGS AND CONSTRUCTION” BY ADDING ARTICLE 10 ENTITLED “INTERNATIONAL SWIMMING POOL AND SPA CODE” TO INCORPORATE BY REFERENCE THE “INTERNATIONAL SWIMMING POOL AND SPA CODE, 2018 EDITION.”

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, KANSAS:

Section I.

Article X of Chapter IV of the Prairie Village Municipal Code is hereby amended to read as follows:

ARTICLE 10. INTERNATIONAL SWIMMING POOL AND SPA CODE

4-1001 INTERNATIONAL SWIMMING POOL AND SPA CODE ADOPTED

The *International Swimming Pool and Spa Code, 2018 edition*, published by the International Code Council, hereafter referred to as the 2018 ISPSC, is hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added, or changed in the City Code. At least one (1) copy of said *International Swimming Pool and Spa Code, 2018 edition*, will be kept on file in the office of the City Clerk, marked or stamped “Official Copy as Incorporated by Ordinance No. 2442,” with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

4-1002 AMENDMENT TO SECTION 101.1 – TITLE

Section 101.1 of the 2018 ISPSC is hereby amended to read as follows:

101.1 Title. These provisions shall be known as the Swimming Pool and Spa Code of the City of Prairie Village, Kansas, hereinafter referred to as “the 2018 ISPSC,” the “ISPSC,” or “this code.”

4-1003 AMENDMENT TO SECTION 103 – ADMINISTRATION

Section 103 of the 2018 ISPSC is hereby amended to read as follows:

103.1 Administration. The administrative and enforcement provisions for this code shall be those provisions found in Section 103 through 116 of the *International Building Code, 2018 edition*.

4-1004 AMENDMENT TO SECTION 305.1 – GENERAL

Section 305.1 of the 2018 ISPSC is hereby amended to read as follows:

305.1 General. The provisions of this section shall apply to the design of barriers for restricting entry into areas having pools and spas. Where spas or hot tubs are equipped with a lockable safety cover complying with ASTM F1346, the areas where those spas or hot tubs are located shall not be required to comply with Sections 305.2 through 305.7.

Section II. Repeal of Prior Ordinances.

All ordinances and parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed.

Section III. Effective Date

This ordinance shall take effect and be in force beginning June 1, 2021 upon and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED THIS ____ day of March, 2021.

Eric Mikkelson, Mayor

ATTEST:

APPROVED AS TO FORM:

Adam Geffert
City Clerk

David E. Waters
City Attorney

ORDINANCE NO. 2443

AN ORDINANCE AMENDING CHAPTER IV OF THE PRAIRIE VILLAGE MUNICIPAL CODE ENTITLED "BUILDINGS AND CONSTRUCTION" BY ADDING ARTICLE 11 ENTITLED "CONSTRUCTION SITE FENCING AND SCREENING"

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, KANSAS:

Section I.

Article XI of Chapter IV of the Prairie Village Municipal Code is hereby added to read as follows:

ARTICLE 11. CONSTRUCTION SITE FENCING AND SCREENING

4-1101 INTENT

The purpose of this Article is to require construction sites to be fenced to protect adjacent properties from construction activities and debris, to safeguard public safety by restricting public access to the construction site, preserve neighborhood esthetics, and minimize construction nuisances by screening the clutter of construction, thereby ensuring the comfort, safety, and welfare of the residents of the City of Prairie Village.

4-1102 APPLICABILITY

The provisions of this Article shall specifically apply to:

- A. Any new structure built on a vacant lot
- B. A demolition of an existing structure, whether it is just a demolition or a demolition and rebuild of a new structure
- C. Any addition of an existing structure that adds more than 600 square feet to the existing building footprint.
- D. Any remodel of an existing structure that tears down more than 10% of the existing structure associated with the new construction.

4-1103 CONSTRUCTION SITE FENCING REQUIRED

Prior to starting grading, excavation, or construction, the Building Official shall require the site to be temporarily fenced and screened on all sides for the duration of the construction project until a Temporary Certificate of Occupancy is issued. The height of the fence shall be between seventy-two (72) and eighty-four (84) inches, and fence material shall be chain link metal fence overlaid on the exterior with an opaque vinyl screen, or other equivalent fencing and screening material as approved by the Building Official. The fence shall be located on or behind the lot

line and not be located in any part of the right-of-way unless approval is granted by the Public Works Department through a right-of-way permit.

The Building Official may grant exceptions to this provision where fencing on one or more sides is not feasible due to physical constraints or determined to be unnecessary due to the presence of equivalent barrier(s) or other extenuating circumstances.

4-1104 TEMPORARY PROJECT INFORMATION SIGN

All construction projects that fall under the requirements of this Article shall affix a temporary project information sign to the fence that can be readily viewed by the public, in addition to displaying the approved building permit issued by the City. The temporary project information sign shall be two (2) feet in height by three (3) feet in length with the following information printed legibly in at least seventy-two (72) point font:

- A. Permit number
- B. Site address
- C. General contractor's name
- D. Primary contact name
- E. Contact phone number
- F. Contact email address

The temporary project information shall be labeled with the words "PROJECT INFORMATION" at the center top and also include the most current allowable construction hours per city ordinance.

The temporary project information sign shall be in substantial conformance to the following:

PROJECT INFORMATION
ADDRESS: _____
CONTACT: _____ PHONE #: _____
CONTRACTOR: _____ EMAIL: _____
PERMIT #: _____
PURSUANT TO ORDINANCE 2427, CONSTRUCTION NOISE IS PERMITTED DURING SUMMER MONTHS (MAY 15 – SEPTEMBER 15) FROM 7 A.M. – 8 P.M. ON WEEKDAYS AND 8 A.M. – 8 P.M. ON WEEKENDS. DURING NON-SUMMER MONTHS AND FEDERAL HOLIDAYS, CONSTRUCTION NOISE IS PERMITTED FROM 8 A.M. – 8 P.M. MONDAY – SUNDAY.
2

Section II. Repeal of Prior Ordinances.

All ordinances and parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed.

Section III. Effective Date

This ordinance shall take effect and be in force beginning June 1, 2021 upon and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED THIS ____ day of March, 2021.

Eric Mikkelson, Mayor

ATTEST:

APPROVED AS TO FORM:

Adam Geffert
City Clerk

David E. Waters
City Attorney

ORDINANCE NO. 2444

AN ORDINANCE AMENDING CHAPTER VIII OF THE PRAIRIE VILLAGE MUNICIPAL CODE ENTITLED “BUILDINGS AND CONSTRUCTION” BY AMENDING ARTICLE 2 ENTITLED “PROPERTY MAINTENANCE CODE” TO INCORPORATE BY REFERENCE THE “INTERNATIONAL PROPERTY MAINTENANCE CODE, 2018 EDITION.”

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, KANSAS:

Section I.

Article II of Chapter VIII of the Prairie Village Municipal Code is hereby amended to read as follows:

ARTICLE 2. PROPERTY MAINTENANCE CODE

8-201 INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED

The International Property Maintenance Code, 2018 edition, published by the International Code Council, hereafter referred to as the 2018 IPMC, is hereby adopted by reference and made a part of this Chapter and Article, save and except such parts or portions thereof as are specifically deleted, added, or changed in the City Code. At least one (1) copy of said International Property Maintenance Code, 2018 edition, will be kept on file in the office of the City Clerk, marked or stamped “Official Copy as Incorporated by Ordinance No. 2444,” with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

8-202 AMENDMENTS TO SECTION 101.1 – TITLE

Section 101.1 of the 2018 IPMC is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the *International Property Maintenance Code of the City of Prairie Village, Kansas*, hereinafter referred to as “this code,” “2018 IPMC,” or the “IPMC.”

8-203 DELETION OF SECTION 103.5 - FEES

Section 103.5 of the 2018 IPMC is hereby deleted.

8-204 AMENDMENT TO SECTION 106.4 – VIOLATION PENALTIES

Section 106.4 of the 2018 IPMC is hereby amended to read as follows:

106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith or with any requirements thereof, may be prosecuted within the limits provided by state or local law in the Prairie Village Municipal Court. Each day that a violation continues, after due notice has been served, shall be deemed as a separate offense. Prosecution of any violation as a public offense pursuant to this section may be in addition to, or as an alternative to, any other remedy or course of action available to the City under this Chapter.

1. Upon first conviction of a violation of any provision of this Chapter, a person shall be punished by a fine not exceeding \$500
2. Upon a second conviction for a violation of any provision of this Chapter, a person shall be punished by a fine of at least \$200 and not more than \$750 or by imprisonment for not more than 10 days or by both such fine and imprisonment.
3. Upon a third or subsequent conviction for a violation of any provision of this Chapter, a person shall be punished by a fine of at least \$500 and not more than \$1,000 or by imprisonment for not more than 10 days or by both such fine and imprisonment.
4. For the purpose of determining whether a conviction is first, second, third, or subsequent in sentencing under this section, only convictions occurring in the immediate preceding three years shall be taken into account, but the Court may consider other prior convictions in determining the sentence to be imposed within the limits provided for a first, second, third or subsequent offender, whichever is applicable.

8-205 ADDITION OF SECTION 108.8 – DAMAGE BY FIRE, EXPLOSION OR WINDSTORM; INSURANCE PROCEEDS

Section 108.8 of the 2018 IPMC is hereby added to read as follows:

108.8 Damage by fire, explosion, or windstorm; insurance proceeds. Damage created by a fire, explosion or windstorm shall comply with the provisions below:

1. If fire, explosion, or windstorm causes damage to a structure that is covered by insurance and the covered claim payment is in excess of 75 percent (75%) of the face value of the policy covering the structure, then the insurance provider shall be required to pay to the City an amount not to exceed 15% of the proceeds of such policy. The insurer first shall pay all amounts due to the holder of a first real estate mortgage against the structure pursuant to the terms of the policy and endorsements thereto and then shall withhold from the covered claim payment the sums required to be paid to the City. Such payments shall be made to the City on or before the date any moneys are released by the insurer to any party, or within 30 days of the incident resulting in the claim, whichever is earlier in time. The payment shall be made by check or money order made payable to the "City of Prairie Village" with no post-dating of the check or

money order allowed and sent by certified mail, return receipt requested to the City Clerk of Prairie Village, Kansas, 7700 Mission Road, Prairie Village, Kansas 66208, along with a statement explaining the reason for payment and giving the address of the property involved. All such funds received by the City Clerk shall be placed in an interest bearing account of the City.

2. The City shall release the insured's proceeds and any interest which has accrued thereon within 30 days after receipt of such monies, unless the City has instituted abatement proceedings and/or a permit has been issued for re-construction pursuant to this chapter. If such proceedings have been instituted, the City shall retain the proceeds until the abatement proceedings and/or re-construction is complete. At the conclusion of the abatement proceedings and/or re-construction, all monies in excess of that expended by the City for abatement proceedings and /or re-construction expenses (such as removing mud or debris off the streets), less any salvage value, shall be paid to the insured.
3. The City may create a lien in favor of the City in the proceeds of any insurance policy based upon a covered payment made for damage or loss to the building or other structure, caused by or arising out of any fire, explosion or windstorm.
4. The City Clerk shall notify the Commissioner of Insurance for the State of Kansas within 14 days after the adoption of this section. Such notification shall state that the city has enacted an ordinance, pursuant to the authority of K.S.A 40-3901 et seq. concerning payment of insurance proceeds to the City arising out of claims due to fire, explosion or windstorms. A copy of the notice shall be maintained by the City Clerk.

8-206 AMENDMENTS TO SECTION 109.1 – IMMINENT DANGER

Section 109.1 of the 2018 IPMC is hereby amended to read as follows:

109.1 Imminent danger. When, in the opinion of the Code Official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Code Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Code Official shall cause to be posted at each entrance to such structure a notice reading as follows: "This structure is unsafe and its occupancy has been prohibited by the Code Official". It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or demolishing the same. When the Code Official has determined that a structure is in danger of collapse or has suffered a partial collapse and thus poses an imminent danger to life for those in proximity to the structure, the Code Official is further authorized to order the immediate removal or demolition

of the structure or portion thereof as authorized under Kansas State Statute.

8-207 AMENDMENTS TO SECTION 110 – DEMOLITION

Section 110 of the 2018 IPMC is hereby amended to read as follows:

110.1 Order of demolition. The Code Official shall order the owner of any premises upon which is located any structure, which in the Code Official's judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the Code Official shall order the owner to demolish and remove such structure, or board up until further repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the Building Official. All notices and orders shall comply with Section 107.

110.2 Demolition or repair by the City. The Governing Body shall have the power to cause the repair or removal of, or to remove any structure located within the city, which may have become unsafe or dangerous. This provision and the following subsections are intended to conform with the provisions of K.S.A. 12-1750 et seq.; and to the extent there is any conflict, the Statute shall take precedent.

110.2.1 Code official's report. Whenever the Code official's investigation discloses a basis that any structure is unsafe or dangerous, the Code Official shall file a written report with the Governing Body describing the situation, its location and the circumstances that support the determination that the structure is unsafe or dangerous.

110.2.2 Notice and publication for hearing. The Governing Body, by resolution, shall fix a time and place at which the owner, the owner's agent, any lienholders of record and any occupant of such structure may appear and show cause why such structure should not be condemned and ordered repaired or demolished. Such resolution shall be published once each week for two (2) consecutive weeks on the same day of each week. At least thirty (30) days shall elapse between the last publication and the date set for the hearing. A copy of the resolution shall be mailed by certified mail within three (3) days after its first publication to each such owner, agent, lienholder and occupant, at the last known address and shall be marked "deliver to addressee only."

110.2.3 Hearing. On the date fixed for hearing or any adjournment thereof, the Governing Body shall hear all evidence submitted by the

owner, the owner's agent, lienholders of record and occupants having an interest in such structure as well as evidence submitted by the Code Official and shall make findings by resolution. Provided, in the event the Code Official determines on or before the date fixed for hearing that the structure has been sufficiently repaired or removed, the Code official shall inform the Governing Body and recommend the cancellation of the hearing. Upon acceptance of said recommendation, no further action shall be required by the Governing Body.

110.2.4 Findings and resolution. If the Governing Body finds that such structure is unsafe or dangerous, such resolution shall direct the structure to be repaired or removed and the premises made safe and secure. Such resolution shall be published once in the official City paper and a copy mailed to the owners, agents, lienholders of record and occupants in the same manner provided for the notice of hearing. The resolution shall affix a reasonable time within which the repair or removal of such structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated, or fails to diligently prosecute the same until the work is completed, the Governing Body will cause the structure to be repaired or razed and removed.

If the Governing Body finds that such structure is not unsafe or dangerous, such resolution shall state such finding and that the proceeding is terminated. Such resolution shall not be required to be published.

110.2.5 Action, assessment, and collection of costs by the City. If the owner of any structure has failed to commence the repair or removal of such structure within the time stated in the resolution or has failed to make diligent progress toward the same thereafter, the City may proceed to raze and remove such structure, make the premises safe and secure, or let the same to contract.

The City shall keep an account of the cost of such work and may sell the salvage from such structure and apply the proceeds or any necessary portion thereof to pay the cost of removing such structure and making the premises safe and secure. All monies in excess of that necessary to pay such costs and the costs of publications of notice and any postage for mailing of notice, after the payment of all costs, shall be paid to the owner of the premises upon which the structure was located.

The City shall give notice to the owner of such structure by restricted mail of the total cost incurred by the City in removing such structure and making the premises safe and secure and the cost of providing notice. Such notice also shall state that payment of such cost is due and payable within thirty (30) days following the receipt of such notice. If the cost is not paid within the thirty (30) day period and there is no salvageable

material or if moneys received from the sale of salvage or from the proceeds of any insurance policy in which the City has created a lien pursuant to K.S.A. 40-3901 et seq. and amendments thereto, are insufficient to pay the costs of such work, the balance shall be collected in the manner provided by K.S.A. 12-1,115 and amendments thereto or shall be assessed as a special assessment against the lot or parcel of land on which the structure was located and the City Clerk, at the time of certifying other city taxes, shall certify the unpaid portion of the costs and the County Clerk shall extend the same on the tax rolls of the county against such lot or parcel of land. The City may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115 and amendments thereto, but only until the full cost and any applicable interest has been paid in full.

Whenever any structure is removed from any premises under the provisions of this article, the City Clerk shall certify to the County Appraiser that such structure, describing the same, has been removed.

110.3 Duties of owner after removal of structure. The owner of any structure, upon removing the same, shall remove concrete spoils, debris, and fill in any basement or other excavations located upon the premises and take any other action necessary to leave such premises in a safe and secure condition.

110.4 Deleted. 110.4 of the 2018 IPMC is hereby deleted.

8-207 ADDITIONS TO SECTION 202 - GENERAL DEFINITIONS

Section 2020 of the 2018 IPMC is hereby amended by adding the following definitions:

CALENDAR YEAR. The period of time beginning January 1 and ending December 31 of the same year.

GRAFFITI. Markings, as initials, slogans, or drawings written, spray painted, or sketched on a sidewalk, driveway, street, wall of a building, public restroom, or the like.

NOXIOUS PLANTS. Means poison ivy, poison oak and poison sumac, at any height or state of maturity.

RANK WEEDS. Means all vegetation which may exhale unpleasant or noxious odors, or transmit pollen into the air at any state of maturity and which exceeds 8 inches in height; also, all vegetation, regardless of height, including thickets, which conceals or invites filthy deposits, or which harbors rodents, refuse, or vermin. Such rank weeds include, but are not limited to the following: large crabgrass, large hairy crabgrass, barnyard grass, Pennsylvania smartweed, ladythumb, smartweed, curled dock, sour dock, lambsquarter, rough pigweed, redroot, shepherds purse, nodding spurge, upright spotted purge, velvet leaf, indian mallow, sticktight, blue stickseed, common ragweed, giant ragweed, horseweed, kinghead,

dandelion, cocklebur, clotbur, downy brome grass, downy chess, bermuda grass, devilgrass, stinkgrass, lovegrass, witchgrass, tumble panicgrass, giant foxtail, Johnson grass, hop sedge, sloughgrass, hemp, stinging nettle, nettle, swamp smartweed, tanweed, devils shoestring, smooth dock, maple-leaved goosefoot, waterhemp, tumbleweed, tumble amaranth, common milkweed, common mullen, burdock, beggar tick, sticktight, devils pitchfork, tall con flower, golden glow, gray goldenrod, field goldenrod.

THICKETS. Means dense growths of wild shrubbery and/or uncontrolled or invasive species including but not limited to bamboo, briar patches and similar growth having stems or trunks less than one and one half inches in diameter.

VEHICLE. Any automobile, truck, tractor, farm machinery or motorcycle which as originally built contained an engine, regardless of whether it contains an engine at any other time.

VEHICLE; INOPERABLE. Means a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned, or unable to perform the function or purpose for which it was originally intended.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work and compatible with the undamaged surfaces of the structure

8-207 AMENDMENTS TO SECTION 302.2 – GRADING & DRAINAGE

Section 302.2 of the 2018 IPMC is hereby amended to read as follows:

302.2 Grading and drainage. All premises shall be graded and maintained to include grass or suitable ground cover to prevent the erosion of soil and to prevent the accumulation of standing and/or stagnant water thereon, or within any structure located thereon.

8-208 AMENDMENTS TO SECTION 302.4 – WEEDS AND THICKETS

Section 302.4 of the 2018 IPMC is hereby amended to read as follows:

302.4 Weeds and thickets. All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight (8) inches in height. All noxious weeds and uncontrolled thickets shall be prohibited. Weeds shall be defined as all grasses, annual plants, and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds and/or uncontrolled thickets after a service of notice of violation, they shall be subject to prosecution in accordance with Section 106.3 of the 2018 IPMC and as prescribed in the City of Prairie Village municipal code. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds and/or uncontrolled thickets growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

302.4.1 Weeds/thickets to be removed. Property owners are responsible for maintaining property free from weeds and thickets, including the area between the property lines of said property and the centerline of any adjacent street or alley, including, but not specifically limited to, sidewalks, streets, alleys, easements, right-of-way, and all other areas, public or private. All weeds and/or uncontrolled thickets as herein described are hereby declared a nuisance and are subject to abatement as hereinafter provided.

302.4.2 Notice to remove. The code official or an authorized agent shall issue a notice of violation and order the owner, occupant, or agent of any property in the City upon which weeds exist in violation of this chapter; provided however, in the event a notice and order was previously served upon the owner, occupant or agent of the property for a violation of the City's weed control ordinance during the same calendar year, no further notice shall be required prior to any abatement action by the City. Such notice and order shall be issued in writing to the owner, occupant or agent by certified mail, return receipt requested, or by personal service. If the property is unoccupied and the owner is a nonresident, such notice and order shall be sent by certified mail, return receipt requested to the last known address of the owner. The notice and order may be made by publication in the official City newspaper in the event there is no resident agent and the owner is either unknown or is a nonresident (provided a nonresident owner with a known address is also sent notice by certified mail as required hereinabove.)

Such notice shall include the following:

1. That the owner, occupant, or agent is in violation of the City weed control ordinance.
2. That the owner, occupant, or agent is ordered to cut, destroy or remove the weeds and/or uncontrolled thickets within (5) days of the receipt of notice and order, or if the notice and order is served by publication, within (10) days of the date of publication, the applicable time period hereinafter referred to as the "correction period".
3. That before the expiration of the correction period, the owner, occupant, or agent may request a hearing before the governing body or its designated representative.
4. That if within the correction period the owner, occupant, or agent fails to request a hearing or to cut destroy or remove the weeds and/or uncontrolled thickets to the satisfaction of the code official or an authorized assistant, the City or its authorized agent will cut, destroy, or remove the weeds and/or uncontrolled thickets and assess against the owner, occupant or agent the total costs of the cutting, destruction, or removal of the weeds and/or uncontrolled thickets including a reasonable administrative fee and the cost of all notices.
5. That payment of the assessed total costs are due and payable within thirty (30) days following the receipt of notice of such costs, or the city will levy such costs against the property as a special assessment. And further

pursuant to Kansas statute, the City may also pursue the collection of such costs by seeking a personal judgment against the owner in Johnson County District Court as provided by K.S.A. 12-1, 115 and amendments thereto.

6. That no further notice shall be given by the City prior to any additional cutting or removal of weeds and/or uncontrolled thickets on the property by the City or its authorized agent during the current calendar year and that any such additional costs will be assessed in the same manner.
7. That separate from and independent of any abatement action of the weed violation by the City, the code official, at his or her option, may also file a complaint or complaints in the Municipal Court of the City against the owner, occupant or agent of the property for any violation of the City weed control ordinance.
8. That the code official shall be contacted if there are any questions regarding the notice and order.

In the event any owner, occupant or agent of any property refuses acceptance of any notice and order prescribed above, or in the event the city has made reasonable but unsuccessful efforts to provide notice in the manner prescribed above, a copy of said notice and order shall be posted on the premises and additional copies shall be sent to all known addresses of any owner, occupant or agent by First Class U.S. mail, and notice shall then be deemed given at such time pursuant Kansas State Statute.

302.4.3 Abatement; assessment of costs. If during the correction period prescribed above, the owner, occupant or agent fails to request a hearing or refuses or fails to cut, destroy or remove such weeds and/or uncontrolled thicket to the satisfaction of the code official or an authorized designee, the City or its authorized agent shall cut, destroy, or remove such weeds and/or uncontrolled thicket and shall keep an account of the cost of same and report them to the City Clerk. Provided, if a notice and order was previously served upon the owner, occupant, or agent of the property for a violation of the city weed control ordinance during the same calendar year, the city or its authorized agent may proceed to cut, destroy or remove any weeds and/or uncontrolled thicket without any delay or further notice.

The City shall issue a notice of costs to the owner, occupant or agent by certified mail, return receipt requested, providing the costs of abatement of the nuisance, which shall include the costs of cutting, destroying, or removing the weeds and/or uncontrolled thickets, a reasonable administrative fee and the cost of all notices. Such notice shall also state that payment of the costs is due and payable within thirty (30) days following receipt of the notice.

If the costs of abatement remain unpaid after thirty (30) days following receipt of the notice of costs, a record of the costs of abatement shall be certified to the City Clerk, who shall cause such costs to be assessed against the property. The City Clerk shall certify the assessment to the County Clerk at the time other special assessments are certified for spreading on the tax rolls

of the county. Further, the City may also pursue the collection of such costs by seeking a personal judgment against the owner in Johnson County District Court, as provided by Kansas State Statute, and amendments thereto.

If there is a change in the record owner of title to the property subsequent to giving notice pursuant to this article, the City may not recover any costs or levy an assessment for the costs incurred by the cutting, destruction or removal of weeds and/or uncontrolled thickets on the property unless a new record owner of title to the property is provided notice as required by this article.

302.4.4 Right of entry. The City and its authorized agent(s) are hereby expressly authorized to enter upon private property at all reasonable hours for the purpose of cutting, destroying, or removing such weeds and/or uncontrolled thickets in a manner consistent with this article.

302.4.5 Unlawful interference. It shall be unlawful for any person to interfere with or to attempt to prevent the City or its authorized agent(s) from entering upon any such property or from proceeding with such cutting, destruction, or removal. Such interference shall constitute a code violation.

302.4.6 Complaint. Separate from and independent of any abatement action as provided for herein, the code official, at his or her option, may also file a complaint or complaints in the Municipal Court of the City against the owner, occupant or agent of the property for any violation of the city weed control ordinance.

8-209 AMENDMENTS TO SECTION 302.8 – MOTOR VEHICLES

Section 302.8 of the 2018 IPMC is hereby amended to read as follows:

302.8 Motor vehicles. It is a violation of this chapter for any person, partnership, corporation, or other entity, or their agent either as owner, lessee, tenant, or occupant of land within the city to park, store, deposit, or permit to be parked, stored, or deposited on such land or on the public street adjacent thereto a vehicle that is inoperative or unlicensed. No vehicle shall at any time be in a state of major disassembly, disrepair, or in a state of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth designed for the environmentally safe application of the paint. The provisions of this article shall not apply to owners who have temporarily placed their motor vehicle in an inoperable condition while working on the vehicle on their premises, provided that such work is performed inside an enclosed structure designed and approved for such use. In no event shall an owner or person in possession maintain a motor vehicle on his or her premises in an inoperable condition, outside of an enclosed structure, for a period in excess of 48 hours.

302.8.1 Motor vehicle nuisances unlawful; defined; exceptions. It shall be unlawful for any person to maintain or permit any motor vehicle nuisance

within the City. A motor vehicle nuisance is any motor vehicle which is not currently registered or tagged pursuant to K.S.A. 8-126 to 8-149 inclusive, as amended; or parked in violation of City ordinance; or incapable of moving under its own power; or in a junked, wrecked, or inoperable condition. Any one of the following conditions shall raise the presumption that a vehicle is junked, wrecked, or inoperable:

1. Absence of a current registration plate upon the vehicle;
2. Placement of the vehicle or parts thereof upon jacks, blocks, or other supports;
3. Absence of one or more parts of the vehicle necessary for the lawful operation of the vehicle upon street or highway.

The provisions of this section shall not apply to:

1. Any motor vehicle which is fully enclosed in a garage or other building;
2. The parking or storage of a vehicle inoperable for a period of 48 consecutive hours or less;
3. Any person conducting a business enterprise in compliance with the existing zoning regulations.

Nothing in this section shall be construed to authorize the maintenance of a public nuisances.

302.8.2 Complaints; inquiry and inspection. The code official shall make inquiry and inspection of premises upon receiving a complaint or complaints stating that a motor vehicle nuisance exists and describing the same and where located. The code official or designee may make such inquiry and inspection when he or she observes conditions which appear to constitute a motor vehicle nuisance. Upon making any inquiry and inspection, the code official or designee shall maintain a written report of findings.

302.8.3 Right of entry. It shall be a violation of this article to deny the code official or his or her designated agent(s) the right of access and entry upon private property at any reasonable time for the purpose of making inquiry and inspection to determine if a nuisance exists.

302.8.4 Notice. Any person found by the code official to be in violation of Section 302.8.1, as amended, shall be served a notice of such violation. The notice shall be served by restricted mail, postage prepaid, return receipt requested or personally served; In the event that such person cannot be served in person or by restricted mail or such person is unknown or his or her location is unknown, the code official or designee shall make an affidavit to that effect and service may be made by publication of the notice once each week for two consecutive weeks in an official city newspaper and by posting the notice on the motor vehicle.

302.8.5 Contents of notice. The notice shall state the conditions(s) which is

(are) in violation of Section 302.8.1. The notice shall also include the following:

1. He, she or they will have ten (10) days from the date of serving the notice to abate the condition(s);
2. He, she, or they will have ten (10) days from the date of serving the notice to request a hearing before the governing body on the matter as provided by Section 302.8.9.
3. Failure to abate the condition(s) or to request a hearing within the time allowed may result in prosecution as provided in Section 302.8.9 and/or abatement of the condition(s) by the City as provided in Section 302.8.7.

302.8.6 Failure to comply; penalty. Should the person fail to comply with the notice to abate the nuisance or request a hearing, the code official may file a complaint in the Municipal Court of the City against such person and upon conviction, be fined an amount consistent with the violation penalties outlined in 106.4 of the IPMC.

302.8.7 Abatement. In addition to, or as an alternative to prosecution as provided in Section 302.8.6, the code official or designee may seek to remedy violations of this article in the following manner. If a person to whom a notice has been sent pursuant to Section 302.8.4 has neither alleviated the condition(s) causing the alleged violation, or requested a hearing before the governing body within the time period specified herein, the code official or designee may present a resolution to the governing body for adoption authorizing the code official or other agents of the city to abate the condition(s) causing the violation at the end of ten (10) days after passage of the resolution. The resolution shall further provide that the costs incurred by the city shall be charged against the lot or parcel of ground on which the motor vehicle nuisance was located, or against lots or parcels of property in the city which are owned by the owner of the motor vehicle causing the nuisance, as provided in Section 302.8.10. A copy of the resolution shall be served upon the person in violation in one of the following ways:

1. Personal service upon the person in violation;
2. Service by certified mail, postage prepaid, return receipt requested;
3. In the event the whereabouts of such person are unknown and the same cannot be ascertained in the exercise of reasonable diligence, an affidavit to that effect shall be made by the code official and filed with the city clerk, and the serving of the resolution shall be made by publishing the same once each week for two consecutive weeks in the official city newspaper and by posting a copy of the resolution on the premises where such condition(s) exist.

302.8.8 Disposition of vehicle. Disposition of any motor vehicle removed and abated from private property pursuant to this article shall be as provided by Kansas State Statute.

302.8.9 Hearing. If a hearing is requested within the ten (10) day period as provided in Section 302.8.5, such request shall be made in writing to the governing body. Failure to make a timely request for a hearing shall constitute a waiver of the person's right to contest the findings of the code official before the governing body. The hearing shall be held by the governing body as soon as possible after filing the request and the person shall be advised by the city of the time and place of the hearing at least five (5) days in advance thereof. At such hearing the person may be represented by counsel, and the person and the city may introduce such witnesses and evidence as is deemed necessary and proper by the governing body. The hearing need not be conducted according to the formal rules of evidence. Upon conclusion of the hearing, the governing body shall record its determination of the matter by means of adopting a resolution and serving the resolution upon the person in the manner provided in Section 302.8.7.

302.8.10 Costs assessed. If the city abates the motor vehicle nuisance pursuant to this chapter, the cost of abatement shall be charged against the lot or parcel of ground on which the nuisance was located or against lots or parcels of property in the city which are owned by the owner of the motor vehicle causing the nuisance. The city clerk shall, at the time of certifying other taxes to the county clerk, certify the costs as provided in this section. The county clerk shall extend the same on the tax roll and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid.

302.8.11 Inoperable vehicles; authorization of code official to order removal. It is a violation of this chapter for any person, partnership, corporation, or other entity, or their agent either as owner, lessee, tenant, or occupant of land within the city to park, store, or deposit, or permit to be parked, stored, or deposited on such land or on the public street adjacent thereto, a vehicle that is not in an operating condition. In the event that the code official finds that any such person has parked, stored, or deposited, or permitted to be parked, stored, or deposited on such land or in the streets immediately adjacent thereto such a vehicle, the orders that he or she enters may include an order to remove such vehicle from such land or the street immediately adjacent thereto. In the event the person to whom the order is directed fails to remove such vehicle within the specified time, the code official may enter an order authorizing the city to tow and remove the vehicle as provided by Kansas State Statute.

302.8.12 Parking and storage of inoperable vehicles in residential zoning districts. It is unlawful for the owner or person in possession of any motor vehicle to park or place the vehicle upon a street, driveway, lot, plot, or tract within any district zoned R-1 through R-4 and RP-1 through RP-4 (except in an enclosed structure) while the vehicle is in an inoperable condition. The provisions of this article shall not apply to owners who have temporarily placed their motor vehicles in an inoperable condition while working on the vehicles on their premises. In no event shall an owner or person in possession maintain a motor vehicle on his or her premises in an inoperable condition for a period in

excess of forty eight (48) hours unless such vehicle is placed in an enclosed structure.

Prior to issuing a citation, the code official or a police officer of the city shall make a reasonable attempt to notify and inform the owner or person in possession of the vehicle of the ordinance violation. The notification shall state the date and time which it is issued and shall notify the owner or person in possession of the vehicle that in the event the same is not placed in an operating condition, removed from the premises, or placed in an enclosed structure within forty eight (48) hours of the issuance of the notice, a citation will be filed against the owner or person in possession in municipal court. In no event shall the temporary moving of such vehicle by the owner or person in possession of the same operate as a defense to a citation alleging violation of this section

302.8.13 Parking and storage of inoperable vehicles in commercial zoning districts. It is unlawful for the owner or person in possession of any motor vehicle to park or place the vehicle upon a street, driveway, lot, plot or tract within any district zoned C-O through C-2 and CP-O through CP-2 (except in an enclosed structure) while the vehicle is in an inoperable condition. Provided however, that section 302.8.14 shall apply to filling stations (or gasoline service stations) operating as special uses or nonconforming uses.

Prior to issuing a citation, the code official or a police officer of the city shall make a reasonable attempt to notify and inform the owner or person in possession of the vehicle of the ordinance violation. The notification shall state the date and time at which it is issued and shall notify the owner or person in possession of the vehicle that in the event the same is not removed from the premises, or placed in an enclosed structure within forty eight (48) hours of the issuance of the notice, a citation will be filed against the owner or person in possession in municipal court. In no event will the temporary moving of such vehicle by the owner or person in possession operate as a defense to a citation alleging violation of this section.

302.8.14 Parking and storage of motor vehicles accepted for repair by filling stations (or gasoline service stations) operating as special uses or non-conforming uses. The regulations set forth in this section shall apply to the parking or storing of motor vehicles accepted for repair by filling stations (or gasoline service stations) operating as special or nonconforming uses anywhere in the city.

All such vehicles may be stored or parked only in an enclosed structure or in parking spaces located on the premises of such filling station. Such vehicles shall not be parked on the street. No more than twelve (12) such vehicles shall be stored or parked on the premises of such filling station (other than in an enclosed structure) at any one time. No such vehicles shall be parked or stored on the premises (other than in an enclosed structure) for a period in excess of fourteen (14) consecutive days.

8-210 AMENDMENTS TO SECTION 304.7 – ROOFS AND DRAINAGE

Section 304.7 of the 2018 IPMC is hereby amended to read as follows:

304.7 Roofs and drainage. The roof and flashing shall be sound, not missing shingles or any other roofing component, not have holes, or other obvious visible damage or deterioration, nor have any other defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance or discharges the water directly onto adjacent property.

8-211 ADDITION OF SECTION 302-10 – ANIMAL SANITATION

Section 302.10 of the 2018 IPMC is hereby added to read as follows:

302.10 Animal sanitation. No excessive accumulation of animal waste shall be permitted on any property. Animal waste shall not be disposed of in an open ditch or storm drain. All carcasses of animals shall not remain exposed after death.

8-212 ADDITION OF SECTION 302.11 – POOLS OF WATER

Section 302.11 of the 2018 IPMC is hereby added to read as follows:

302.11 Pools of water. Ponds, reservoirs, swimming pools or any other receptacles of water shall be maintained free of trash, debris, garbage or other effluvia and shall not serve as a breeding ground for insects or other vermin.

8-213 AMENDMENTS TO SECTION 304.14 – INSECT SCREENS

Section 304.14 of the 2018 IPMC is hereby amended to read as follows:

304.14 Insect screens. During the period from May 15 to October 15, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch, and every screened door used for insect control shall have a self-closing device in good working condition. Exception: Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

8-214 AMENDMENTS TO SECTION 304.19 – GATES AND FENCES

Section 304.19 of the 2018 IPMC is hereby amended to read as follows:

304.19 Gates and fences. All exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates. All fencing shall be maintained in good condition free of damage, breaks, or missing structural members. Areas that are leaning, buckling, sagging, or deteriorating shall be repaired or replaced with material compatible with the undamaged portions of the fence and be in compliance with the zoning regulations. Where fences have been painted, all peeling, flaking and chipped paint shall be eliminated and surfaces repainted.

8-215 ADDITION OF SECTION 308.1.1 – TRASH AND REFUSE

Section 308.1.1 of the 2018 IPMC is hereby added to read as follows:

308.1.1 Trash and refuse. The throwing, leaving, depositing or allowing the accumulation of any worn out, broken, or worthless item, waste, garbage, trash, debris, yard waste or refuse on any property, drainage course or other land is prohibited. Such items include those that impede mowing of weeds or tall grass, negatively impact surrounding properties, are food products or food containers attracting insects, rodents or animals, or are useless as evidenced by their broken, deteriorated or dismantled condition.

8-215 ADDITION OF SECTION 310 – STORAGE OF USEFUL ITEMS

Section 310 of the 2018 IPMC is hereby added to read as follows:

310.1 Storage of useful items on residential property. No person shall place, construct, install affix, store or allow to remain, any item, object or structure on any property zoned or used for single family or duplex purposes except as specifically and explicitly permitted by this section. The following items, objects, or structures are permitted:

1. Any item, object or structure permitted under the applicable provisions of the zoning ordinance, in full compliance with the authorizing provision. The intent of this subsection is to permit only those items specifically permitted under the applicable zoning district regulations or permitted accessory uses.
2. Authorized trash containers.
3. Firewood, neatly stacked and free of insects and vermin, behind the front building line extended and behind the front and side platted building lines.
4. Swing sets and other similar recreational equipment.

310.2 Storage of all other items. Any item, object or structure not specifically authorized in 310.1 must be located within a fully enclosed structure, or within the back yard and fully screened from view from any adjacent property by a wall, fence or landscaping installed with materials of quality compatible with the immediate neighborhood as determined by the code official. Such screening shall be constructed and maintained in accordance with applicable city codes and shall be adequate to prevent substantial viewing of the enclosed objects from any place within the adjacent property or any structure located on that property.

310.3 Storage of items on non-residential property. With respect to all property other than that covered by 310.1, no person shall place, construct, install, affix or store, or allow to remain, any item, object or structure except those specified in 310.1.

310.4 Permitted items limited. Notwithstanding any other applicable provision, permitted items, objects or structures shall occupy no more than 20 percent of the allowable outside storage area. With respect to matters governed by 310.2 above, in measuring the area occupied by such items, objects, or structures to determine if the permitted 20 percent is exceeded, a rectangle shall be constructed to include all points where any such item, object or structure is located and the area shall be calculated to include all that area within the rectangle. This method of calculating area shall not apply to those items specifically authorized in 310.1 (items 1-3) above.

8-216 AMENDMENTS TO SECTION 602.3 – HEAT SUPPLY

Section 602.3 of the 2018 IPMC is hereby amended to read as follows:

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units, or sleeping units on terms either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 15 to May 15 to maintain a minimum temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the 2018 International Plumbing Code.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

8-217 AMENDMENTS TO SECTION 602.4 – OCCUPIABLE WORK SPACES

Section 602.4 of the 2018 IPMC is hereby amended to read as follows:

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 15 to May 15 to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

Section II. Repeal of Prior Ordinances.

All ordinances and parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed.

Section III. Effective Date

This ordinance shall take effect and be in force beginning June 1, 2021 upon and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED THIS ___ day of March, 2021.

Eric Mikkelson, Mayor

ATTEST:

APPROVED AS TO FORM:

Adam Geffert
City Clerk

David E. Waters
City Attorney

ORDINANCE NO. 2445

AN ORDINANCE AMENDING CHAPTER VII OF THE PRAIRIE VILLAGE MUNICIPAL CODE ENTITLED "FIRE" BY AMENDING ARTICLE 2 ENTITLED "INTERNATIONAL FIRE CODE (IFC)" BY INCORPORATING BY REFERENCE THE "INTERNATIONAL FIRE CODE, 2018 EDITION."

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, KANSAS:

Section I.

Article II of Chapter VII of the Prairie Village Municipal Code is hereby added to read as follows:

ARTICLE 2. INTERNATIONAL FIRE CODE (IFC)

7-201 INTERNATIONAL FIRE CODE INCORPORATED

The *International Fire Code, 2018 Edition*, published by the International Code Council, including appendices B, C, D, and I, hereafter referred to as the 2018 IFC, is hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added, or changed in the City Code. At least one (1) copy of said *International Fire Code, 2018 edition*, will be kept on file in the office of the City Clerk, marked or stamped "Official Copy as Incorporated by Ordinance No. 2445," with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

7-202 AMENDMENT TO SECTION 101.1 – TITLE

Section 101.1 of the 2018 IFC is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the Fire Code of the City of Prairie Village, Kansas, hereinafter referred to as the "2018 IFC," "IFC," or "this Code."

7-203 AMENDMENTS TO SECTION 101.2 – SCOPE

Section 101.2 of the 2018 IFC is hereby amended to read as follows:

101.2 Scope. This code establishes regulations affecting or relating to structures, processes, premises and safeguards regarding:

1. The hazard of fire and explosion arising from the storage, handling, or use of structures, materials, or devices;
2. Conditions hazardous to life, property, or public welfare in the occupancy of structures or premises;

3. Fire hazards in the structure or on the premises from occupancy or operation;
4. Matters related to the construction, extension, repair, alteration, or removal of fire suppression or alarm systems; and
5. Conditions affecting the safety of fire fighters and emergency responders during emergency operations.

101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

101.2.1.1 Appendices adopted. The following appendices are adopted as part of this code: Appendix B – Fire Flow Requirements for Building; Appendix C – Fire Hydrant Locations and Distribution; Appendix D – Fire Apparatus Access Roads; Appendix I – Fire Protection Systems – noncompliant.

7-204 AMENDMENTS TO SECTION 103.2 – APPOINTMENT

Section 103.2 of the 2018 IFC is hereby amended to read as follows:

103.2 Appointment. The Fire Code Official shall be appointed by Johnson County Consolidated Fire District #2 and hereby known as the Fire Marshall or Fire Code Official for the City of Prairie Village, Kansas.

7-205 AMENDMENTS TO SECTION 104.1 – GENERAL

Section 104.1 of the 2018 IFC is hereby amended to read as follows:

104.1 General. The Fire Code Official is hereby authorized to enforce the provisions of this code and shall have the authority to render interpretations of this code, and to adopt policies, procedures, rules, and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules, and regulations shall be in compliance with the intent and purpose of this code and shall not have the effect of waiving requirements specifically provided for in this code.

7-206 AMENDMENTS TO SECTION 105.4.1 – SUBMITTALS

Section 105.4.1 of the 2018 IFC is hereby amended to read as follows:

105.4.1 Submittals. Construction documents and supporting data shall be submitted in two (2) sets with each application for a permit and in such form and detail as required by the Fire Code Official. The construction documents shall be prepared by a Kansas registered design professional.

Exception: The Fire Code official is authorized to waive the submission of construction documents and supporting 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 review of construction documents is not necessary to obtain compliance

with this code.

7-207 SECTIONS DELETED

Sections 105.6.1 through 105.6.13; Sections 105.6.15 through 105.6.19; Sections 105.6.21 through 105.6.29; Section 105.6.31, section 105.6.33 through 105.6.39; Sections 105.6.41 through 105.6.46; and Sections 105.6.48 through 105.6.50 of the 2018 IBC are hereby deleted.

7-208 AMENDMENTS TO SECTION 105.6.20 – HAZARDOUS MATERIALS

Section 105.6.20 of the 2018 IFC is hereby amended to read as follows:

105.6.20 Hazardous materials. Section 105.6.20 of the 2018 IFC is hereby amended to read as follows: An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed in Table 105.6.20.

7-209 AMENDMENTS TO SECTION 105.6.30 – MOBILE FOOD PREPARATION VEHICLES

Section 105.6.30 of the 2018 IFC is hereby amended to read as follows:

105.6.30 Mobile food preparation vehicles. mobile food preparation vehicles that are equipped with equipment that produce smoke or grease-laden vapors shall be equipped with fire protection in accordance with sections 904, 906.4 through 906.10 and shall be in good standing with the state of Kansas Department of Agriculture.

7-210 AMENDMENTS TO SECTION 105.6.32 – OPEN BURNING

Section 105.6.32 of the 2018 IFC is hereby amended to read as follows:

105.6.32 Open burning. An operational permit is required for the kindling or maintain of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to. Exception: recreational fires.

7-211 AMENDMENTS TO SECTION 105.6.47 – TEMPORARY MEMBRANE STRUCTURES, TENTS, AND CANOPIES

Section 105.6.47 of the 2018 IFC is hereby amended to read as follows:

105.6.47 Temporary membrane structures; tents; canopies. An operational permit is required to operate an air-supported temporary membrane structure or a tent having an area in excess of 900 square feet, or a canopy in excess of 900 square feet.

EXCEPTIONS:

1. Tents used exclusively for recreational camping purposes.
2. Funeral tents and curtains or extensions attached thereto, when used for funeral services.
3. Fabric canopies open on all sides which comply with all of the following:
 - 3.1 Individual canopies having a maximum size of 900 square feet;
 - 3.2 The aggregate area of multiple canopies placed side by side without a fire break of not less than twelve feet (12') shall not exceed 900 square feet less than twelve feet (12') shall not exceed 900 square feet.
 - 3.3 A minimum clearance of twelve feet (12') to structures and other tents shall be provided.

7-212 AMENDMENTS TO SECTION 110.4 – VIOLATION PENALTIES

Section 110.4 of the 2018 IFC is hereby amended to read as follows:

110.4 Violation Penalties. Persons who shall violate a provision of this code, or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Fire Code Official, or of a permit or certificate used under the provisions of this code, shall be subject to penalties as prescribed by law, or other references incorporated, and are guilty of a public offense, punishable as provided in PVMC Chapter 8, Article 2, Sec. 8-201.

110.4.1 Abatement of violation. In addition to the imposition of the penalties herein described, the Fire Code Official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

7-213 AMENDMENTS TO SECTION 112.4 – FAILURE TO COMPLY

Section 112.4 of the 2018 IFC is hereby amended to read as follows:

112.4 Failure to comply. Section 112.4 of the 2018 IFC is hereby amended to read as follows: Any person who shall continue work after having been served a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine as provided in PVMC Chapter 8, Article 2, Sec. 8-201.

7-214 AMENDMENTS TO SECTION 106.2 – SCHEDULE OF PERMIT FEES

Section 106.2 of the 2018 IFC is hereby amended to read as follows:

106.2 Schedule of permit fees. A fee for each permit shall be paid as required, in accordance with the schedule as established by resolution of the Governing Body.

7-215 AMENDMENTS TO SECTION 307 – OPEN BURNING, RECREATIONAL FIRES, AND PORTABLE OUTDOOR FIREPLACES.

Section 307 of the 2018 IFC is hereby amended to read as follows:

307.1 General. A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved by the Fire Code Official and Sections 307.1.1 through 307.5.

Definitions

- A. Open Burning** - The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudge pots and similar devices associated with safety or occupational uses typically considered open flames, recreational fires or use of portable outdoor fireplaces. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimney necessary to provide combustion air and permit the escape of exhaust gas are open.
- B. Recreational Fires** - An outdoor fire burning material other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbecue grill, or barbecue pit and has a total fuel area of three feet (3') or less in diameter and 2 feet (2') or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.
- C. Portable Outdoor Fireplace** - A portable, outdoor, solid-fuel-burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening at the top.

307.1.1 Prohibited from burning. Open burning shall be prohibited when wind speeds exceed fifteen (15) MPH and when atmospheric conditions or local circumstances make such fires hazardous as determined by the Fire Code Official.

307.2 Permit required. A permit shall be obtained from the Fire Code Official, prior to kindling a fire for recognized silviculture or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

307.2.1 Authorization. Where required by state or local law or regulations, open burning shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed.

307.3 Extinguishment authority. When open burning creates or adds to a hazardous or objectionable situation, or a required permit for open burning has not been obtained, the Fire Code Official is authorized to order the extinguishment of the open burning operation.

307.4 Location. The location for open burning shall not be less than fifty feet (50') from any structure, and provisions shall be made to prevent the fire from spreading to within fifty feet (50') of any structure. Exceptions:

1. Fires in approved containers that are not less than fifteen feet (15') from a structure.
2. The minimum required distance from a structure shall be twenty five feet (25') when the pile size is three feet (3') or less in diameter and two feet (2') or less in height.

307.4.1 Bonfires. A bonfire shall not be conducted within fifty feet (50') of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which would cause a fire to spread within twenty five feet (50') of a structure shall be eliminated prior to ignition.

307.4.2 Portable outdoor fireplaces. Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within fifteen feet (15') of a structure or combustible material.

Exception: Portable outdoor fireplaces used at one-and two-family dwellings.

307.5 Attendance. Open burning, bonfires, recreational fires and use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. A minimum of one (1) portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site fire extinguishing equipment such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

7-216 AMENDMENTS TO SECTION 308 – OPEN FLAMES

Section 308 of the 2018 IFC is hereby amended to read as follows:

308.1 General. Open flame, fire and burning on all premises shall be in accordance with Sections 308.1.1 through 308.4.1 and with other applicable sections of this code.

308.1.1 Where prohibited. A person shall not take or utilize an open flame or light in a structure, vessel, boat or other place where highly flammable, combustible or explosive material is utilized or stored. Lighting appliances shall be well-secured in a glass globe and wire mesh gage or a similar approved device.

308.1.2 Throwing or placing sources of ignition. No person shall throw or place, or cause to be thrown or placed, a lighted match, cigar, cigarette, matches, or other flaming or glowing substance or object on any surface or article where it can cause an unwanted fire.

308.1.3 Torches for removing paint. Persons utilizing a torch or other flame-producing device for removing paint from a structure shall provide a minimum of one (1) portable fire extinguisher complying with Section 906 and with a minimum 4-A rating, two (2) portable fire extinguishers, each with a minimum 2-A rating, or a water hose connected to the water supply on the premises where such burning is done. The person doing the burning shall remain on the premises one (1) hour after the torch or flame-producing device is utilized.

308.1.4 Open-flame cooking devices. Charcoal burners and other open-flame cooking devices shall not be located or operated on combustible balconies or within ten feet (10') of combustible construction.

Exceptions:

1. One- and two-family dwellings.
2. Where buildings, balconies and decks are protected by an automatic sprinkler system.

308.1.5 Location near combustibles. Open flames such as from candles, lanterns, kerosene heaters and gas-fired heaters shall not be located on or near decorative material or similar combustible materials.

308.1.6 Open-flame devices. Torches and other devices, machines or processes liable to start or cause fire shall not be operated or used in or upon wildfire risk areas, except by a permit in accordance with Section 105.6, secured from the Fire Code Official.

Exception: Use within inhabited premises or designated campsites, which are a minimum of thirty feet (30') from grass-, brush-, or forest-covered areas.

308.1.6.1 Signals and markers. Flame-employing devices, such as lanterns or kerosene road flares, shall not be operated or used as a signal or marker in or upon wildfire risk areas.

Exception: The proper use of flares at the scenes of emergencies or as required by standard railroad operation procedures

308.1.6.2 Portable fueled open-flame devices. Portable open-flame devices fueled by flammable or combustible gases or liquids shall be enclosed or installed in such a manner as to prevent the flame from contacting combustible material.

Exceptions:

1. LP-gas fueled devices used for sweating pipe joints or removing paint in accordance with Chapter 61.
2. Cutting and welding operations in accordance with Chapter 35.
3. Torches or flame-producing devices in accordance with Section 308.4.
4. Candles and open-flame decorative devices in accordance with Section 308.3.

308.1.7 Religious ceremonies. When, in the opinion of the Fire Code Official, adequate safeguards have been taken, participants in religious ceremonies are allowed to carry hand-held candles. Hand-held candles shall not be passed from one person to another while lighted.

308.1.7.1 Aisles and exits. Candles shall be prohibited in areas where occupants stand, or in an aisle or exit.

308.1.8 Flaming food and beverage preparation. The preparation of flaming food or beverages in places of assembly and drinking or dining establishments shall be in accordance with Sections 308.8.1 through 308.1.8.5.

308.1.8.1 Dispensing. Flammable or combustible liquids used in preparation of flaming foods or beverages shall be dispensed from one of the following: 1. A one (1) ounce container; or 2. A container not exceeding one (1) quart capacity with a controlled pouring device that will limit the flow to a one (1) ounce serving.

308.1.8.2 Containers not in use. Containers shall be secured to prevent spillage when not in use.

308.1.8.3 Serving of flaming food. The serving of flaming foods or beverages shall be done in a safe manner and shall not create high flames. The pouring, ladling or spooning of liquids is restricted to a maximum height of eight inches (8") above the receiving receptacle.

308.1.8.4 Location. Flaming foods or beverages shall be prepared only in the immediate vicinity of the table being serviced. They shall not be transported or carried while burning.

308.1.8.5 Fire protection. The person preparing the flaming foods or beverages shall have a wet cloth towel immediately available for use in smoldering the flames in the event of an emergency.

7-217 **AMENDMENTS TO SECTION 314.4 – VEHICLES**

Section 314.4 of the 2018 IFC is hereby amended to read as follows:

314.4 Vehicles. Liquid- or gas-fueled vehicles, boats or other motor-craft shall not be located indoors except as follows:

1. Batteries are disconnected or disabled in an approved manner.
2. Fuel in tanks does not exceed one-quarter tank or five (5) gallons, whichever is least, or as approved by the Fire Code Official.
3. Fuel tanks and fill openings are closed and sealed to prevent tampering.
4. Vehicles, boats or other motor-craft equipment are not fueled or de-fueled within the building.

7-218 **AMENDMENTS TO SECTION 503.3 – MARKING**

Section 503.3 of the 2018 IFC is hereby amended to read as follows:

503.3 Marking. Where required by the Fire Department, approved signs or other approved notices shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs or notices shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

503.3.1 Marking requirements. Each separate fire lane signage, which may consist of one sign or a combination of signs, shall have a cumulative minimum size of 96 square inches and contain the “NO Parking” words or symbol with the words “Fire Lane” located directly beneath the “No Parking” words or symbol. Each sign or combination of signs are required to be uniformly mounted between two feet eight inches (2'-8") to seven feet zero inches (7'-0") above grade to the bottom of the sign, and so located not to obstruct pedestrian traffic. The sign or combination of signs shall be mounted within six feet (6') of the curb or striped pavement and are required to face or run parallel with oncoming vehicular traffic. The sign or combination of signs may be mounted on the building, pole base, or any other structure provided the signage meets the setback and minimum and maximum height requirements indicated above. The sign, or combination of signs, are required to be spaced no more than two hundred feet (200') apart. In addition, the curb, or pavement if a curb is absent, is required to be marked with a yellow or red stripe that shall run not less than six feet (6') of each thirty foot (30') length of fire lane. Each separate yellow or red striped area shall contain three inch (3") black lettering indicating “Fire Lane”; provided, however, that the presence of such lettering is not a prerequisite to the enforcement of fire lane parking violations. Furthermore, the exceeding of any standards intended to inform the public of the location of a fire lane shall not affect the enforcement of this Section.

7-219 AMENDMENTS TO SECTION 503.6 – SECURITY GATES

Section 503.6 of the 2018 IFC is hereby amended to read as follows:

503.6 Security gates. Where security gates are installed, an approved means of emergency operation shall be provided. The security gates and emergency operation shall be maintained operational at all times and shall comply with the following:

1. All gates shall be of the sliding, hinged, or counter-balanced type, and where electrically controlled, shall be capable of being operated to the full open position by emergency responders during a loss of power to the gate's operating mechanism.
2. Electrical or mechanical operated gates shall be capable of being unlocked or opened with an approved Fire Department county keyed cylinder installed at an accessible location on the entry side of the gate. The key-operated switch shall bypass the release mechanism to allow the gate to be operated by emergency response personnel.
3. In addition to an approved key cylinder operation device, gates shall be equipped with audible release, set to operate with an emergency response yelp tone.
4. Keypads and other entry devices installed on gates shall not interfere with the operation of either the approved key access cylinder or emergency response audible release.

7-220 AMENDMENTS TO SECTION 505.1 – ADDRESS NUMBERS

Section 505.1 of the 2018 IFC is hereby amended to read as follows:

505.1 Address numbers. New and existing buildings shall have approved address numbers, building numbers, or approved building identification placed in a position on the building or on any structure, mail box, sign or monument on the property that is securely fixed to the ground to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals. Numbers shall be a minimum of four inches (4") high with a minimum stroke width of one-half inch (0.5"). Numbers shall be a minimum height of four inches (4") in Use groups R-3 and R-4; six inches (6") in Use Group R-3 Child Care Facilities; and eight inches (8") in all other Use Groups. Where required by the Fire Code Official the identifying numbers shall be lighted by an approved light source.

505.1.1 Secondary address numbers. Multi-tenant retail shopping centers in which tenant spaces have secondary entry doors from an exterior façade of the building and have paved vehicle access adjacent to such doors, shall have approved numbers or addresses placed on or adjacent to each door. Secondary address numbers shall be a minimum of four inches (4”) in height.

Exceptions:

1. If more than one entry door is installed on a façade, only one door needs to be marked (entry doors defined as overhead cargo doors and normal passage doors).
2. Further exceptions shall be permitted by the Fire Code Official after consultation with the Crime Prevention Unit of the Prairie Village Police Department, if it can be shown that marking the doors would create a security risk.

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

7-221 AMENDMENTS TO SECTION 505.2 – STREET AND ROAD SIGNS

Section 505.2 of the 2018 IFC is hereby amended to read as follows:

505.2 Street and road signs. Section 505.2 of the 2018 IFC is hereby amended to read as follows: Streets and roads shall be identified with approved signs. The signage shall consist of Arabic numerals or alphabet letters which are reflective and contrast with their background. The numbers and letters shall be a minimum of six inches (6”) high with a minimum stroke width of 0.5 inches. Temporary signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs shall be of an approved size, weather resistant and be maintained until replaced by permanent signs.

7-222 AMENDMENTS TO SECTION 506.2 – KEY BOX MAINTENANCE

Section 506.2 of the 2018 IFC is hereby amended to read as follows:

506.2 Key box maintenance. The operator of the building shall immediately notify Johnson County Consolidated Fire District #2 (CFD#2) and provide the new key when a lock is changed or re-keyed. The key to such lock shall be secured in the key box. The key box shall be maintained in working order by the operator/owner/occupant of the building.

7-223 AMENDMENTS TO SECTION 507.1 – REQUIRED WATER SUPPLY

Section 507.1 of the 2018 IFC is hereby amended to read as follows:

507.1 Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of the buildings are hereafter constructed or moved into or within the jurisdiction.

507.1.1 Water distribution system failures. Water districts serving areas within Prairie Village shall notify the Emergency Communication Center of any failure in their water distribution system; hydrant repair; main breaks; pump failures; or other interruptions of water supply that may affect water supply for fire control purposes.

7-224 AMENDMENTS TO SECTION 507.5 – FIRE HYDRANT SYSTEM

Section 507.5 of the 2018 IFC is hereby amended to read as follows:

507.5 Fire hydrant system. Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6.

507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the Fire Code Official.

Exception:

1. For Group R-3 and group U occupancies the distance required shall be 600 feet.
2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance required shall be 600 feet.

507.5.1.1 Hydrant for standpipe systems. Buildings equipped with a standpipe system installed in accordance with Section 905 shall have a fire hydrant within 100 feet of the Fire Department connections.

Exception: The distance shall be permitted to exceed 100 feet where approved by the Fire Code Official.

507.5.2 Inspection, testing, and maintenance. Fire hydrant systems shall be subject to periodic test as required by the Fire Code Official. Fire hydrant systems shall be maintained in an operative condition at all times and shall be repaired when defective. Additions, repairs, alterations and servicing

shall comply with approved standards. Records of tests and required maintenance shall be maintained.

507.5.3 Private fire service mains and water tanks. Private hydrants shall be painted red in color. Private fire service mains and water tanks shall be periodically inspected, tested and maintained in accordance with NFPA 25 at the following intervals:

1. Private fire hydrants (all types): Inspection annually and after each operation; flow test and maintenance annually.
2. Fire service main piping: Inspection of exposed, annually; flow test every five (5) years.
3. Fire service main piping strainers: Inspection and maintenance after each use.

Records of inspections, testing and maintenance shall be maintained.

507.5.4 Obstruction. Unobstructed access to fire hydrants shall be maintained at all times. The Fire Department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants. All hydrants shall be painted and highly visible.

507.5.5 Clear space around hydrants. A three foot (3') clear space shall be maintained around the circumference of fire hydrants, except as otherwise required or approved by the Fire Code Official.

507.5.6 Physical protection. Where fire hydrants are subject to impact by a motor vehicle, guard posts or other approved means shall comply with section 312.

7-225 AMENDMENTS TO SECTION 509 – EQUIPMENT IDENTIFICATION & ACCESS

Section 509 of the 2018 IBC is hereby amended to read as follows:

509.1 Identification. Fire protection equipment shall be identified in an approved manner. Rooms containing controls for air conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the use of the Fire Department. Approved signs required to identify fire protection equipment and equipment location, shall be constructed of durable materials, permanently installed and readily visible.

509.1.1 Identification standard. Rooms containing the equipment identified in Section 509.1 shall be identified by minimum four inch (4") high letters with a minimum 0.5 inch (0.5") stroke on contrasting background.

509.1.2 Utility identification. Where required by the Fire Code Official, gas shutoff valves, electric meters, service switches and other utility equipment

shall be clearly and legibly marked to identify the unit or space that it serves. Identification shall be made in an approved manner, readily visible and shall be maintained.

509.2 Equipment access. Approved access shall be provided and maintained for all fire protection equipment to permit immediate safe operation and maintenance of such equipment. Storage, trash, miscellaneous items and other materials or objects shall not be placed or kept in such a manner that would prevent such equipment from being readily accessible.

7-226 AMENDMENTS TO SECTION 903.4 – SPRINKLER SYSTEM MONITORING AND ALARMS

Section 903.4 of the 2018 IFC is hereby amended to read as follows:

903.4 Sprinkler system monitoring and alarms. All valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels and temperatures, critical air pressure, and water- flow switches on all sprinkler systems shall be electrically supervised by a listed fire alarm control unit.

Exceptions:

1. Automatic sprinkler systems protecting one-and two-family dwellings.
2. Limited area systems serving fewer than twenty (20) sprinklers.
3. Automatic sprinkler systems installed in accordance with NFPA 13R where a common supply main is used to supply both domestic water and the automatic sprinkler system and a separate shut-off valve for the automatic sprinkler system is not provided.
4. Jockey pump control valves that are sealed or locked in the open position.
5. Control valves to commercial kitchen hoods, paint spray booths or dip tanks that are sealed or locked in the open position.
6. Valves controlling the fuel supply to fire pump engines that are sealed or locked in the open position.
7. Trim valves to pressure switches in dry, pre-action and deluge sprinkler systems that are sealed and locked in the open position.
8. On existing installations, isolation valves for the backflow prevention devices remotely located pits which are locked and/or chained in the open position.

903.4.2 Alarms. An approved audible device, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system. Such sprinkler water flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

7-227 AMENDMENTS TO SECTION 906.1 – WHERE REQUIRED

Section 906.1 of the 2018 IFC is hereby amended to read as follows:

906.1 Where required. Portable fire extinguishers shall be installed in the following locations:

1. In new and existing Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies.
 - a. Exceptions: In Group R-2 occupancies, portable fire extinguishers shall be required only in locations specified in items 2 through 6 where each dwelling unit is provided with a portable fire extinguisher having a minimum rating of 2-A: 20- B:C.
2. Within 30 feet distance of travel from commercial cooking equipment and from domestic cooking equipment in Group I-1; I-2, condition 1; and R-2 college dormitory occupancies.
3. In areas where flammable or combustible liquids are stored, used or dispensed.
4. On each floor of structures under construction, except group R-3 occupancies, in accordance with Section 3315.1.
5. Where required by the sections indicated in Table 906.1.
6. Special hazard areas, including but not limited to laboratories, computer rooms and generator rooms, where required by the Fire Code Official

7-228 AMENDMENTS TO SECTION 907.6 – INSTALLATION

Section 907.6 of the 2018 IFC is hereby amended to read as follows:

907.6 Installation. A fire alarm system shall be installed in accordance with Sections 907.6.1 through 907.6.6.2 and NFPA 72.

907.6.1 Wiring. Wiring shall comply with the requirements of NFPA 70 and NFPA 72. Wireless protection systems utilizing radio frequency transmitting devices shall comply with the special requirements for supervision of low-power wireless systems in NFPA 72.

907.6.2 Power supply. The primary and secondary power supply for the fire alarm system shall be provided in accordance with NFPA 72.

Exception: Backup power for single-station and multiple-station smoke alarms as required in Section 907.2.10.6.

907.6.4 Zones. Each floor shall be zoned separately and a zone shall not exceed 22,500 square feet. The length of any zone shall not exceed 300 feet in any direction.

Exception: Automatic sprinkler system zones shall not exceed the area permitted by NPFA 13.

907.6.4.1 Zoning indicator panel. A zoning indicator panel and the associated controls shall be provided in an approved location. The visual zone indication shall lock in until the system is reset and shall not be

cancelled by the operation of an audible alarm-silencing switch.

907.6.4.2 High-rise buildings. In high-rise buildings, a separate zone by floor shall be provided for each of the following types of alarm-initiating devices where provided:

1. Smoke detectors.
2. Sprinkler water-flow devices.
3. Manual fire alarm boxes.
4. Other approved types of automatic fire detectors, devices, or suppression systems.

907.6.5 Access. Access shall be provided to each fire alarm device and notification appliance for periodic inspection, maintenance and testing.

907.6.6 Monitoring. Fire alarm systems required by this Chapter or by the International Building Code shall be monitored by an approved supervisory station in accordance with NFPA 72.

Exception: Monitoring by a supervising station is not required for:

1. Single-and multiple-station smoke alarms required by Section 907.2.10.
2. Smoke detectors in Group I-3 occupancies.
3. Automatic sprinkler systems in one-and two-family dwellings.

907.6.6.1 Automatic telephone-dialing devices. Automatic telephone devices used to transmit an emergency alarm shall not be connected to any Fire Department telephone number unless approved by the Fire Code Official.

907.6.6.2 Termination of monitoring service. Termination of fire alarm monitoring service shall be in accordance with Section 901.9.

7-229 AMENDMENTS TO SECTION 912.4 – ACCESS

Section 912.4 of the 2018 IFC is hereby amended to read as follows:

912.4 Access. Immediate access to Fire Department connections shall be maintained at all times and without obstruction by fences, bushes, trees, walls or any other fixed or moveable object. Access to Fire Department connections shall be approved by the Fire Code Official.

Exception: Fences, where provided with an access gate equipped with a sign complying with the legend requirements of Section 912.5 and a means of emergency operation. The gate and means of emergency operation shall be approved by the Fire Code Official and maintained operational at all times.

912.4.1 Locking fire department connection caps. The Fire Code Official is authorized to require locking caps on Fire Department connections for water-based fire protection systems where the responding Fire Department carries the appropriate key wrenches for removal.

912.4.1.1 Fire department connections. The location of Fire Department connections shall be in an approved location. The connection shall be fitted with a five-inch (5") Storz quick coupling connector.

912.4.2 Clear space around connections. A working space of not less than thirty-six inches (36") in depth and seventy-eight inches (78") in height shall be provided and maintained in front of and to the sides of wall-mounted Fire Department connections and around the circumference of free-standing Fire Department connections, except as otherwise required or approved by the Fire Code Official.

912.4.3 Physical protection. Where Fire Department connections are subject to impact by a motor vehicle, vehicle impact protection shall be provided in accordance with Section 312.

7-230 AMENDMENTS TO SECTION 5601.1 – SCOPE

Section 5601.1 of the 2018 IFC is hereby amended to read as follows:

5601.1 Scope. The provisions of this Chapter shall govern the possession, manufacture, storage, handling, sale and use of explosive materials, fireworks and small arms ammunition.

Exceptions:

1. The Armed Forces of the United States, Coast Guard or National Guard.
2. Explosives in forms prescribed by the official United States Pharmacopoeia.
3. The possession, storage and use of small arms ammunition when packaged in accordance with DOT packaging requirements.
4. The possession, storage and use of not more than one (1) pound of commercially manufactured sporting black powder, twenty (20) pounds of smokeless powder and 10,000 small arms primers for hand loading of small arms ammunition for personal consumption.
5. The use of explosive materials by federal, state and local regulatory, law enforcement and fire agencies acting in their official capacities.
6. Special industrial explosive devices that in aggregate contain less than 50 pounds of explosive material.
7. The possession, storage and use of blank industrial power load cartridges where packaged in accordance with DOT-n packaging regulations.
8. Transportation in accordance with DOT-n 49 CFR parts 100-185.
9. Items preempted by Federal Regulations.

7-231 AMENDMENTS TO SECTION 5601.1.3 – FIREWORKS

Section 5601.1.3 of the 2018 IFC is hereby amended to read as follows:

5601.1.3 Fireworks. Sections 5601.1.3.1 through 5601.3.1.8 shall govern the possession, manufacture, storage, sale, handling and use of fireworks.

5601.1.3.1 Fireworks defined. For purposes of this Section, the term fireworks shall mean those items as defined by the rules and regulations of the Kansas State Fire Marshal, K.A.R. 22-6-1 et seq. and shall include but not be limited to: firecrackers, torpedoes, sparklers, Roman candles, sky rockets, pin wheels, cap or toy pistols (except such pistols or any like device designed to discharge paper caps containing not more than .25 grains of explosive mixture), canes, bombs, cannons or other like devices and all classes of fireworks that may be shot into the air or propelled over the ground by explosive discharges or any device using blank cartridges.

5601.1.3.2 Fireworks prohibited. It shall be unlawful for any person to keep, store, display for sale, fire, discharge or explode any fireworks.

Exceptions:

1. Toy paper caps containing not more than .25 of a grain of explosive composition per cap;
2. The manufacture, storage, sale or authorized use of signals necessary for the safe operation of railroads or other classes of public or private transportation;
3. The military or naval forces of the United States or of this State while in the performance of official duty;
4. Law enforcement officers while in the performance of official duty;
5. The sale or use of blank cartridges for ceremonial, theatrical or athletic events.

5601.1.3.3 Exceptions; discharges. The Governing Body of the City may, in its discretion, grant permission at any time for the public display of fireworks by responsible individuals or organizations when such display or displays shall be of such a character and so located, discharged and fired as shall not be a fire hazard or endanger persons or surrounding property. It shall be unlawful for any person, firm or corporation to give any public display of fireworks without having first obtained a permit thereof.

5601.1.3.4 Sale prohibited. It shall be unlawful for any person to sell, display for sale, and offer to sell or give away any type of fireworks within the city.

5601.1.3.5 Permit for public fireworks display required. It shall be unlawful for any person to give or provide a fireworks display for the public or for organized groups without first obtaining a permit to do so by making application at least 20 days in advance of the desired display. Approval of the permit shall be by the Fire Chief and Chief of Police. No permit shall be approved unless the applicant furnishes a certificate of public liability insurance for the display in a minimum amount of \$5,000,000, written by an insurance carrier licensed to do business in Kansas, conditioned as being non-cancellable except by giving 10 days advance written notice to the City Clerk. In the event of cancellation of the insurance prior to the display, the permit shall automatically be revoked and void. The insurance policy must name the City of Prairie Village, Kansas as well as Consolidated Fire District

No. 2, their employees, officers, elected and appointed officials as additional insured's. The application for the permit shall clearly state:

1. The name of the applicant.
2. The group for which the display is planned.
3. The location of the display including a diagram or sketch of the grounds on which the exhibition is to be held showing the point at which the fireworks are to be discharged, the location of all buildings, improvements and public streets or thoroughfares within two hundred (200) yards and the lines behind which the public will be restrained.
4. The date and time of the display as well as planned rain dates.
5. The nature or kind of fireworks to be used.
6. The name of the person, firm or corporation that will make the actual discharge of the fireworks and a copy of their Alcohol, Tobacco, Firearms and Explosives permit for possession of Division 1.3G Fireworks as well as current copies of Public Display Operators licenses issued by the Kansas State Fire Marshal.
7. The number, size and kinds of fireworks to be discharged, including their National Fire Protection Association (NFPA) division designation.
8. The Fire Chief and/or Chief of Police may impose conditions, requirements or restrictions when public safety or the general welfare of the public is a matter of concern based on the venue, location, date/time, or expected volume of spectators.

No permit shall be issued if the location, nature of the fireworks or other relevant factor is such as to create an undue hazard or risk of harm or damage to persons or property.

The City of Prairie Village, the Prairie Village Police Department and/or Consolidated Fire District No. 2 of Northeast Johnson County reserves the right to cancel, postpone or delay the beginning of the event in the case of inclement weather, high winds, extreme dry conditions or other matters of public safety.

5601.1.3.6 Discharge on streets and public property prohibited. It shall be unlawful for any person to discharge, ignite or fire any fireworks upon any public street, alley or avenue or in any park or public place within the city.

5601.1.3.7 Throwing prohibited. It shall be unlawful for any person throw, cast or propel fireworks of any kind in the direction of or into the path of any animal, person or group of persons, or from, in the direction of or into any vehicle of any kind.

5601.1.3.8 Authority of police chief. The Chief of the Police Department is authorized to seize and confiscate all fireworks which may be kept, stored or used in violation of any section of this Article. He or she shall dispose of all such fireworks as may be directed by the Governing Body.

Section II. Repeal of Prior Ordinances.

All ordinances and parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed.

Section III. Effective Date

This ordinance shall take effect and be in force beginning June 1, 2021 upon and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED THIS ____ day of March, 2021.

Eric Mikkelson, Mayor

ATTEST:

APPROVED AS TO FORM:

Adam Geffert
City Clerk

David E. Waters
City Attorney



ICC

AAA

What's New in the 2018 I-Codes?

Key changes include:

2018 International Building Code® (IBC®)

- Accessory storage spaces of any size are now permitted to be classified as part of the occupancy to which they are accessory.
- New code sections have been introduced addressing medical gas systems and higher education laboratories.
- Use of fire walls to create separate buildings is now limited to only the determination of permissible types of construction based on allowable building area and height.
- Where an elevator hoistway door opens into a fire-resistance-rated corridor, the opening must be protected in a manner to address smoke intrusion into the hoistway.
- The occupant load factor for business uses has been revised to one occupant per 150 square feet.
- Live loads on decks and balconies increase the deck live load to one and one-half times the live load of the area served.
- The minimum lateral load that fire walls are required to resist is five pounds per square foot.
- Wind speed maps updated, including maps for the state of Hawaii. Terminology describing wind speeds has changed again with ultimate design wind speeds now called basic design wind speeds.
- Site soil coefficients now correspond to the newest generation of ground motion attenuation equations (seismic values).
- Five-foot tall wood trusses requiring permanent bracing must have a periodic special inspection to verify that the required bracing has been installed.
- New alternative fastener schedule for construction of mechanically laminated decking is added giving equivalent power-driven fasteners for the 20-penny nail.
- Solid sawn lumber header and girder spans for the exterior bearing walls reduce span lengths to allow #2 Southern Pine design values.



2018 International Residential Code® for One- and Two-Family Dwellings (IRC®)

- An updated seismic map reflects the most conservative Seismic Design Category (SDC) based on any soil type and a new map reflects less conservative SDCs when Site Class A, B or D is applicable.
- The townhouse separation provisions now include options for using two separate fire-resistant-rated walls or a common wall.
- An emergency escape and rescue opening is no longer required in basement sleeping rooms where the dwelling has an automatic fire sprinkler system and the basement has a second means of egress or an emergency escape opening.
- The exemption for interconnection of smoke alarms in existing areas has been deleted.
- New girder/header tables have been revised to incorporate the use of #2 Southern Pine in lieu of #1 Southern Pine.



- New tables address alternative wood stud heights and the required number of full height studs in high wind areas.

2018 International Fire Code® (IFC®)

- New provisions address hazards related to outdoor pallet storage, higher education laboratories, mobile food trucks and plant processing and extraction activities.
- Mass Notification Requirements for college and university buildings have been added to the code.
- Sprinkler protection is now required in existing Group A-2 occupancies having an occupant load of 300 or more where alcoholic beverages are consumed.
- A new chapter has been added to address issues related to Energy Systems.
- Integrated testing requirements for fire protection and life safety systems have been added for high rise buildings and smoke control systems.
- The requirements for gas detection systems have been revised throughout the code to be more reflective of industry practice.
- Required sprinkler protection of Group E occupancies has been expanded through the introduction of a new thresholds related to fire areas.
- Manual fire alarm systems in Group A occupancies are now required not only when the occupant load is 300 or more but also where the occupant load exceeds 100 above or below the lowest level of exit discharge.
- A manual fire alarm system and an automatic smoke detection system are no longer required in Group R-4 occupancies.
- New provisions require illumination for the exit discharge path of travel to the public way or to a safe dispersal area for all occupancies.
- Provisions have been added to address the hazards associated with outdoor assembly events, indoor trade shows and exhibitions.
- The fire watch requirements for construction and demolition activities have been enhanced.
- The provisions for the maintenance of fire and smoke protection features in Chapter 7 have been enhanced and reorganized.
- The applicability of the decorative materials requirements in Chapter 8 have been clarified.



2018 International Plumbing Code® (IPC®)

- Updated table for the Minimum Number of Required Plumbing Fixtures
- Single-user toilet facilities (a room having a single water closet and a single lavatory) are not required to be labeled for use by only a male or female (separated use designations).
- Solar thermal water heating systems need to conform to the ICC 900/SRCC 300 standard.
- Well systems are required to comply with standard NGWA-01 where local requirements do not cover subject matter or are lacking in detail on others.



2018 International Mechanical Code® (IMC®)

- Added coverage of pollution control units.
- A new exception was added to recognize Type I kitchen hoods listed for clearances to combustibles of less than 18 inches.
- Added coverage for a newer type of non-metallic duct, phenolic duct.
- New coverage for high volume large diameter fans (HVLD), also referred to as high volume low speed (HVLS) fans.
- Relaxed requirements for sealing of duct joints and seams for Snap- and Button-lock duct joints located within the thermal envelope.



2018 International Fuel Gas Code® (IFGC®)

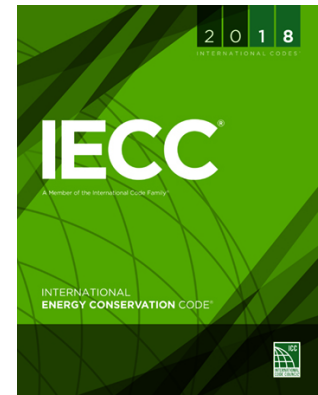
- A new Section was added to recognize arc-resistant CSST products.

- The code now allows Schedule 10 steel pipe to be used, whereas previously, Schedule 40 was the lightest steel pipe material allowed. Schedule 10 steel pipe joints are allowed to be welded, brazed, flanged or assembled with press-connect fittings. Schedule 10 pipe cannot be threaded.
- The code clarifies that appliance shutoff valves located behind movable appliances, such as ranges and clothes dryers, are considered to be provided with the required access.
- The code now calls for the plastic vent pipe material to be labeled as complying with the standards for the specific pipe material as called out by the manufacturer.
- The clearances between direct-vent appliance vent terminals and openings in the building exterior that could allow combustion products to enter the building have been revised.



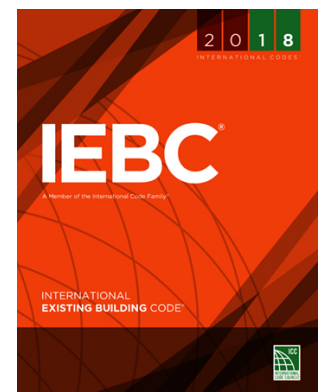
2018 International Energy Conservation Code® (IECC®)

- Revisions to interior and exterior lighting power budgets and better clarity for lighting controls.
- Clarity that regardless of design methodology, system commissioning is required.
- New limits on heated or cooled vestibules.
- Mechanical provisions reorganized based on equipment type rather than design methodology.
- The maximum allowable fenestration *U*-factors in Table R402.1.2 (for the prescriptive compliance path) for climates zones 3 through 8 have been reduced from the values in the 2015 edition.
- The ICC/RESNET 380 standard has been included as one of standards that can be used for determining the air leakage rate of a building or dwelling unit.
- The Energy Rating Index compliance alternative index values have been increased slightly however, the method for determining an index is now required to be in accordance with standard ICC/RESNET 301.



2018 International Existing Building Code® (IEBC®)

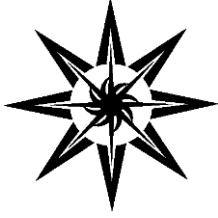
- Section 410 Accessibility has been relocated to a new Section 305. Chapters 4, 5, 6, 13 and 14 have been relocated resulting in a reorganization and new chapter numbering.
- Requirements for live loads from Chapters 4 and 8 have been combined and placed in Chapter 3 to apply for all compliance methods.
- Structural components damaged by snow events must be repaired assuming snow loads for new buildings from the IBC.
- A new exception is added for loading of existing structural elements next to an addition in buildings designed using the IRC.
- When a work area includes more than half the building in an alteration, wall anchors must be installed at the roof line along reinforced concrete and masonry walls.
- Buildings undergoing a change of occupancy shall have live, snow, wind and seismic loads checked. Design loads are based on IBC-level forces.
- When a change of occupancy occurs placing a building in a higher risk category, the seismic loads on the building must be evaluated using IBC-level forces. Access to the building must be maintained when passing through or near other buildings and structures.
- Where storm shelters are required based on IBC and ICC 500 for Group E Occupancies, any addition to such existing occupancies where the occupant load of the addition is 50 or more will trigger the construction of a storm shelter.
- Carbon Monoxide provisions have been added in the Prescriptive Method Additions, Alterations Level 2 Additions, and in Additions for I-1, I-2, I-4 and R Occupancies.
- Emergency Escape and Rescue Opening provisions related to being operational have been added to Prescriptive Compliance Method and Alterations Level 1.
- Single exit buildings and spaces under Alteration Levels 2 and 3 have been modified to be more consistent with the IBC.
- The Alterations Level 2 requirement that water for automatic fire sprinkler system be available at the floor of alteration without the need for a fire pump has been moved to Chapter 9 for Alterations Level 3 and the fire pump criterion was deleted.



2018 International Swimming Pool and Spa Code® (ISPSC®)

- It was clarified that flotation tank systems for sensory deprivation therapy are not within the scope of the ISPSC.
- Hot water storage tanks are now required to be listed and labeled to a standard.
- New sections were introduced into the code to cover solar thermal water heating systems. Installation requirements refer to the IMC.





COUNCIL COMMITTEE OF THE WHOLE

Council Committee Date: February 16, 2021

Discuss the 2021 Pool Reopening Plan

BACKGROUND

After the closure of the pool in 2020 due to the COVID-19 pandemic, City staff has started to outline plans, for the anticipated reopening of the pool complex for summer 2021. Staff is following the guidelines of the CDC and American Red Cross. A definitive decision on reopening has not been made, however, in preparation, there are two primary categories to work through: physical environment/operations of the pool complex and pool staffing.

The physical environment and pool operations include items such as: complex capacity, hours of operation, seasonal passes and/or reservations structure, cleaning procedures, deck chair configuration, signage, etc. Many modifications are still under consideration, however, two recommendations are more certain as we work to streamline our operations to focus on the primary goal of opening in some capacity this summer.

- Pool rentals will not be offered in 2021.
- The SuperPass program will not be offered in 2021.

Pool management is currently recruiting and onboarding pool staff. Lifeguards will be trained following a revised instructional plan from the American Red Cross. The Johnson County Health Department has indicated that lifeguard training should continue.

More updates will be provided throughout the spring as plans continue to develop.

PREPARED BY

Meghan Boom

Assistant City Administrator

Date: February 11, 2021

Due to restricted access to City Hall, most meetings will be held virtually. Please continue to check <http://pvkansas.com> for access details.

MAYOR'S ANNOUNCEMENTS

Tuesday, February 16, 2021

Diversity Committee	02/17/2021	5:30 p.m.
VillageFest Committee	02/25/2021	5:30 p.m.
City Council	03/01/2021	6:00 p.m.
Planning Commission	03/02/2021	7:00 p.m.
Insurance Committee	03/03/2021	4:00 p.m.
Tree Board	03/03/2021	6:00 p.m.
Parks and Recreation	03/10/2021	5:30 p.m.
Arts Council	03/10/2021	5:30 p.m.
City Council	03/15/2021	6:00 p.m.

INFORMATIONAL ITEMS
February 16, 2021

1. Tree Board minutes - November 4, 2020
2. Environmental Committee minutes - December 2, 2020
3. Arts Council minutes - January 13, 2021

TREE BOARD
City of Prairie Village, Kansas

Agenda

Wednesday – November 4, 2020 6:00 PM Meeting
ZOOM Video Conference Meeting

Board Members: Chad Herring, Deborah Nixon, Deborah Brown, Frank Riott, Mark Morgan, Kevin Dunn, Connie Link McKenzie, Kim Biagioli, and Kellen Jenkins

Other Attendees: Beth Held, James Carney, and Bridget Tolle

1. Review and approve minutes from September 2, 2020 meeting

Kevin Dunn asked for clarification on how far in advance documents for the meeting need to be made available prior to the meeting. Chad Herring said a week.

Frank Riott made the motion to approve the minutes

Chad Herring seconded the motion.

Minutes were approved by the committee unanimously.

2. Action Plans from Student Poster Contest committee and Board Member/Student Education committee

Deb Brown went through the document which was part of the meeting packet. Information has already been sent to all of the 5th grade classes in Prairie Village with a due date of January 11, 2021.

The student poster contest this year is the same as last year's. Our local posters are due to the Tree Board by Monday, January 11, 2021. Prior to the tree board meeting in February we will need to judge those posters to determine our Prairie Village winner and submit our winner to Kim Bomberger, District Coordinator, Kansas Forestry Service by February 5, 2021.

Before moving on, Kevin Dunn thanked Deb Brown for taking minutes and for completion of the Arbor Day poster contest action plan.

Kim Biagioli spoke to the Action Plan for new board members. Having a collection of documents that will provide a comprehensive look into what the Board is currently involved in and what has been done in the past will be extremely helpful moving forward. Kim referenced the document previously provided to the board. Kim wanted to put together a digital binder to circulate with the board. Kevin queried Chad Herring about whether to have this on the city website or whether this can just be accessed internally. Chad said that this is part of his presentation later in the meeting about what we have to provide and publish and what we do not have to publish. Nothing on the list other than the Tree Board member's private information may not be published.

Kevin Dunn then asked if meeting minutes need to be made available.
Chad Herring clarified.

1. Meeting minutes should be passed on to city staff. These will then be included in a future city council packet. This then becomes part of the public record.

Minutes are approved by this body. We approve the minutes then Kevin Dunn as chairperson would send them on to the city clerk.

Deb asked Bridget if the minutes sent to her have been going on to city admin. Bridget sends to public works admin and then they are sent on to city hall. Bridget assured that this would be clarified.

Accolades to Kim for putting together the comprehensive plan. Frank Riott said he felt that the collection of Tree Board documents should be stored somewhere centralized. He addressed versions asked if the city has a repository for these kinds of things. Kim asked if there was someone she should contact about this.

Question from Kevin, How other committees deal with documents that are “ongoing?”

Chad responded that Ashley our information officer may have an idea of how to store this however, it is the committees’ responsibility to keep track of documents. Perhaps when minutes get sent off, asking the Clerk for some assistance or guidance on this.

3. Tree Protection Regulation update

Keith Bredehoeft sent out a draft and the meeting was turned over to Keith about what has been worked on up to this point.

Keith Bredehoeft is present to walk the Tree Board through the plan. The idea is to run through it, tweak as needed then the next steps which would be

194607

Section A: Tree removal in a right of way

Landscape standards

Development of residential – significant add-ons. Reconstruction

Section B. What about commercial construction sites? Question to Keith from Kevin. Keith will make a note to see how this applies to the Tree Protection Regulation.

Deb Nixon asked for an explanation of the term credit in section B. Keith replied that is really not part of the Tree Protection Regulation.

Tree protection and removal plan - - Mitch Dringman and Bridget will look over those as they come through. Will have to show us at the beginning of the process. Want a plan on each property on what they want to do.

Section C – Keith talked through the chart in this section.

- Frank looked at it carefully. Self-explanatory. Thought that looking at smaller caliper

- Who will be the building official mentioned in the document. We have one in PV.... this is why both Bridget and Mitch are both
- Frank had concerns with the mitigation section
- Frank also brought up the fines... losing the teeth. \$500 per the tree.
- Kevin – not to fundraiser but to be a deterrent to truly eliminate the removal of trees.
- Frank: Lots of possible gray areas in section 3 exceptions for removal. But we really won't know until it is rolled out and we see what we have. Review process at the end of the year.
- Deb Nixon – how will we measure the effectiveness of the regulation. How will this be administered?
- Frank. Add a sentence or two about tree board giving advice and about the exception process being reviewed annually.
- Keith B wanted our feedback - - feels that this is a good place to start.
- Deb N would like to see in the ordinance the tree board to have accountability to see what as to what we are approving as exceptions. Good base in order to give the public advice so that we can provide support to the city and to the citizens.
- Kevin D asked Keith – how will the mitigation work? What is the replacement policy? We don't know. Frank interjected about Kevin's example discussing calipers of the tree and replacement.
- Mark Morgan – to Keith question is what information are you going to need to keep track of our Champion Trees? Gets updated about 3 times a year. The group of these trees is a moving group. Who will maintain that... what you need?
Bridget will have the eyes and ears on this in order to bring it to Keith and the city.
Mark – trees updated and give information to Bridget.
- Beth Held into D2 under prohibitive activities per the porta-potties are sitting on the drip line on her street. Is there a way to incorporate this? Not really construction materials etc. Also a second question to Keith concerning current projects in your "pipeline" - - what is the process for even identifying corrections or is there any enforcement at this time.
- Keith we are adding and in the last two weeks any new residential we are adding tree protection to which we have not done in the past. The rest of the protection will not go into effect until approved by the City Council.
- Identifying damage to right away trees. Copy any of the three (Keith, Bridget, Mitch).
- Kevin brings up a point. How can the public report? How do we get the word out?
How about contractors/builders.
If this gets approved there will be a little bit more extra work for them to do on the front end. James reminded that there is an inspector that checks on the sites periodically. Our inspector is there usually about every two weeks. Building inspectors.
- Keith sent document to some but not all of us received it. Please let Kevin Dunn know.
- Frank suggesting bumping it up to 15 and 20 feet - - may help protect the overall health of the tree. Greater of rather than lesser. Possible suggestions. Deb Nixon on the greater instead of the lesser.
- Keith – showed a picture of a tree/drip line.

Tree Protection Regulation update cont.

For ROW (right-of-way) trees, report any violations, issues or concerns during home construction or remodel process (add photos if possible) to Keith Bredehoeft at PV Public Works.

Section D1 Protective Measures Fencing and Protective Fencing Chart. Frank suggested changing from 10' to 15' from center of tree up to 28" DBH, and change from 15' to 20' from center of tree when greater than 28" DBH to help the tree root system. It was agreed to go with these changes to 15' and 20' respectively and standard fencing diagram, and then reduce back to 10' and 15' if necessary based on small lot size. Also suggest changing Fenced area definition from *lessor of to greater of*.

Section D2 Protection Measures and Prohibited Activities. Connie asked if signs nailed to tree could be prohibited as well. It was agreed to add to D2 that signs nailed to trees within protective fencing will be prohibited.

Frank and Kevin mentioned that the K-State Tree Protection formula will be tabled for now. Will be shared with rest of Tree Board and used for future Tree Board member training.

Connie asked question on regulation of tree trimmers in the city. Kevin mentioned that tree trimmers should be licensed with the city. Kevin suggested that the Tree Board write an article on what criteria residents to look for when hiring a tree trimmer. Deb Nixon will draft the article.

4. Kansas Open Meetings Act (KOMA)

Chad reviewed a presentation on KOMA. More information can be found at <https://ag.ks.gov/open-government/koma-faq>.

A meeting is defined as a gathering or assembly in person or through use of telephone or any other medium for interactive communication by a majority of a public body or agency for purpose of discussing the business or affairs of body or agency.

Majority of membership of Public Body refers to number of regular voting positions on the council or commission whether vacant or occupied. Tree Board has nine voting member positions. Majority is five.

Emails can be considered a potential interactive communication, especially when the original email is then responded to multiple times by a majority of members.

KOMA requires that the public be given notice of all city meetings that include time and place. KOMA does not require that the city release either a meeting agenda or packet. However, PV proactively publishes this information to the public ahead of the meeting for full transparency.

5. Arbor Day 2021

Kevin started the discussion that 2021 will mark the 70th anniversary of Prairie Village becoming a city in 1951. He suggested holding the Arbor Day 2021 event at Brenizer Park, which is named at PV's first mayor. Discussion continued around starting the process of honorees (can be groups of people), and possibly first responders. It was also suggested that we need to better communicate to the public the how to process of nominating an individual or group.

6. Old Business - Fall Seminar

Kevin recapped that Dennis Patton did a great job. Fall seminar was held via Zoom on September 30th. 50 people registered and 25 signed on to listen and participate with questions. Deb Nixon said that the 25 in attendance was similar to some of our best Fall seminars in the

past with physical attendance. In the November/December issue of the Village Voice, is an article that recaps the Fall Seminar. It also mentions that the seminar was recorded and can be accessed on the city website at pvkansas.com/treeboard.

7. Old Business - Fall Tree Planting

Frank mentioned that 10 trees were planted recently with Heartland Tree Alliance (HTA) on Roe, between 68th and 69th. HTA will plant an additional 5 trees later this month.

Old Business - Kansas State Champion Trees

Mark mentioned that he, Bridget, and Kevin met with Kim Bomberger of the Kansas Forest Service, on October 30th, to conduct field measurements of 3 potential state champions in PV. They are a Jujube or Chines Date tree; Swamp White Oak; and American Yellowwood. The Jujube is on city property. The other 2 trees are on private property and owner names and contact information were received. We should know the final measurements and a decision on these trees by late November.

New Business - 2021 Tree Board Meeting Minutes

Kevin thanked Deb Brown for taking the Tree Board meeting minutes in 2020. He suggested that Board members rotate on taking minutes in 2021. Kevin motioned that Tree Board members rotate in 2021 on taking meeting minutes. Chad seconded it. All agreed and passed unanimously. Beth Held proceeded to pull names out of a hat. The following were assigned:

Feb 2021: Kim Biagioli

March 2021: Frank Riott

April 2021: Mark Morgan

May 2021: Connie Link McKenzie

June 2021: Deb Nixon

August 2021: Kellen Jenkins

September 2021: Kevin Dunn

November 2021: TBD

Kevin thanked all Tree Board members for a great year. Next Tree Board Meeting is February 3, 2021 at 6pm.

Kevin adjourned the meeting at 8:10pm.

8. Agenda for next meeting – February 3, 2021

Respectfully Submitted,

Deb Brown

Mark Morgan

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Environmental Committee Meeting 12/2/2020

Meeting called to order at 5:33PM

Approval of the Agenda

Jori asked to accept the agenda

Margaret Moved, Multiple seconds. **5:34PM**

Approval of Minutes from September Meeting

Jori moved to accept the minutes of the previous meetings. Magda seconded. **5:35PM**

Jori opened the meeting to Keith's presentation on chemical uses in the parks. **5:35PM**

New Business

Chemical Presentation and Discussion

Keith presented a discussion on various approaches to pest (herbal, otherwise) in the city. Some include applications, some don't. Overseeding is used to a good degree of success in lieu of extra chemical applications. The staff manually weeds the parks as well. A pre-emergent is applied when overseeding. Bennett Park is chemical-free -- though Milorganite is used there.

Public works is open to alternatives to the approaches they use. Notes that organic applications at scale can introduce tradeoffs via cost or staff time.

Roundup was brought up as an area of concern by the committee. The city uses it but on a specific basis. Alternatives were discussed.

Arbormectin is used on Ash trees. There is a phase-out plan for about 10-15 years.

Termidor was used on an isolated basis (for termites) presumably.

Nathan looked into Lawrence's application scheme for reducing pesticides in their public areas. He will continue looking into the specific chemicals they use.

Jori proposed coming up with a list of recommendations to give to public works in the interim. The committee was supportive of this.

Another idea proposed was adding additional parks to the "chemical-free" designation.

Some discussion about field usage, wear, and cleats, etc was brought up regarding wearing down the grass.

Travis supported using Milorganite and organic top-dressing turf with plug aeration.

Members appeared to support the additional exploration of organic fertilizing methods in the parks. Particularly of mulching leaves from the city. Could be worth

Tree Ordinance Presentation and Discussion

Tree protection rules to be implemented primarily for construction scenarios where teardowns could impact trees. Dead or dying trees in the right of way will be evaluated to see if they qualify for removal.

Removals will require a plan. Removing a tree requires a plan to replace it. Exceptions can be granted for circumstances that require a tree from the right of way to be removed.

The new ordinance expands protection outside the right of way into private property that was previously not protected. This is covered in the new ordinance.

Keith discussed the particulars for replacing trees, protecting trees, and penalties related to enforcement. All of this is contained in the draft ordinance.

Research:

Group will be gathering information on pesticide alternatives between now and the next meeting.

Old Business

Magda updated the group on her article for the Village Voice. Work is still in progress.

Announcements

None.

Adjournment Meeting was adjourned at 6:32pm

PRAIRIE VILLAGE ARTS COUNCIL | MEETING MINUTES

Zoom

Wednesday, January 13, 2021

5:30 P.M.

PLANNING COMMITTEE AS A WHOLE

EVENT REPORTS

Mr. Stinky Feet Online Children's Concert - ready to go for Monday, January 18th, on MLK Jr. Day at 10:00 am. MSF's team runs the feed, and he'll take requests and talk with the kids. Maddie has posted on NextDoor, plans to post on the PV BuyNothing Group on FB, and Bonnie has posted on Facebook, Insta., and Twitter. Maddie asked if AI could make it the top of the website homepage, too. Also, it's helpful for FB event users to click "Going" instead of just "Interested", because then they'll get a reminder for the event, so Maddie asked that we spread that word.

PLANNING

Feb/March Virtual Art Show - AI has reached out to the March 2020 artists to see if they'd like a "do-over" in 2021. Hasna Sal will be the Feb/Mar show, and the other two artists are looking at later in the year.

Art of Photography - Shelly is working on the CaFÉ call verbiage, and will send the draft to a few on Council for help proofreading. She suggested lowering the fees slightly this year, since we still won't have an in-person show, and shared some comparisons to other calls. Council agreed to add this to the business meeting agenda after settling on keeping the first entry the same at \$30 and lowering each additional entry from \$5 to \$3 for the 2021 year. We will add this change to the business meeting agenda below along with two CaFÉ calls for 2021. She was going to have the call open on 1/14, but CaFÉ often takes awhile to do the work on their end, so she will come up with a new date working backward from a mid-March date for the adjudication.

- Shortcoming of CaFÉ/FlipCause is that each curator doesn't know when artworks from their show are sold. We need to figure this out. Communication is key so the curators can follow up with all the parties.

ArtWalk - Work on more blogs to cover the 8 pieces is ongoing. The first blog was posted, and the second one is ready for review to go out before the end of the month.

MARKETING

Constant Contact vs. SendGrid - AI reported that he worked out the non-profit discount with SendGrid for 15% discount, so the price is now \$90/month instead of \$104. Constant Contact at our 4,500+ audience level costs \$95/month, so these two are fairly comparable cost-wise. If that pricing comes through, SendGrid is superior. They've built up some continuity now with SendGrid and are comfortable using it.

- Brief discussion of creating target groups within our contacts, and what those should be.

- Last blog post had ~100 unsubscribes/bounces. Maddie said those were probably just voters from previous People's Choice contests.

David Tai - Bonnie updated Arts Council that a decision has been made above the committee level that we won't be renewing a contract with David for 2021.

Wan Security service cancellation - We are paid up with them through the end of April. We will start the cancellation process now. They currently host our custom coding and artspv emails on their servers, but we don't utilize the bulk of what they offer, so we'll migrate to someone else for those basic services. We need a comparison chart/list of options to decide where to move at the February meeting.

ASCAP

Sheila updated the council on how ASCAP (American Society of Composers, Authors and Publishers) works to ensure that artists and composers get compensated for their work when performed live or online by other organizations. We could get a basic license if and when we need it for \$365/year. We definitely want to support artists.

POSSIBLE NEXT EVENT

Sheila suggested a musical event with a local violinist on President's Day, February 15th, of a similar format and at a similar time of day as the Mr. Stinky Feet event and focus this one on seniors and long term care facilities (LTCF) via Facebook Live again. Council liked this idea. Will add budget approval to the business meeting agenda. We can offer an honorarium TBD and she'll play for 30-40 minutes.

ONLINE ART SALES

Status of sales to date - All art should be delivered and transactions complete. Dan to follow up with David Block to make sure he received his check.

Sales tax - The city policy is to take sales tax out of the collection, not added on top of the total. Jamie updated the FlipCause information to be accurate for now. Bonnie to confirm with Jamie if it just comes out of our portion or if it comes out of the whole sale (i.e. reducing the take-home amount for the artist.)

Having concluded the Planning Committee as a Whole, the meeting was adjourned at 6:34 P.M.

BUSINESS MEETING

Our chairperson, Bonnie Limbird, called this evening's meeting to order at 6:34 pm. Council members present via Zoom were Dan Andersen, Sheila Evans, Betsy Holliday, Sherrod Taylor, Al Guarino, Julie Hassel, Shelly Trewolla, Jessie Cartwright, Maddie Kamphaus, and Bonnie Limbird.

After **Roll Call**, the **Agenda** was unanimously approved by the Committee after adding the starred* items below.

Public Participation Nobody was present on the meeting for public participation,

The **Consent Agenda** was unanimously approved after a motion by Daniel Andersen.

a. Approval of the December 2020 meeting summary.

City Council Report – Bonnie shared the changes to Large Trash Pickup and the Exterior Grant Program for 2021 and the progress of a possible new tree protection ordinance.

A discussion of the **2021 Budget Update** included an updated report

Old Business

Council voted unanimously to approve the **2021 calendar** as shown here:

Arts Council 2021 Approved Calendar

January	Virtual Livestreamed program: Mr. Stinky Feet (Maddie)
February/March	Virtual Art Show featuring 2020 selected artists (AI)
April/May	Art of Photography, virtual (Shelly)
June/July	PV Art Walk (Public Art Committee) w/ Socially distanced music performance (Sheila?)
August/September	Virtual Art Show featuring 2020 selected artists (AI)
October/November	State of the Arts, virtual
December	Virtual (Holiday?) Livestream

Council voted unanimously to approve **switching our email marketing platform** from Constant Contact to SendGrid for a period of one year and we can evaluate in November 2021 how it is going. Bonnie, AI, Dan, and Maddie will help with the transition and get the credit card billing moved over to the City credit card off of Dan's personal card. Dan to change all "newsletter sign up" forms to direct to SendGrid contacts instead of Constant Contact.

New Business

*AOP Fee change - Shelly made a motion for Council to approve changing the fees for each additional entry to the **Art of Photography** from \$5 to \$3. Dan seconded. Motion passed unanimously.

*Two CaFÉ calls - Dan made a motion to approve two more **CaFÉ calls** for 2021 not to exceed \$1,000.00. Shelly seconded. Motion passed unanimously.

*Music on President's Day - Dan made a motion to approve \$500 for the advertising and honorarium for a **virtual music performance on President's Day**. Sheila seconded. Motion passed unanimously. Bonnie to get a list of LTCF's to Sheila so she can reach out to them to determine the best time of day to hold the event.

There being no further items on the business meeting agenda, Dan moved and Bonnie seconded to close the meeting. Bonnie adjourned the business meeting around 7:00 PM.

END