

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

Amended Agenda

WEDNESDAY AUGUST 29, 2012

4:00 p.m.

- Proclamation declaring September 21012 as National Preparedness Month. (Jillian Rodrigue)
- Consider approval of the minutes for August 8, 2012.

CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders;
- (b) Adopt report of the Solid Waste Management Plan annual review and approval of updated Solid Waste Management Committee listing (Keith Browning)

REGULAR AGENDA

- (2) Consider approval of a resolution extending the Burn Ban in the unincorporated area of Douglas County (Teri Smith);
- (3) Consider loan request from E-Community set aside for the Kansas Dinner Train (Collin Bielser)
- (4) Request for County to partially fund future maintenance for County Road N 900 east of old U.S. 59 and the new frontage Road, County Road E 1300. (Dan Watkins)
- (5) Executive Session for preliminary discussions relating to the acquisition of real property and to consult with County Counselor on matters which would be deemed privileged under the attorney-client relationship. The justification is to prevent cost escalations and to detriment of the Douglas County and its taxpayers and to maintain attorney client privilege on a matter involving Douglas County.

RECESS

RECONVENE

6:35 p.m.

- (6) Public hearing and consider approval for a Temporary Business Permit for Donna Wingert Retail sale of Dried Fruit & Nuts (Linda Finger)
- (7) Public hearing and consider approval for a consider approval of a Temporary Business Permit for Cates Haunted Farm (Linda Finger)
- (8) Public hearing and consider approval for a consider approval of a Temporary Business Permit for a MotorCross (Linda Finger)
- (9) Public hearing and consider approval for a consider approval of a Temporary Business Permit for Alberta Dover Flea Market Located at 1809 E 1450 Road (Linda Finger)
- (10) Public Hearing to introduce the I-Codes for eventual adoption (Kay Pettit)
- (11) Other Business
 - (a) Consider approval of Accounts Payable (if necessary)
 - (b) Appointments
 - (c) Public Comment
 - (d) Miscellaneous
- (12) Adjourn

WEDNESDAY, SEPTEMBER 5, 2012

-Consider new policies to regulate towing in Douglas County (Jim Flory)

WEDNESDAY, SEPTEMBER 12, 2012 – Tentatively Cancelled

WEDNESDAY, SEPTEMBER 19, 2012

-Consider a Text Amendment, **TA-8-11-11**, to the Douglas County Zoning Regulations for the Unincorporated Territory of Douglas County to establish *Agritourism* as a use in the County A (Agriculture). (Mary Miller is the Planner)

-CUP-12-00030: Consider a Conditional Use Permit for a truck storage facility for Creekwood Lawn, located at 1753 N 700 Road. Submitted by Shelby Franklin, property owner of record. (PC Item 1; approved 8-0 on 8/20/12) Sandra Day will present the item.

FRIDAY, SEPTEMBER 21, 2012

7:30-9:00 a.m. – Lawrence School Foundation Breakfast at the Lawrence Holidome (Two or more Commissioners may attend. No County business will be conducted)

WEDNESDAY, SEPTEMBER 26, 2012

-Community Corrections Comprehensive Plan Fiscal Year 2012 Quarterly and Year End Outcome Report Format (Deborah Ferguson)

THURSDAY, OCTOBER 11, 2012

3-6 p.m. – Douglas County Senior Services 40th Anniversary Event

SATURDAY, OCTOBER 20, 2012

4-7 p.m.-Douglas County Senior Services Chili Cook off

***Note:** The Douglas County Commission meets regularly on Wednesdays at 4:00 P.M. for administrative items and 6:35 P.M. for public items at the Douglas County Courthouse. Specific regular meeting dates that are not listed above have not been cancelled unless specifically noted on this schedule.*



PROCLAMATION

NATIONAL PREPAREDNESS MONTH SEPTEMBER 2012

WHEREAS, National Preparedness Month is a nationwide effort held each September; and

WHEREAS, the goal of the ninth annual National Preparedness Month is to increase public awareness about the importance of preparing for emergencies and to encourage individuals to take action; and

WHEREAS, no community is truly prepared for a disaster until every individual, family and business takes personal responsibility for preparedness; and

WHEREAS, the U.S. Department of Homeland Security, through its *Ready* campaign and Citizens Corps program, works with a wide variety of organizations, including local, state and federal government agencies and the private sector, to highlight the importance of emergency preparedness and to promote individual involvement through events and activities across the nation; and

WHEREAS, all Americans need to take some simple steps to prepare for emergencies, including making a family emergency plan, getting an emergency supply kit, being informed about local threats and getting involved in preparing their communities; and

WHEREAS, the flooding, straight-line winds, tornadoes, and drought conditions that affected both Kansas and Douglas County in 2012, illustrate the potential devastation to communities and highlight the importance of preplanning disaster response and sheltering operations;

NOW, THEREFORE, The Board of County Commissioners of Douglas County, Kansas, do hereby proclaim the month of September, 2012 to be

“National Preparedness Month”

In Douglas County and encourage citizens of Douglas County to join with citizens across the nation to ensure a community of citizens who are disaster aware and disaster prepared.

ADOPTED this 29th day of August, 2012.

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, KANSAS

Mike Gaughan, Chairman

Nancy Thellman, Vice-Chair

Jim Flory, Member

MEMORANDUM

To : Board of County Commissioners

From : Keith A. Browning, P.E., Director of Public Works/County Engineer

Date : August 23, 2012

Re : Consent Agenda Adoption of Annual Review of Solid Waste Management Plan
Consent Agenda Approval of updated SWM Committee listing

State statutes require the development of Solid Waste Management (SWM) plans for all counties, and also allow counties to form regions to develop the SWM plans. Jefferson and Douglas County form a 2-county region for formulation of the SWM Plan. The original SWM Plan is dated December 1996. The 2-county region's consultant, Franklin Associates, prepared the plan. K.S.A. 65-3405 requires the plan to be reviewed annually and updated every five years. We conducted a 5-year update in 2009, which was approved by KDHE.

The Douglas/Jefferson Counties Regional SWM Committee met on June 21, 2012 to conduct the annual review of the SWM Plan. K.S.A. 65-3405 requires the BOCC of each county within the SWM region to review and adopt the regional committee's report of the annual review.

Attached is a copy of this year's report of the annual review of the SWM Plan. Seven members of the eleven-member SWM Committee met for this year's annual review. The seven members included representatives from the Board of County Commissioners of each county, City of Lawrence Public Works-Solid Waste Division, Jefferson County Auxiliary Services Department, KU Environmental Health & Safety Department, Hamm Landfill, and Douglas County Public Works.

Also attached is an updated list of SWM Committee members. Paul Studebaker has been an SWM Committee member since the committee's inception, but has notified us he can no longer represent the unincorporated areas as he now lives in the City of Lawrence. Commissioner Thellman has recommended Rachel Myslivy to replace Paul on the committee. Rachel lives in unincorporated Jefferson County on a family farm. She is very interested in solid waste management, and has developed a model food composting program for a local Lawrence school. She would be a welcome addition to the SWM Committee.

Action Required: Consent Agenda adoption of the report of the 2012 annual review of the Douglas/Jefferson Counties Regional Solid Waste Management Plan, and approval of the updated Solid Waste Committee membership list.

2012 ANNUAL REVIEW REPORT
DOUGLAS/JEFFERSON COUNTIES
REGIONAL SOLID WASTE MANAGEMENT PLAN

The Douglas/Jefferson Counties Regional Solid Waste Management Committee met on June 21, 2012 for the annual review of the SWM Plan as required by K.S.A. 65-3405(c). The meeting was held at the City of Lawrence's Solid Waste Annex North (SWAN) building. The following seven (7) members of the eleven-person committee attended the annual review:

<u>Member Name</u>	<u>Agency/Entity Represented</u>
Nancy Thellman	Douglas County BoCC
Lynn Luck	Jefferson County BoCC
Jon Rossillon (for Mike Russell)	KU Environmental, Health and Safety Dept.
Kathy Richardson	Lawrence Public Works, Solid Waste Div.
Mark Richards	Jefferson County Auxiliary Services
Charlie Sedlock	Hamm Landfill
Keith Browning	Douglas County Public Works

The main goal of the annual review is to identify any changes to the region's solid waste management system since the approval of most recent five-year update. The most recent five-year update was completed in 2009.

The committee identified the following changes to the region's SWM system or general SWM activities since last year's review:

1. City of Lawrence

(a) Results of 2011 City of Lawrence DirectionFinder Survey (level of satisfaction of City services) and factors driving continuous improvement.

In the 2011 City of Lawrence DirectionFinder Survey completed by ETC Institute, ninety-three percent (93%) of the residents surveyed, who had an opinion, were satisfied with residential trash services.

Even with a high satisfaction rate, there are multiple factors driving continuous improvement in solid waste management, including:

- Improving worker safety through increased automation.
- Increasing efficiencies in routing and collection through use of technologies and automation.
- Responding to an increasing demand for residential curbside recycling.
- Balancing community values of health and safety with fairness in the rate structure.
- Promoting long term stability for customers.
- Preserving local jobs.
- Responsibly managing local resources.

The Lawrence City Commission created the Solid Waste Task Force in 2011 to develop recommendations regarding the long-term solid waste service options for Lawrence.

(b) Final report and recommendations of city's Solid Waste Task Force.

The Solid Waste Task Force was established by [Resolution No. 6918](#) in February 2011.

The Lawrence City Commission received the Solid Waste Task Force final report on February 28, 2012.

The Solid Waste Task Force was focused on providing strategic direction to manage the waste stream to place increasing emphasis on waste diversion over time. The task force recommended the goal of 50 percent recycling rate by volume by 2020.

To achieve the goals for waste management, source reduction and diversion, the Solid Waste Task Force envisioned a residential service that includes two roll-out carts for single family customers as part of the standard monthly fee – one for trash and one for single-stream recycling. Recommendations for overall service are bulleted below. The complete report is posted at www.lawrenceks.org/swtf/files/swtf_report_2012feb.pdf.

Residential solid waste services – Solid Waste Task Force recommendations

- The City of Lawrence will continue to provide weekly collection of residential solid waste to ensure protection of public health, safety, and environment.
- Increase automation for residential trash collection by:
 - Providing roll-out trash carts for residential services, which can be utilized immediately with the current fleet of semi-automated trucks. This maximizes the return-on-investment on currently existing semi-automated trucks.
 - Increasing automation of trucks for residential service collection as current fleet units are replaced.
- Implement a variable rate pricing structure for residential solid waste services that encourages waste reduction and increases equity in the rate structure.
- The City of Lawrence will continue to provide weekly collection of yard trimmings to keep materials out of landfill waste stream.
- Implement city-wide single-stream curbside recycling if fiscally prudent and sustainable. City-wide program would be included in the standard rate for residential service (participation voluntary).
 - Evaluate costs and opportunities by soliciting a Request for Proposals (RFP) for single-stream curbside recycling.
 - The RFP should have two (2) alternatives, to separately evaluate collection and processing components. In other words, companies will be asked to submit proposals for

- turn-key operations (company provided collection and material processing), and
 - material processing only (which would allow municipal collection of materials).
- Promote adequate number of drop-off points for glass, if material is not accepted in single-stream curbside collection system.
 - Increase diversion of organic materials from the waste stream by:
 - Focusing education, and outreach on backyard composting of both yard trimmings and food waste.
 - Examining the collection of vegetative food waste for residential customers as part of existing residential collection of yard trimmings.
 - Develop long-range plan for sustainable household hazardous waste program, balancing needs for fiscal responsibility and customer convenience. Issues that must be addressed include adequate physical facilities, access, marketing, staffing, and ability to staff for open hours that may not require appointments.
 - Develop comprehensive outreach and education program to facilitate the implementation of solid waste program changes. Assist residents in ability to easily find information about recycling specific waste streams by creating a searchable web page.

Commercial / multi-family solid waste services – Solid Waste Task Force recommendations

The Solid Waste Task Force did not have adequate time to analyze significant changes for commercial or multi-family solid waste services. However, the task force expects that staff and policy-makers will consider enhancements to these services toward the goals of source reduction, increased solid waste diversion, and rate equity as new opportunities for more automated collections, recycling, organic collections, and other services arise through the implementation of improvements to residential services.

(c) Residential curbside recycling collection service.

The City Commission directed staff to prepare a report on Request for Proposals (RFP) options that outlines major policy issues for a curbside recycling program as a follow up to the Solid Waste Task Force recommendation of implementing a city-wide single-stream residential curbside recycling program, if fiscally prudent and sustainable.

Implementing a city-wide residential curbside recycling program for the City of Lawrence is considered establishing an organized recycling collection service.

State requirements for organized collection service establishment: On July 1, 2011, a House Bill concerning municipalities and establishing organized collection services was enacted by the Legislature of the State of Kansas. The procedure and delayed implementation period for establishing an organized solid waste or recycling collection service are explained in [State Statutes 12-2035 and 12-2036](#).

On June 12, 2012, the Mayor signed [Resolution No. 6976](#) announcing the City's intent to consider adoption of an organized collection service for residential recycling within the City limits of Lawrence, Kansas.

(d) Residential trash carts.

The City Commission requested an implementation plan that would address costs, program implementation, and any immediate equipment changes required as a follow up to the Solid Waste Task Force (SWTF) recommendation of providing roll-out carts for residential services, which can be utilized immediately with the current fleet of semi-automated trucks. At the February 28, 2012 meeting, the City Commission stated the provision of carts was a top priority because of worker safety.

The implementation plan for residential trash carts will be discussed in the fall of 2012.

(e) Routing and vehicle/driver performance monitoring technologies and new vehicle purchases for more automated collection.

Late in 2010, the City of Lawrence purchased GPS (global positioning system) units for Solid Waste Division trucks and in 2011 the central maintenance garage staff installed these units. Benefits of system: A monitoring software program for the GPS units allows staff to track the trucks daily and adjust routes to save time and fuel. It is also used as a training tool for drivers and a supervisory tool for performance management.

Solid Waste Division equipment purchases in 2011 focused on increased automation and increased collection efficiency. Equipment purchased included a fully automated bulk truck and a semi-automated side load truck.

(f) Recycling rate for 2010 calculated.

The City of Lawrence Public Works Department collects and reports data on the generation and disposal of waste in Lawrence to measure the success of waste reduction and recycling programs. Recycling is an important part of integrated solid waste management (ISWM). In the ISWM hierarchy, recycling (including composting) is the preferred waste management option, after source reduction, to reduce potential risks to human health and the environment, divert waste from landfills, conserve energy, and slow the depletion of nonrenewable natural resources.

In 2010, an estimated 88,484 tons of municipal solid waste (MSW) was generated by Lawrence households and businesses. Of this total, an estimated 54,549 tons were landfilled and 33,935 tons recovered (25,229 tons recycled and 8,706 tons composted). Materials recovered for recycling and composting were collected by the City's Solid Waste Division and the private sector. **The 2010 Lawrence MSW recycling rate was thirty-eight (38) percent.**

The City of Lawrence used the United States Environmental Protection Agency's Measuring Recycling: A Guide for State and Local Governments to estimate the 2010 MSW generated and recycled.

(g) Establishment of new glass recycling program.

In December 2011, the City of Lawrence and Ripple Glass signed a contract agreement for the establishment of a glass recycling program in Lawrence.

Four glass recycling drop-off collection bins were placed in the parking lots of: Dillons at 4701 West 6th Street, Hy-Vee at 3504 Clinton Parkway, Hy-Vee at 4000 West 6th Street, and On The Rocks at 1818 Massachusetts Street. In the bright purple glass recycling drop-off bins, residents and businesses may place glass food and beverage containers of any color. All brown, green, blue, and clear glass bottles and jars can be mixed together in the same collection bin. Labels on the glass containers do not have to be removed. Items not accepted for recycling in these collection bins include plate glass (windows), mirrors, Pyrex, CorningWare, ceramics, and dishes.

The City coordinates with Ripple Glass to transport the glass from Lawrence to the Ripple Glass' facility in Kansas City, Missouri. The glass is primarily recycled into fiberglass insulation. Amber colored glass is separated and recycled directly back into new bottle glass for Ripple Glass' partner, Boulevard Brewing Company.

(h) City of Lawrence/Douglas County Household Hazardous Waste Facility renewal of service contract with Clean Harbors Environmental Services.

In 2011, the City of Lawrence renewed the service contract with Clean Harbors Environmental Services issued for collection and disposal for both hazardous and non-hazardous waste accepted from households and qualified Small Quantity Generator businesses at the City of Lawrence/Douglas County Household Hazardous Waste Facility and for on-site/off-site technical assistance provided to City/County staff. The length of the contract period is one year from signature of contract (2010) with a yearly renewal option up to four additional years if agreed by both parties and provided funds are available.

(i) City of Lawrence/Douglas County Household Hazardous Waste Facility begins to accept Conditionally Exempt Small Quantity Generator and Kansas Small Quantity Generator Waste in 2011.

The Kansas hazardous waste regulations were revised in 2011 and the KDHE Bureau of Waste Management in accordance with the regulation revisions implemented a new policy that allows Household Hazardous Waste Facilities to accept conditionally exempt small quantity generator and Kansas small quantity generator waste. The City of Lawrence/Douglas County Household Hazardous Waste Facility is currently meeting all requirements outlined within this policy and accepting waste from these generators.

(j) Electronic recycling events in Lawrence continue to be hosted.

The City of Lawrence Waste Reduction and Recycling Division continues to host two 4-hour Electronic Recycling Events per year. The participation at these events continues to be impressive even though new electronics recycling services have been implemented at several retail stores in Lawrence (i.e. Best Buy, Office Depot, and UNI Computers). Participant numbers and tons collected to date:

Spring 2012 (645 vehicles, 27.57 tons), Fall 2011 (525 vehicles, 19.81 tons), Spring 2011 (638 vehicles, 22.78 tons), Fall 2010 (649 vehicles, 28.98 tons), Spring 2010 (583 vehicles, 28.16 tons), Fall 2009 (747 vehicles, 35.48 tons), Spring 2009 (455 vehicles, 22.87 tons), Fall 2008 (513 vehicles, 26.30 tons), Spring 2008 (676 vehicles, 30.03 tons). These events are not limited to Lawrence residents only.

(k) Increased outreach and education efforts.

In 2011, the City of Lawrence Waste Reduction and Recycling Division continued to increase education of solid waste minimization. Efforts included presentations to school classrooms, neighborhood associations, and other community organizations; informational displays at events including Earth Day and America Recycles Day; and printed material such as the City's newsletter, utility bill inserts, brochures, and paid advertising. Information could also be found on the www.LawrenceRecycles.org website and the city's Lawrence Recycles Facebook page www.facebook.com/LawrenceRecycles.

2. Jefferson County

(a) Jefferson County is seeing an increase in HHW collections. Cities in Jefferson County have been more active in clean-up activities. KDHE permit limits HHW facility to 2200 pounds per site. Phillips is Jefferson County's HHW contractor.

(b) Jefferson County acquired a baler for OCC and paper.

(c) Jefferson County holds one e-waste collection event each year in conjunction with the Rotary Club. They also allow e-waste drop-offs from 8:00-4:30 each workday. No collection amounts were available at the time of the annual review. Electronic wastes are taken to Asset Life Cycle in Topeka.

(d) Jefferson County continues to collect tires. They check in citizens who drop off tires, charge them a disposal fee, and issue them a receipt. Tire Cutters is Jefferson County's tire processor.

(e) Jefferson County still accepts white goods. Freon removal is done by an outside company. Lonnie's Recycling processes the metals.

3. University of Kansas

(a) KU is collecting cooking oil from all campus dining facilities, and processing for biodiesel. Biodiesel is used in tractors by the Facilities Services Department. Mechanics use it for cleaning parts. Any leftover oil is burned in oil burning furnaces.

(b) KU's e-waste program is run by the IT Department. Campus departments are charged \$5/CRT.

(c) "Biodegradable plastic" is being used in campus dining facilities (which lead to a brief discussion by the committee of how biodegradable plastics can be).

(d) KU's office furniture recycling is doing very well.

(e) The committee discussed Iowa State University's food composting facility, and whether such an operation is feasible for KU or Lawrence.

4. Hamm Landfill

(a) Hamm is still operating in the same major cell. The next cell construction will likely be in late 2013.

(b) Landfill inflows are flat. Waste rate per individual has lowered. This is attributed to waste diversion and the economy in the region. Two-thirds of waste volume is from outside the region.

(c) Estimated landfill capacity remains approximately 80 years.

(d) Hamm is making efforts to divert waste from the landfill

1. Recycling asphalt shingles for use in hot mix asphalt. Hamm gives roofers a reduced rate (\$3/ton) for clean asphalt shingles. Otherwise, the rate is \$47/ton
2. Analyzing creating a construction demolition recycling area
3. Analyzing creating a materials recycling facility (MRF) to serve the region.

(e) Hamm is working towards collecting and processing landfill gas. They see a potential power generation of 6 MW to 8 MW.

(f) Hamm received a KDHE permit in September 2011 for a tree & savannah cap system for the landfill. Hamm is developing an approximate 12-acre area, and will eventually develop approximately 500 acres, in savannah, native grasses and trees.

5. Other miscellaneous SWM issues

(a) Among the "Planned Changes/Additions to Solid Waste Management" in the current SWM Plan is creation of rural waste drop-off centers for bulky items. However, the committee discussed that independent carriers, e.g. Sean Ball and Honey Creek, are doing a good job collecting bulky items. Market forces may be taking care of the problem, as metals and copper currently have high value.

(b) Revisiting the partnership between the City of Lawrence and Douglas County for the operations of the City of Lawrence/Douglas County Household Hazardous Waste (HHW) Facility in light of plans to relocate Douglas County Public Works facilities to a new location in far eastern Lawrence. This relocation will likely occur no earlier than 2014.

SWM Plan status

The committee found that the SWM Plan is still valid. No significant updates to the Plan are required at this time.

Douglas/Jefferson Counties Solid Waste Planning Region
Solid Waste Management Committee
Current Membership
August 2012

1. Lynn Luck
P.O. Box 82
Oskaloosa, KS 66066

Telephone: 785-863-2637
Email: mlluck23@yahoo.com
Entity represented: Jefferson County Board of County Commissioners
2. Nancy Thellman
1547 N 2000 Rd
Lawrence, KS 66044

Telephone: 785-832-0031
Email: nthellman@douglas-county.com
Entity represented: Douglas County Board of County Commissioners
3. Mike Russell
KU-EHS Department
140 Burt Hall
1540 W. 15th St.
Lawrence, KS

Telephone: 785-864-2854
Email: mjrussell@ku.edu
Entity represented: KU Environmental Health & Safety
4. Kathy Richardson
P.O. Box 708
Lawrence, KS 66044

Telephone: 785-832-3046
Email: krichardson@ci.lawrence.ks.us
Entity represented: City of Lawrence Public Works, Solid Waste Division
5. Rachel Myslivy
16836 13th Street
Lawrence, KS 66044

Telephone: 785-764-2055
Email: MysRachel@gmail.com
Entity represented: unincorporated areas

DGCO/JFCO SWM Committee Members

6. Richard Ziesenis
Lawrence/Douglas County Health Dept.
200 Maine, Suite B
Lawrence, KS 66044

Telephone: 785-843-3060
Email: rziesenis@ldchealth.org
Entity represented: Lawrence/Douglas County Health Dept.
7. Mark Tunstall
Lecompton City Hall
333 Elmore
Lecompton, KS 66050

Telephone: 785-887-6407
Email: none
Entity represented: Lecompton City Council
8. *(Jefferson County Planning & Zoning representative to be named later)*

Telephone:
Email:
Entity represented: Jefferson County Planning & Zoning
9. Mark O. Richards
3630 178th
Denison, KS 66419

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Entity represented: Jefferson County Auxiliary Services
10. Charlie Sedlock
P.O. Box 17
Perry, KS 66073

Telephone: 785-597-5111
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Entity represented: Hamm Landfill
11. Keith Browning
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1242 Massachusetts
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Entity represented: Douglas County Public Works

RESOLUTION NO. 12-_____

**A RESOLUTION IMPOSING RESTRICTIONS ON CERTAIN OUTDOOR BURNING IN
THE UNINCORPORATED AREA OF
DOUGLAS COUNTY, KANSAS**

WHEREAS, Section 6-101 of the Douglas County Code, adopted pursuant to K.S.A. 48-932, provides that the Board of County Commissioners (the "Board") may declare that, due to low moisture conditions, a local disaster emergency exists or the threat thereof is imminent and that the outdoor burning restrictions shall be in force for such time period as the Board determines appropriate.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF DOUGLAS COUNTY, KANSAS:**

Section 1. Declaration of Emergency. The Board has determined and declares that, due to low moisture conditions, an local disaster emergency exists or the threat thereof is imminent and that the outdoor burning restrictions shall be in force as provided in this Resolution.

Section 2. Outdoor Burning Restrictions. Except for exemptions granted pursuant to Section 6-103 of the Douglas County Code, during the local disaster emergency declared in accordance with this Resolution the following activities shall be prohibited in the outdoors:

- (a) The careless use and disposal of smoking materials, including, but not limited to, cigarettes, cigars and pipes. All smoldering remains shall be discarded in inflammable containers and in a manner to reduce the potential for fires.
- (b) Building, maintaining, attending or using any open fire or campfire, except in permanent stoves or fireplaces or in barbecue grills in developed recreational sites or on residential homesites.
- (c) Burning of all fence rows, fields, wildlands, ravines, trash, debris or other areas or materials. Such burning may be exempted from these restrictions when it is necessary for crop survival and has been specifically approved in writing by both the Douglas County Sheriff and (except in Marion Township) the fire chief of the fire department having jurisdiction over the area in which the burning is to take place. Crop survival means the burning of stubble in preparation for the planting of a crop.

Section 3. Penalties. As provided in K.S.A. 48-939 and Section 6-104 of the Douglas County Code, the knowing or willful violation of any restrictions adopted pursuant to this Resolution shall constitute a class A misdemeanor and shall be punished as provided by law therefore.

Section 4. Effective Date. This Resolution and the restrictions on outdoor burning provided for herein shall become effective 24 hours after its adoption and filing with the Douglas County Clerk and shall remain in force until: (i) _____ or (ii)

such earlier date that the Chair of the Board determines, based upon rainfall or other good cause, that the local emergency disaster ceases to exist.

ADOPTED this _____ day of _____.

BOARD OF COUNTY COMMISSIONERS OF
DOUGLAS COUNTY, KANSAS

Mike Gaughan, Chair

Jim Flory, Commissioner

Nancy Thellman, Commissioner

ATTEST:

Jameson D. Shew, Douglas County Clerk

Memorandum

To: Douglas County Commissioners
From: Douglas County E-Community Leadership Team
Date: August 24, 2012
RE: Request for funding from the Douglas County Revolving Loan Fund

Background:

In February of 2011, Douglas County Commissioners approved an economic development policy structuring the annual distribution of \$350,000 in economic development funds. According to that policy, \$30,000 was reserved for the creation of the County's first ever revolving loan fund.

Following the appropriation of funds creating the Douglas County revolving loan fund, the three smaller communities of Douglas County; Baldwin City, Eudora, and Lecompton, formed a consortium and applied to be part of the Network Kansas' Entrepreneurship Community program.

The Entrepreneurship Community program, also known as E-Communities, was established as part of the Kansas Economic Growth Act of 2004 and "allows a town, a cluster of towns, or an entire county the ability to raise seed money for local entrepreneurs through local donations. In return, donors to the E-Community program receive a 75% state income tax credit for their donation, and are also eligible to receive a federal and state tax deduction. Started in 2007, the E-Community program has grown to over thirty E-Community partnerships across the State of Kansas. During its first four years of operation, more than \$4.7 million has been raised by these E-Communities which is estimated to have generated more than \$33 million of investment in rural businesses across Kansas.

In October of 2011 Douglas County was successfully awarded designation as an E-Community and in its first year was able to generate a revolving loan fund of nearly \$60,000 through the allocation of these state tax credits. The Douglas County E-Community program is governed by the Leadership Team, which consists of two individuals, one entrepreneur and one elected official from Baldwin City, Eudora, and Lecompton. In addition to these 6 individuals, a Douglas County Commissioner also serves on the Leadership Team. At the October 5, 2011, County Commission meeting, Commissioner Thellman was appointed to serve on the Leadership Team, and at this same meeting Commissioners approved utilizing the \$30,000 set aside for the County revolving loan fund toward the Douglas County E-Community program.

By State Statute, E-Community money can only be used for gap financing. Gap financing is the amount of funding needed when all other conventional lending sources have been exhausted. Furthermore, according to Kansas State Statute, only 60% of the gap funding can be provided by the local E-Community program. The remaining 40% of funding must come from some other public fund, such as the Douglas County revolving loan fund.

Kansas Dinner Train:

The Fremont Dinner Train, based out of Fremont, Nebraska, is looking to relocate its businesses to Baldwin City and operate along the Midland Rail line. The Fremont Dinner Train, which began in 1988, has been managed since its inception by Bruce Eveland. The dinner train operates year round and

Douglas County E-Community

essentially serves as a traveling dinner theater conducting murder mystery shows, USO themed productions, melodramas and other special events throughout the year. According to the company, the business currently averages 8,000 riders a year at their Freemont location. In addition, the company tracks 9 separate markets within a trade territory defined as a 150 mile radius of Freemont. Using the same 150 mile radius, the Baldwin City location would have 2 to 2.5 times the population of the dinner train's current location. Furthermore, relocating the dinner train to Douglas County would mean the hiring of 17 part-time employees, which creates approximately 4 new full-time equivalent positions to Douglas County. Additionally, the relocation of the Dinner Train would generate additional sales tax and tourism dollars to the County.

Relocation and start-up expenditures for the dinner train are estimated to cost approximately \$235,000. At this time, \$220,000 has been approved and committed from a number of funding partners. These partners include, a cash investment from the owners of the dinner train, a loan from a private bank, a grant from the Federal Home Loan Bank, Baldwin City Economic Development Grant, the City of Baldwin City forgivable loan, and a loan from the Douglas County E-Community revolving loan fund.

Douglas County Involvement:

The Douglas County E-Community Leadership Team is requesting the Douglas County Commissioners allocate up to \$15,000 from the Douglas County revolving loan fund monies, toward the Kansas Dinner Train relocation project. The Douglas County loan would be fixed at 4.25% for 5 years and would be administered on behalf of the Douglas County E-Community. All E-Community loans are collateralized, and because of this Douglas County would be placed in the third position. Douglas County's participation in this project would assist with extending sewer lines and other infrastructure at the depot site to accommodate the dinner train's grey and black water.

Requested Action:

The Douglas County E-Community Leadership Team requests the Douglas County Commission approve a loan of up to \$15,000 toward the relocation of the Kansas Dinner Train project. This low-interest rate loan will be fixed at 4.25% for 5 years, and would be administered by the Douglas County E-Community program on behalf of Douglas County.

THE LAW OFFICES OF
DANIEL L. WATKINS
901 NEW HAMPSHIRE STREET, SUITE 200
LAWRENCE, KANSAS 66044
DANWATKINS@SUNFLOWER.COM

TELEPHONE:
(785) 843-0181

FACSIMILE:
(785) 749-5652

August 24, 2012

Craig Weinaug
County Administrator
Douglas County
1242 Massachusetts
Lawrence, KS 66044

RE: KDOT/Sadie's Lake Settlement

Dear Craig:

I am writing to follow up our recent discussions regarding the frontage road into Sadie's Lake property south of County Road N 900.

KDOT has agreed to contract and pay for a chip and seal treatment of County Road N 900 east of old U.S. 59 and the new frontage road (County Road E 1300) south to Sadie's Lake entrance. This work is conditioned on Douglas County maintaining the road in the future. KDOT has requested a letter indicating Douglas County's awareness of KDOT's agreement to chip and seal the roads and Douglas County's willingness to include responsibility for future maintenance of the roads in the turn back agreement which includes county maintenance responsibility for old U.S. 59 which will be executed at some point with KDOT.

Sadie's Lake desires to share the cost of future maintenance of the road with Douglas County as it is a benefit to those who will travel to this rural-tourism zoned property. I have visited with Evan Ice about ratifying this maintenance arrangement by contract rather than through creation of a benefit district. The duty to share in future maintenance costs could run with the land and the contract can be evidenced through an affidavit filed with the Register of Deeds. Non-payment of Sadie's Lake share of such costs could subject the property to a lien.

I understand this needs to be discussed with the Commission. We would appreciate the County's willingness to work with KDOT and the Sadie's Lake owners on this frontage road improvement which will make this extremely dusty one and half mile gravel road stretch safer and a much better facility for the County and the property owners in the area.

I've attached a draft letter to KDOT which they have requested.

Call me regarding any questions or additional information.

Sincerely,



Dan Watkins

August 24, 2012

Mr. Jerry Younger
Deputy Secretary and
State Transportation Engineer
700 SW Harrison, 2nd Floor West
Topeka, KS 66603-3754

Dear Jerry:

I understand from Dan Watkins, who represents Sadie's Lake, LLC, that KDOT has agreed to chip and seal a portion of County Road N 900 east of old U.S. 59 highway (south of Lawrence near Pleasant Grove) and the frontage road for new U.S. 59 (County Road E 1300) south from N 900 to the Sadie's Lake property entrance. This chip and seal work would require Douglas County to provide for future maintenance of the frontage road in the turn back agreement for old U.S. 59 which we will be entering when the new U.S. 59 project is completed.

Sadie's Lake, LLC has agreed to share the future maintenance costs of the road with Douglas County, and Douglas County will therefore agree to include the portions of the N 900 Road from old U.S. 59 road and County Road E 1300 from N 900 Road south to the Sadie's Lake property in the turn back agreement.

If you need further information regarding this understanding, please contact me.

Sincerely,

Keith Browning
Director of Public Works



DOUGLAS COUNTY ZONING & CODES DEPARTMENT

2108 W 27th Street, Suite I
Lawrence, Kansas 66047-3168
(785) 331-1343 Fax (785) 331-1347

MEMORANDUM

TO : Douglas County Board of County Commissioners
Craig Weinaug, Douglas County Administrator

FROM: Linda M. Finger, Interim Director, Zoning & Codes Department

DATE : August 13, 2012

RE : Temporary Business Use Permit - Donna Wingert Retail Sale of Dried
Fruit & Nuts

Mrs. Donna Wade Wingert has made application for a Temporary Business Use Permit for the operation of a Flea Market to allow the retail sale of dried fruit and nuts on her property.

The proposed hours of operation will be from 7:30 A.M. to 6:30 P.M., from October 20 through December 15th, 2012.

The proposed location of the temporary business permit would be in Mrs. Wingert's accessory building, located at her residence, 693 E 1250 Road, Lawrence, Kansas. It is anticipated the parking area would be sufficient for approximately 20 parking spaces and space available for 200 plus vehicles on a gravel surface.

The following have been notified with regard to this request, Douglas County Sheriff's Department, Douglas County Health Department, Willow Springs Township and adjoining property owners within 1,000 feet.

STAFF RECOMMENDATION: APPROVAL, with a special notation that Mrs. Wingert has conducted this activity since 2001 and has complied with all zoning regulations and building code requirements.



DOUGLAS COUNTY ZONING & CODES DEPARTMENT

2108 W 27th Street, Suite I
Lawrence, Kansas 66047-3168
(785) 331-1343 Fax (785) 331-1347

Donna Wingert
693 E 1250 Road
Lawrence, KS 66047

TEMPORARY BUSINESS USE APPLICATION NOTICE

TO : All Property Owners within 1,000 feet of a Temporary Business Permit
Situs Address: Donna Wingert – 693 E 1250 Road, Lawrence, Kansas

FROM: Linda M. Finger, Interim Director Zoning & Codes Dept. (Correction)

DATE : August 13, 2012

RE : Temporary Business Permit – Retail Sale of Dried Fruits and Nuts

This letter shall serve to inform you that this office has received an application from Donna Wingert for a Temporary Business Permit. The purpose of the Temporary Business Permit would be for a Flea Market to allow the retail sale of dried fruits and nuts, during the time period of October 20, 2012 through December 15, 2012. Location of the proposed temporary business is 693 E 1250 Road, Lawrence, Kansas 66047.

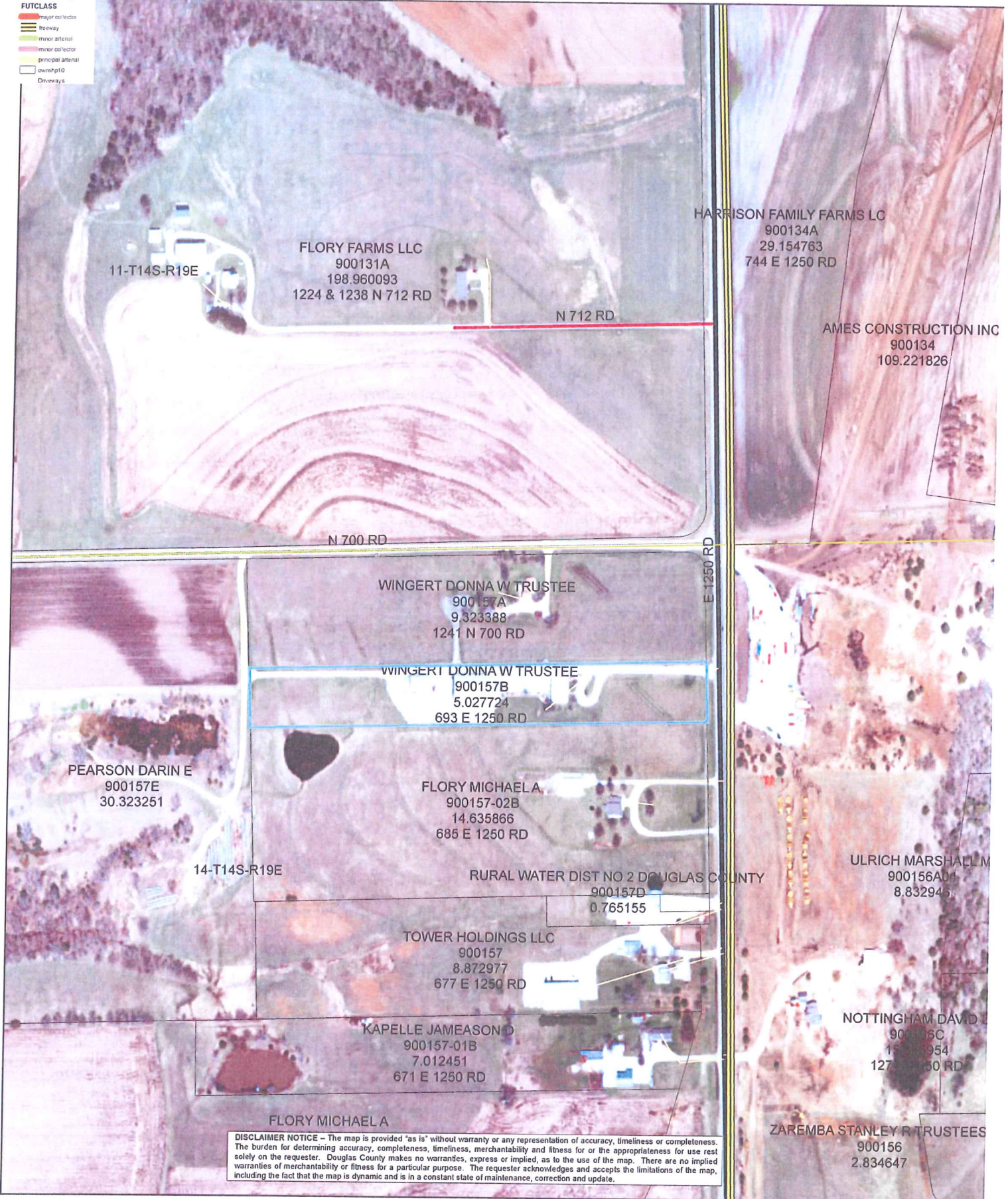
For your information, this item will be on the Douglas County Board of County Commissioner's Agenda on August 29, 2012. The time of this meeting will be 6:30 P.M., on the 2nd floor of the Douglas County Courthouse, 1100 Massachusetts Street, Lawrence, Kansas 66044.

Should you have any questions or comments concerning this request, please feel free to attend the County Commission meeting August 29, 2012. If you should have any questions on this matter prior to the hearing, please contact the Douglas County Zoning & Codes Department at (785) 331-3143. Mr. Cates has conducted this activity since 2001 and has complied with all zoning regulations and building code requirements.

Donna Wingert - 693 E 1250 RD Retail Sale of Dried Fruit & Nuts



- Legend
Future Thoroughfares
FUTCLASS
- major collector
 - freeway
 - minor arterial
 - minor collector
 - principal arterial
 - owner's private driveway



DISCLAIMER NOTICE - The map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rest solely on the requester. Douglas County makes no warranties, express or implied, as to the use of the map. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts the limitations of the map, including the fact that the map is dynamic and is in a constant state of maintenance, correction and update.



DOUGLAS COUNTY ZONING & CODES DEPARTMENT

2108 W 27th Street, Suite I
Lawrence, Kansas 66047-3168
(785) 331-1343 Fax (785) 331-1347

MEMORANDUM

TO : Douglas County Board of County Commissioners
Craig Weinaug, Douglas County Administrator

FROM: Linda M. Finger, Interim Director, Zoning & Codes Department

DATE : August 13, 2012

RE : Temporary Business Use Permit - Cates Haunted Farm
Situs address – 1029 N 1156 Road, Lawrence, KS

Steve Cates has made application for a Temporary Business Use Permit for the operation of a Haunted Farm tour through an outdoor maze/house, vortex tunnel, graveyard and saw mill.

The proposed hours of operation will be from dusk to 11: 00 P.M. for the weekend of October 12 & 13, October 19-20 and October 26-27, 2012.

The proposed location of the temporary business permit would be located at 1029 N 1156 Road, Lawrence, Kansas. It is anticipated the parking area would be sufficient for approximately 25 parking spaces on site and space available for additional vehicles on a gravel surface dead end road.

The following have been notified with regard to this request, Douglas County Sheriff's Department, Douglas County Health Department, Wakarusa Township and adjoining property owners within 1,000 feet.

STAFF RECOMMENDATION: Approval, Mr. Cates conducted this activity since 2010 and has complied with all zoning regulations and building code requirements.



DOUGLAS COUNTY ZONING & CODES DEPARTMENT

2108 W 27th Street, Suite I
Lawrence, Kansas 66047-3168
(785) 331-1343 Fax (785) 331-1347

United States of America
Attn: Corps of Engineers
601 E 12th St. 656 Fed Bldg.
Kansas City, MO 64106

TEMPORARY BUSINESS USE APPLICATION

TO : Owners of Property within 1,000 feet of a Temporary Business Permit
Address - Steve & Tammy Cates, 1029 N 1156 Road, Lawrence, KS 66047

FROM: Linda M. Finger, Interim Director, Douglas County Zoning & Codes Dept.

DATE: August 13, 2012

RE : Temporary Business Permit – “The Haunted Farm”

Steve Cates has made application for a Temporary Business Permit to host “The Haunted Farm” with a walk through outdoor maze/house, vortex tunnel, graveyard and saw mill. The location will be at 1029 N 1156 Road, Lawrence, Kansas.

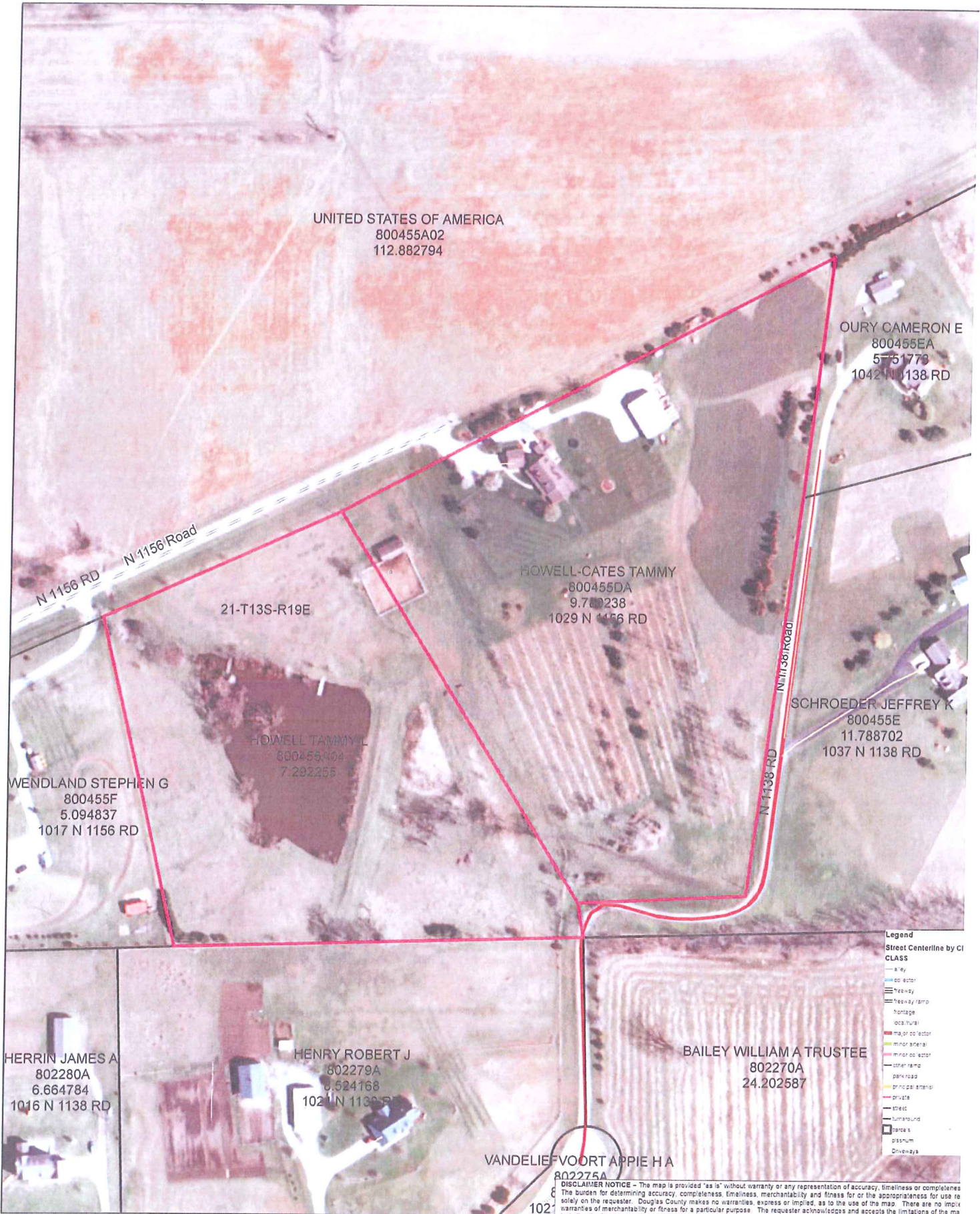
This will be a three weekend event on October 12 & 13, October 19-20, and October 26 & 27, 2012 from dusk to 11:00 P.M.

The Douglas County Commission hearing on this application will be August 29, 2012 at 6:30 P.M., Douglas County Courthouse, 2nd floor, 1100 Massachusetts Street, Lawrence, Kansas.

Should you have any questions or comments concerning this request, please feel free to attend the County Commission meeting August 29, 2012. If you should have any questions on this matter prior to the hearing, please contact the Douglas County Zoning & Codes Department at (785) 331-3143. Mr. Cates has conducted this activity since 2010 and has complied with all zoning regulations and building code requirements.



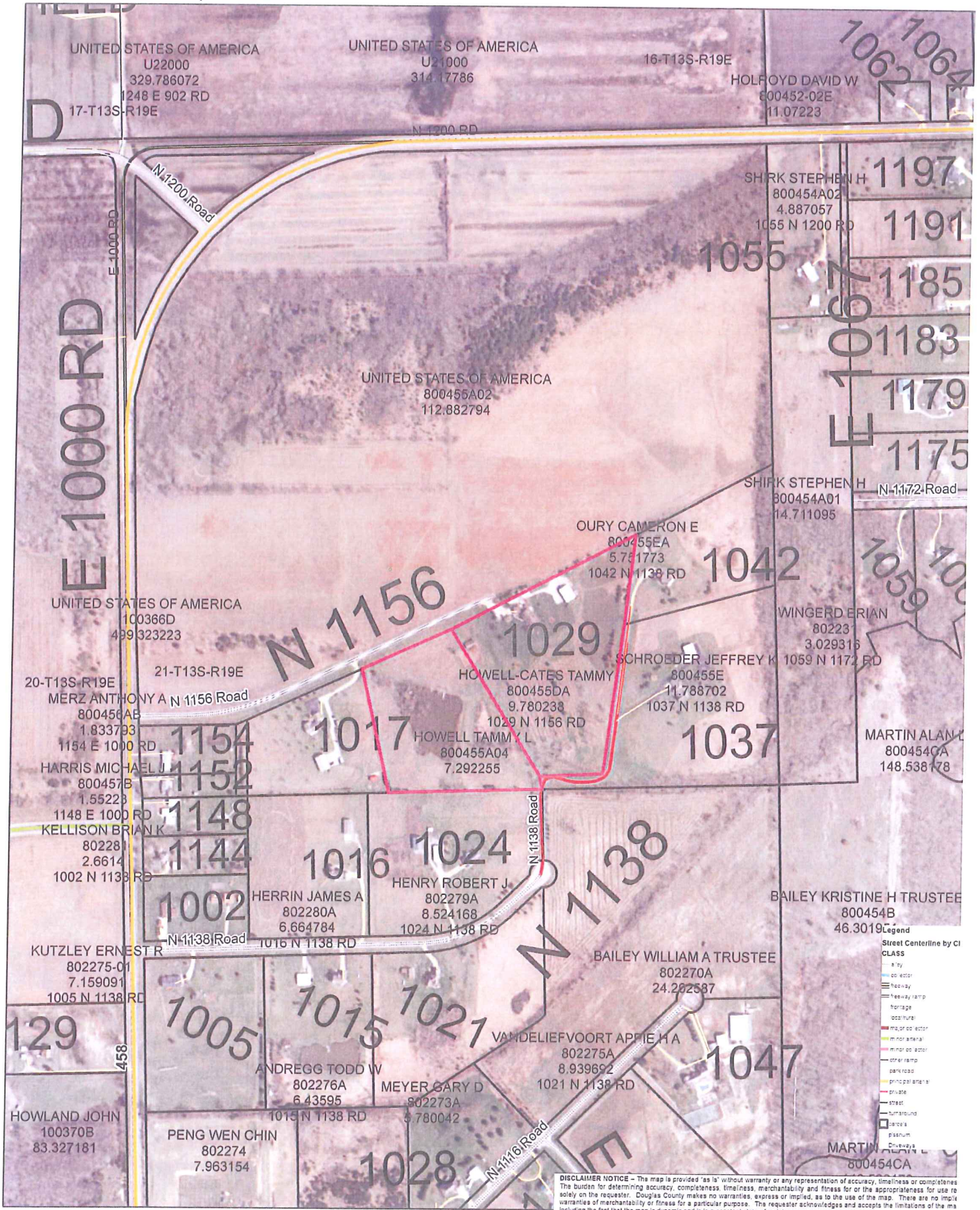
Cates Haunted Farm
1029 N 1156 Road



- Legend**
- Street Centerline by CL CLASS
- alley
 - loop
 - freeway
 - freeway/ramp
 - hwy
 - local/rural
 - major collector
 - minor arterial
 - other collector
 - park road
 - principal arterial
 - private
 - street
 - turnaround
 - unimproved
 - driveway

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Cates Haunted Farm
1029 N 1156 Road



Legend

Street Centerline by CLASS
alley
collector
freeway
freeway/ramp
frontage
local
major collector
minor arterial
minor collector
other ramp
parkroad
principal arterial
private
street
turnaround
barrel
plenum
Driveway

DISCLAIMER NOTICE - The map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for use is solely on the requester. Douglas County makes no warranties, express or implied, as to the use of the map. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts the limitations of the map including the fact that the map is dynamic and is in a constant state of maintenance, correction and update.



DOUGLAS COUNTY ZONING & CODES DEPARTMENT

2108 W 27th Street, Suite I
Lawrence, Kansas 66047-3168
(785) 331-1343 Fax (785) 331-1347

MEMORANDUM

TO : Douglas County Board of County Commissioners
Craig Weinaug, Douglas County Administrator

FROM: Linda M. Finger, Interim Director, Zoning & Codes Department

DATE : August 17, 2012

RE : Temporary Business Use Permit – Property Location 1014 N 1800 RD, Lawrence, KS
USA Cycling Cyclocross Events

Mr. Bill Anderson is requesting a Temporary Business Use Permit for the use of property located at 1014 N 1800 Road, to host USA Cycling Cyclocross racing events and free clinics. The events consist of four (2) days of race events and four days of free clinics for the dates as follows:

<u>Date of Events</u>	<u>Event Descriptions</u>
September 6, 13, 20, 27, 2012	Free Cyclocross Training Clinics
October 20, 2012	Cyclocross Races
October 21, 2012	Cyclocross Races
October 21, 2012	Cross Country Adventure Run

Racing events will take place between mid-morning and mid-afternoon, with no evening events. All events will be held entirely on the property with all parking on-site. No alcoholic beverages will be served at the Events. Event participants and spectators will provide their own food and beverages.

The applicant anticipates attendance as follows:

- Race Events – Between 40 – 150 participants and equal number of spectators.
- Clinic Events – Between 5 – 20 participants and no spectators.

The following have been notified with regard to this request, Douglas County Sheriff's Department, Douglas County Health Department, Wakarusa Township, adjoining property owners within 1,000 feet and property owners within one mile of the entrance.

TEMPORARY BUSINESS USE PLAN

(2012 Cyclocross Bicycle Racing and Free Training Clinics)

Bill Anderson (the “**Applicant**”) hereby submits the following Temporary Business Use Plan (the “**Plan**”) in connection with the use of certain property in Douglas County, Kansas described below for the occasional purpose of hosting USA Cycling cyclocross racing events, and free clinics (collectively the “**Events**”).

1. **Property Description.** The Events will be held on property owned by DSJ Corporation (the “**Owner**”) in Douglas County, Kansas (the “**Property**”), legally described as follows:

Beginning at a point on the South line of the Southwest Quarter of Section 16, Township 12 South, Range 19 East of the 6th Principal Meridian, being 12.15 chains West of the Southeast corner of said Quarter Section, thence North 01 39' West 35.50 chains, thence West 26.90 chains to a point on the West line of said Quarter Section, thence South 35.50 chains, more or less, to the Southwest corner of said Quarter Section, thence East 27.85 chains, more or less, to the point of beginning, in Douglas County, Kansas.

2. **Events Summary.** The Events consist of four (2) days of race events and four (4) days of free clinics, as follows:

<u>Date of Event</u>	<u>Event Description</u>
September 6, 13, 20, and 27th	Free Cyclocross Training Clinics
October 20th	Cyclocross Races
October 21st	Cyclocross Races
October 21st	Cross Country Adventure Run

Racing events will take place between mid-morning and mid-afternoon, with no night events. A loudspeaker may be use to announce start times. Clinic events are informal in nature that occur for several hours in the afternoon. No loudspeakers will be used.

3. **Event Promoters and Sponsors.**

October Races:

Sponsors: Free State Women's Racing Team,
Meadowbrook Apartments, Anderson Rental, and Localcycling.com.

Promoters: USA Cycling

Free Cyclocross Training Clinics:
Bill Anderson and Michelle Jensen, and sponsors

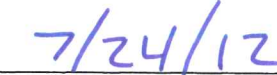
4. **Anticipated Attendance.** The Applicant anticipates attendance as follows:
 - a. **Race Events:** Between 40 and 150 participants, and an equal number of spectators.
 - b. **Clinic Events:** Between 5 and 20 participants, and no spectators.
5. **Traffic, Parking, and Road Conditions.** The Events will be held entirely on the Property, with no anticipated need for additional traffic regulation. Parking will occur entirely on-site.
6. **Public Health Concerns.** Racing events require an entry fee, paid to USA Cycling. Such fees cover costs to provide portable restrooms and trash cans. Event participants and spectators are required to provide their own food and drinks.
7. **Illumination.** All Events will occur during daylight hours, and no nighttime illumination is required.
8. **Security.** The Events will not require the presence of security guards, although USA Cycling does provide event officials to conduct the racing events.
9. **Fire Safety.** The Events will be held entirely outdoors, and no additional fire safety precautions are necessary.
10. **Insurance.** USA Cycling, as event promoter and governing body of cyclocross, provides liability insurance for the Events.
11. **Alcohol.** No alcoholic beverages will be served at the Events.

This Application is submitted, together with an application fee of \$100.00, on the date below written.

APPLICANT:



Bill Anderson



Date



CYCLO-CROSS

Train for Joules Cross

Thursdays, September 6th, 13th, 20th, & 27th, 2012 @ 5:45- 7:15

Waivers must be signed by all riders.

Registration: \$1.00 for USAC Insurance. All riders must present current USAC license.
One day USAC license available for \$10.
Held under USA Cycling event permit 2012-2810.

More Information Michelle Jensen (785) 979-7635 michellejensen75@gmail.com

Location & Directions 1014 N 1800 Road, Lawrence, KS 66049
From I-70 exit 197 Lecompton; drive East; course & parking on North side of 1800 Rd.

Parking: On site; please stay off grass track area.

Training Details: Riders will warm up for ten minutes and then meet on the start/ finish stretch. We will do some dismount and remounting practice and then have a practice race.

The Joules course is mildly technical with natural barriers. Come to the races October 20th and 21st!



CYCLO-CROSS

Train for Joules Cross

Thursdays, September 8th September 6th, 13th, 20th, & 27th @ 5:45- 7:15

Waivers must be signed by all riders.

Registration: \$1.00 for USAC Insurance. All riders must present current USAC license.
One day USAC license available for \$10.
Held under USA Cycling event permit 2012-2810.

More Information Michelle Jensen (785) 979-7635 michellejensen75@gmail.com

Location & Directions 1014 N 1800 Road, Lawrence, KS 66049
From I-70 exit 197 Lecompton; drive East; course & parking on North side of 1800 Rd.

Parking: On site; please stay off grass track area.

Training Details: Riders will warm up for ten minutes and then meet on the start/ finish stretch. We will do some dismount and remounting practice and then have a practice race.

The Joules course is mildly technical with natural barriers. Come to the races October 20th and 21st!

**FREE STATE
RACING**

Amateur Cycling Team Lawrence, Kansas

**FREE STATE
RACING**

Amateur Cycling Team Lawrence, Kansas



Site Plan for Cyclocross Races
October 20th and 21st—2012



DOUGLAS COUNTY ZONING & CODES DEPARTMENT

2108 W 27th Street, Suite I
Lawrence, Kansas 66047-3168
(785) 331-1343 Fax (785) 331-1347

MEMORANDUM

TO : Douglas County Board of County Commissioners
Craig Weinaug, Douglas County Administrator

FROM: Linda M. Finger, Interim Director, Zoning & Codes Department

DATE : August 22, 2012

RE : Temporary Business Use Permit - Flea Market 1809 E 1450 Road,
Lawrence, KS

Ms. Alberta Dover is requesting a Temporary Business Use Permit for commercial property located at 1809 E 1450 Road. This property is managed by Bill Fair of Bill Fair and Company, Inc. for the U.S. Bankruptcy Court (Rex Youngquist). Ms. Dover proposes to rent space to individuals for the retail sale of merchandise. All spaces are located outside on the open lot with no use of the buildings.

The Flea Market will be open the 1st and 3rd Saturday of each month between the hours of 9:00 A.M. and 4:00 P.M. from September 2012 through October 2012 and resume again March 2013 – October 2013.

The following have been notified with regard to this request, Douglas County Sheriff's Department, Douglas County Health Department, Grant Township and adjoining property owners within 1,000 feet.

This property is the subject of unresolved zoning violations from 2003, and a court action to remediate these violations. It is also being reviewed by Kansas Department of Agriculture Division of Water Resources for floodplain fill violations unresolved since 2004. No new building permits can be issued for properties currently in violation of the building codes.

STAFF RECOMMENDATION: Approval of the use if no building permits, including the electrical permit requested, are necessary before the violations from building codes and floodplain regulations are resolved.

Our plan is to rent space to individuals who want to sell their merchandise and there are plans to offer a small concession booth. We don't expect more than 80 to ninety people attending at one time. Richard Ziesenis of Douglas County Health Department was contacted, and reported that one portable toilet per every 100 people was necessary, we have one, and if our estimates are too low, we will secure a second one. There will also be cold bottles of water on site for those needing it. Everything planned is outside and will be in the open lot surfaced with small gravel and no use of buildings are required. We do require electricity for the concession booth but no other electricity will be used.

The lot has been cleared of all debris for added safety and the south entrance has been opened to help reduce traffic entering and exiting the highway allowing vehicles to utilize the stop light intersection. Parking will be along the south and west fences which will also encourage the use of the south entrance. Booths will be positioned from the middle to the north side of the lot. There are four trailers on site which will be roped off to keep people safely away. A small abandoned house is on the far north side of the property outside the fence and will be locked and windows will be boarded up so no one can enter.

We will be opened the 1st and 3rd Saturday of each month between the hours of 9:00 am and 4:00 pm so there will be no need for lighting of the lot. We will have fire extinguishers on site as well as at least two volunteer firefighters at all times. Jim King, Douglas County Fire Marshal was contacted in regards to our plans and has no concerns but offers his assistance if needed.

There will be absolutely no alcoholic beverages sold or carried on the premises. Hedge Insurance has suggested the proper insurance policy for our event. We will obtain a policy as soon as all details have been worked out. A few area businesses and residences have been contacted concerning our plans and have no concerns. They were pleased to see the lot cleaned and being used for something productive.

MARCH - OCTOBER 2012



DOUGLAS COUNTY ZONING & CODES DEPARTMENT

2108 W 27th Street, Suite I
Lawrence, Kansas 66047-3168
(785) 331-1343 Fax (785) 331-1347

TEMPORARY BUSINESS USE APPLICATION NOTICE

TO: Property owners within 1,000 feet and property owners within 1 mile of the entrance to commercial property at 1809 E 1450 Road, managed by Bill Fair of Bill Fair & Company, Inc. for the U.S. Bankruptcy Court (Rex Youngquist).

FROM: Linda M. Finger, Interim Director, Douglas County Zoning & Codes Dept.

DATE : August 21, 2012

RE : Temporary Business Permit – Alberta Dover – Flea Market

Ms. Alberta Dover is requesting a Temporary Business Use Permit for commercial property located at 1809 E 1450 Road. Ms. Dover proposes to rent space to individuals for the retail sale of merchandise. All spaces are located outside on the open lot with no use of the buildings.

The Flea Market will be open the 1st and 3rd Saturday of each month between the hours of 9:00 A.M. and 4:00 P.M. from September 2012 through October 2012 and resume again March 2013 – October 2013.

The Douglas County Commission hearing on this application will be Wednesday August 29, 2012, 6:35 P.M., Douglas County Courthouse, 2nd floor, 1100 Massachusetts Street, Lawrence, Kansas.

Should you have any questions on this matter prior to the hearing, please contact the Douglas County Zoning & Codes Department at (785) 331-3143.



Douglas County, Kansas

APPLICATION FOR A TEMPORARY BUSINESS USE

(To be filled in by applicant)

Applicant: Alberta Dover

Address: 18895 StairStep Rd.
Lawrence, Kansas
66044

Telephone: (785) 842-6220

Sponsor or other persons with financial interest in the proposed activity: N/A

Legal Description of Site: Section 19 Township 12S Range 20E (May attach legal description) see attached map.

Owner of Property: Bill Fair Management Address: 478 N 1950 Rd. LeCompton KS

Telephone No.: (785) 887-6966

Existing Zoning: comm. Proposed Temporary Business Use: Flea Market

Explain: a place for individuals to rent a space to sell their merchandise.

Site Plan of tract must be submitted with application (see attached sheet)

(To Be Completed by Douglas County Zoning)

Application received in Zoning Office: Month Day Year

Fee Paid (\$100.00) Cash Check Application No.

Date of Notice mailed to Owners/Occupants of properties:

Date of Hearing Douglas County Commissioners: Month - Day - Year Time

Douglas County Commissioners Action: Approved Disapproved

Conditions:

Chairman, Douglas County Commission

Date



DOUGLAS COUNTY ZONING & CODES DEPARTMENT

2108 W 27th Street, Suite I
Lawrence, Ks 66047

Phone: 785.331.1343 Fax: 785.331.1347

OWNER AUTHORIZATION

I/WE BILL FAIR MANAGEMENT hereby referred to as the "Undersigned", being of lawful age, do hereby on this 17th day of AUG, 2012, make the following statements to wit:

1. I/WE the Undersigned, on the date first above written, am/are the lawful owner(s) in fee simple absolute of the following described real property:
See "Exhibit A, Legal Description" attached hereto and incorporated herein by reference.

2. I/WE the Undersigned, have previously authorized and hereby authorize

ALBERTA DAVEN

(Herein referred to as "Applicant"), to act on my/our behalf for the purpose of making application with Zoning and Codes department regarding _____ (common address), the subject property, or portion thereof. Such authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process.

3. It is understood that in the event the Undersigned is a corporation or partnership, then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

IN WITNESS THEREOF, I, the undersigned, have set my hand and seal below.

[Signature]
Owner

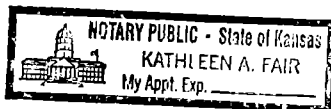
for Case 11-10135 U.S. BANKRUPTCY CT. DISTRICT OF KS.
Owner

STATE OF KANSAS
COUNTY OF DOUGLAS

The forgoing instrument was acknowledged before me on this 17th day of AUG, 2012, by William Fair (Print Owner(s) name).

My Commission Expires: 5-4-13
Seal

[Signature]
Notary Public



KIRCHNER PROPERTIES LLC
300133A
2.93 Ac
1837 E 1450 RD

CAPITOL CONCRETE PRODUCTS CO INC
300141B
3.12 Ac
1452 N 1823 RD

RCH LLC
300171C
3.12 Ac
145 N 1823 RD

HECK EMIL W JR TRUSTEE
3001298A
125.71 Ac

18-T12S-R20E

YOUNGQUIST REX
300133
7.12 Ac
1809 E 1450 RD

CITY OF LAWRENCE
N08024-10
12.19 Ac

SECRETARY OF TRANSPORTATION
N08024-10A
5.76 Ac
1462 HWY 40

Legend

Street Centerline by Class

CLASS	Symbol
alley	Thin black line
collector	Blue line
freeway	Thick blue line
freeway ramp	Thin blue line with double parallel lines
frontage	Thin black line with double parallel lines
local/rural	Thin black line
major collector	Thick black line
minor arterial	Green line
minor collector	Pink line
other ramp	Thin black line with double parallel lines
park road	Thin black line with double parallel lines
principal arterial	Yellow line
private	Thin black line
street	Thin black line
tunaround	Thin black line with double parallel lines
parcels	Black outline
plssnum	Yellow outline
Driveways	Thin black line



1809 E 1450 RD

19-T12S-R20E



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August 29, 2012 Edition of
CHAPTER 13. CONSTRUCTION CODES
OF THE DOUGLAS COUNTY, KANSAS CODE

Adopted and incorporated by reference on _____, 2012 by the Board of Douglas County Commissioners pursuant to Resolution No. HR-12-_____.

Incorporating by reference the following codes, with amendments as provided herein:

- International Building Code, 2012 Edition
- International Residential Code, 2012 Edition
- International Building Code, 2012 Edition
- International Plumbing Code, 2012 Edition
- International Mechanical Code, 2012 Edition
- International Fuel Gas Code, 2012 Edition
- National Electric Code (NFPA 70), 2011 Edition

CHAPTER 13. CONSTRUCTION CODES

- Article 1. Administration
- Article 2. Residential Code
- Article 3. Building Code
- Article 4. Plumbing Code
- Article 5. Mechanical Code
- Article 6. Fuel Gas Code
- Article 7. Electrical Code

ARTICLE 1. ADMINISTRATION

- 13-101 **TITLE.** This Chapter and the codes adopted pursuant to the various Articles of this Chapter shall be collectively known as the "Construction Codes of The Unincorporated Areas of Douglas County Kansas", hereinafter collectively referred to in this Article interchangeably as "this Code" or "the Construction Codes" or "this Chapter."
- 13-102 **SCOPE.** The provisions of this Chapter shall apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use, and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances and systems connected or attached to such buildings or structures and located in the unincorporated areas of Douglas County, Kansas, including but not limited to the construction, conditions and maintenance of property, buildings and structures; the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress; the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems; the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems; the conditions and maintenance of plumbing systems; the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of fuel gas systems and gas-fired appliances; the design, construction, quality of materials, erection, installation, alteration repair, location, relocation, replacement, addition to, use or maintenance of electrical systems.
- 13-102.1 **Appendices.** Provisions in the appendices shall not apply unless specifically adopted.
- 13-103 **INTENT.** The purpose of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress from facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the building environment and to provide safety to fire fighters and emergency responders during emergency operations.

- 13-103.1 **Referenced Codes.** The codes referenced in this Chapter, including the separate codes identified in Sections 103.1.1 through 103.1.6, and those referenced elsewhere in this Chapter and in the foregoing separate codes shall be considered part of the requirements of this Chapter to the prescribed extent of each such reference. Where differences occur between provisions of this Chapter and referenced codes and standards, the more restrictive shall govern.
- 13-103.1.1 **Residential One and Two Family Dwellings.** The provisions of the International Residential Code, 2012 Edition, adopted pursuant to Article 2 of this Chapter, as amended, shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress.
- 13-103.1.2 **Commercial and Multi-Family Structures.** The provisions of the International Building Code, 2012 Edition, adopted pursuant to Article 3 of this Chapter, as amended, shall apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use, and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures. Exception: Buildings or structures regulated by the International Residential Code, 2012 Edition.
- 13-103.1.3 **Plumbing.** The provisions of the International Plumbing Code, 2012 Edition, adopted pursuant to Article 4 of this Chapter, as amended, shall apply to the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems. Exception: Buildings or structures regulated by the International Residential Code, 2012 Edition.
- 13-103.1.4 **Mechanical.** The provisions of the International Mechanical Code, 2012 Edition, adopted pursuant to Article 4 of this Chapter, as amended, shall apply to the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems. Exception: Buildings or structures regulated by the International Residential Code, 2012 Edition.
- 13-103.1.5 **Gas.** The provisions of the International Fuel Gas Code, 2012 Edition, adopted pursuant to Article 5 of this Chapter, as amended, shall apply to the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of fuel gas systems and gas-fired appliances, including gas piping from the point of delivery to the inlet connections of appliances and the installation and operation of gas appliances and related accessories. Exception: Buildings or structures regulated by the International Residential Code, 2012 Edition.
- 13-103.1.6 **Electrical.** The provisions of the 2011 National Electric Code (NFPA 70), 2011 Edition, adopted pursuant to Article 6 of this Chapter, as amended,

shall apply to design, construction, quality of materials, erection, installation, alteration repair, location, relocation, replacement, addition to, use or maintenance of electrical systems. Exception: Buildings or structures regulated by the International Residential Code, 2012 Edition.

- 13-104 **APPLICABILITY.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.
- 13-104.1 **Other Laws.** The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.
- 13-104.2 **Application of References.** References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this Chapter or the applicable code, as the case may be.
- 13-104.3 **Referenced Codes and Standards.** The codes and standards referenced in this Chapter, including the separate codes, as amended, adopted pursuant to the various Articles of this Chapter, shall be considered part of the requirements of this Chapter to the prescribed extent of such reference. Where differences occur between provisions of this Chapter and referenced codes and standards, the more restrictive shall govern.
- 13-104.4 **Partial Invalidity.** In the event that any part or provision of this code is held to be illegal or void, it shall not have the effect of making void or illegal any of the other parts or provisions.
- 13-104.5 **Existing Structures.** The legal occupancy of any structure existing on the date of adoption of this Chapter shall be permitted to continue without change, or as is otherwise deemed necessary by the building official for the general safety and welfare of the occupants and the public.
- 13-105 **ENFORCEMENT AGENCY; BUILDING OFFICIAL.** The Douglas County Department of Zoning and Codes shall administer and enforce the provisions of this Chapter and the official in charge thereof shall be known as the building official.
- 13-105.1 **Appointment.** The Douglas building official shall be appointed by the Douglas County Administrator.
- 13-105.2 **Deputies.** In accordance with the prescribed procedures of Douglas County, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.
- 13-106 **DUTIES AND POWERS OF BUILDING OFFICIAL**
- 13-106.1 **General.** The building official is hereby authorized and directed to enforce the provisions of this Chapter. The building official shall have the authority to render

interpretations of this Chapter 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 Chapter and the codes adopted pursuant to this Chapter. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this Chapter.

- 13-106.2 **Applications and Permits.** The building official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures and their components, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this Chapter.
- 13-106.3 **Notices and Orders.** The building official shall issue all necessary notices or orders to ensure compliance with this Chapter.
- 13-106.4 **Inspections.** The building official shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.
- 13-106.5 **Identification.** The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this Chapter.
- 13-106.6 **Right of Entry.** Where it is necessary to make an inspection to enforce the provisions of this Chapter, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this Chapter which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this Chapter, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.
- 13-106.7 **Department Records.** The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.
- 13-106.8 **Liability.** The building official, member of the Board of Construction Codes Appeals or employee charged with the enforcement of this Chapter, while acting for Douglas County in good faith and without malice in the discharge of the duties required by this Chapter or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any

damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this Chapter shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this Chapter.

- 13-106.9 **Approved Materials and Equipment.** Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.
- 13-106.10 **Used Materials and Equipment.** The use of used materials which meet the requirements of this Chapter or new materials is permitted. Used equipment and devices shall not be reused unless approved by the building official.
- 13-106.11.1 **Modifications.** Wherever there are practical difficulties involved in carrying out the provisions of this Chapter, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this Chapter impractical and the modification is in compliance with the intent and purpose of this Chapter and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.
- 13-106.11.2 **Flood Hazard Areas.** The building official shall not grant modifications to any provision related to flood hazard areas, as established by Section 1612.3 of the International Building Code, 2012 Edition or Table R301.2(1) of the International Residential Code, 2012 Edition, as the case may be, unless the Douglas County Floodplain Administrator has made a determination that:
1. A showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site render the elevation standards inappropriate.
 2. A determination that failure to grant the modification would result in exceptional hardship by rendering the lot undevelopable.
 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, cause fraud on or victimization of the public, or conflict with existing laws or resolutions.
 4. A determination that the modification is the minimum necessary to afford relief, considering the flood hazard.

Upon any such modification, the Floodplain Administrator shall submit to the applicant a written notice specifying the difference between the design flood

elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the design flood elevation increases risks to life and property.

13-106.12 **Alternative Materials, Design and Methods of Construction and Equipment.** The provisions of this Chapter are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this Chapter, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

13-106.12.1 **Research Reports.** Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this Chapter, shall consist of valid research reports from approved sources.

13-106.12.2 **Tests.** Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

13-107 **PERMITS**

13-107.1 **Required.** Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this Chapter, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

13-107.2 **Annual Permit.** In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the building official is authorized to issue an annual permit upon application therefore to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure or on the premises owned or operated by the applicant for the permit.

13-107.3 **Annual Permit Records.** The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The

building official shall have access to such records at all times or such records shall be filed with the building official as designated.

13-107.4 **Work Exempt From Permit.** Exemptions from permit requirements of this Article shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Article or any other laws or regulations of Douglas County. Permits shall not be required for the following:

13-107.4.1 **Building.**

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than 120 square feet (11 m²)
2. Fences not over 7 feet (2134 mm) high.
3. Oil derricks.
4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IDA liquids.
5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18 925L) and the ratio of height to diameter or width is not greater than 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18, 925L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.

13. Non-fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

14. Agricultural Buildings. Constructing, moving, converting, extending, or enlarging a building to be used solely for agricultural purposes shall be exempt from the necessity of obtaining a building permit if the owner or owners fully completes and files with the building official an application containing information necessary for the building official to determine eligibility for an agricultural building exemption. Such application shall be limited to (1) a statement of the intended use of the building; (2) a description of the real estate upon which the proposed agricultural building is to be located, together with a description of the building or alterations with sufficient detail of size, location, and character or kind of proposed construction, to enable the building official to distinguish and identify it; (3) a statement of an owner acknowledging the owner or owners of the building must obtain a building permit and bring the building into compliance with the building code in the event its use subsequently changes and the building is no longer used solely for agricultural purposes; and (4) such other documents or evidence that the building official reasonably believes necessary to determine that the owner or tenant of the land on which the building is to be placed or constructed is engaged in agricultural pursuits and the building will be used as an agricultural building.

The building official shall not require the owner or owners to provide certificates or drawings of architects, engineers, or other professionals relating to the proposed agricultural building or alterations.

No fee shall be charged for requesting or receiving a building permit exemption under this subsection.

Upon receipt of such properly completed application and determining that the construction or other work is entitled to receive an exemption from the building permit requirement, the building official shall issue to the owner or owners of the building a document evidencing the agricultural building exemption.

Any owner or owners desiring an exemption from the building permit requirement with respect to any particular agricultural building shall apply for and obtain such exemption prior to commencement of the construction or other work. No construction or other work shall be exempt under this subsection unless and until a properly completed application has been filed with the building official and the building official has issued an agricultural building exemption with respect to the building. The failure of an owner or owners to apply for and receive an agricultural building exemption with respect to any building or alteration used solely for agricultural purposes, however, shall not preclude the building official from later issuing an agricultural building exemption with respect to such building or alteration.

The owner or owners of a building that is eligible for an agricultural building exemption pursuant to this subsection who fail to apply for and receive an agricultural building exemption prior to commencement of construction work shall not be subject to any fine or other penalty if an owner of the building

submits an application to the building official before receiving any notice of noncompliance or other formal notice of violation.

For purposes of this subsection, an “agricultural building” and a “building to be used solely for agricultural purposes” is a structure designed, constructed, and used solely to do any one or combination of the following: (a) to house hay, grain, poultry, livestock, or other agricultural or horticultural products; (b) to sort, grade, wash, weigh, package, or otherwise prepare agricultural or horticultural products produced on site for market; (c) to prepare, sort, or house agricultural inputs if such agricultural inputs are to be planted or otherwise used in connection with agricultural pursuits (i) on site, (ii) on other property under common control of the owner or tenant of the property on which the building is located, or (iii) on other property if the use on other property is ancillary to the use of such agricultural inputs on property under (i) or (ii); or (d) to house farm implements, tools and equipment used in connection with any of the foregoing.

Except as expressly provided above, a building is not an “agricultural building” or a “building to be used solely for agricultural purposes” if it is a place of human habitation or a place of employment where agricultural or horticultural products not produced on site are processed, treated or packaged; nor is it an agricultural building if it is a place used by the public (other than a temporary “farmer’s market” predominantly for the sale of agricultural or horticultural products produced or grown on site).

The foregoing definition of agricultural building is solely for purposes of the building code and the owner’s or owners’ ability to obtain an exemption from the requirements of obtaining a building permit. A building used to sell agricultural products grown or produced off site may be an agricultural building for purposes of obtaining an exemption from obtaining a building permit if the predominate products sold are produced or grown on site, while such land use may still require a conditional use permit under applicable zoning regulations.

This subsection shall not exempt signs advertising or identifying agricultural uses such as farms. A building permit for such a sign, however, may be issued if the sign complies with all other applicable regulations and codes.

13-107.4.2 **Electrical.**

1. Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of *approved* portable electrical equipment to *approved* permanently installed receptacles.

2. Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

3. Temporary testing systems: A *permit* shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

13-107.4.3 **Gas.**

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

13-107.4.4 **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 that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (5 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

13-107.4.5 **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 Article.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

13-107.4.6 **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.

13-107.4.7 **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.

13-107.4.8 **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.

13-107.4.9 **Preliminary Meeting.** When requested by the permit applicant or the building official, the permit applicant and the building official shall meet prior to the application for a permit to discuss plans for the proposed work or change of occupancy in order to establish the specific applicability of the provisions of this Chapter.

13-107.10 **Application for Permit.** To obtain a permit, the applicant shall first file an application therefor 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 the applicable Article.

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.

13-107.11 **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 the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefor. If the building official is satisfied that the proposed work conforms to the requirements of this Chapter and laws and resolutions applicable thereto, the building official shall issue a permit therefor as soon as practicable.

13-107.12 **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.

13-107.13 **Validity of Permit.** The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Chapter or of any other applicable law, resolution or regulation. Permits presuming to give authority to violate or cancel the provisions of this Chapter or other law, resolution or regulation 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 where in violation of this Chapter or of any other laws, resolutions or regulations.

13-107.14 **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 on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

13-107.15 **Suspension or Revocation.** The building official is authorized to suspend or revoke a permit issued under the provisions of this Chapter wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this Chapter.

13-107.16 **Placement of Permit.** The building permit or copy shall be kept on the site of the work until the completion of the project.

13-108 **FLOOR AND ROOF DESIGN LOADS**

13-108.1 **Live Loads Posted.** Where the live loads for which each floor or portion thereof of a commercial or industrial building is or has been designed to exceed 50 psf (2.40 kN/m²), such design live loads shall be conspicuously posted by the owner in that part of each story in which they apply, using durable signs. It shall be unlawful to remove or deface such notices

13-108.2 **Issuance of Certificate of Occupancy.** A certificate of occupancy required by any provision of this Chapter shall not be issued until the floor load signs, required hereby have been installed.

13-108.3 **Restrictions on Loading.** It shall be unlawful to place, or cause or permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by this Chapter.

13-109 **SUBMITTAL DOCUMENTS**

13-109.1 **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 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 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 Chapter.

- 13-109.2 **Construction Documents.** Construction documents shall be in accordance with Sections 13-109.2.1 through 13-109.2.7.
- 13-109.2.1 **Information on Construction Documents.** Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, resolutions, rules and regulations, as determined by the building official.
- 13-109.2.2 **Fire Protection System Shop Drawings.** Shop drawings for the fire protection systems shall be submitted to indicate conformance to this Chapter and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9 of the International Building Code, 2012 Edition.
- 13-109.2.3 **Means of Egress.** The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress including the path of the exit discharge to the public way in compliance with the provisions of this Chapter. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.
- 13-109.2.4 **Exterior Wall Envelope.** Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings. The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.
- 13-109.2.5 **Site Plan.** The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and

location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when other-wise warranted.

- 13-109.2.6 **Design Flood Elevations; IBC.** Where design flood elevations are not specified with respect to building and structures regulated by Article 2 (i.e. the International Building Code), they shall be established in accordance with Section 1612.3.1 of the International Building Code, 2012 Edition.
- 13-109.2.7 **Information for Construction in Flood Hazard Areas; IRC.** For buildings and structures regulated by Article 3 (i.e. the International Residential Code) and located in whole or in part in the flood hazard areas as established by Table R301.2(1), construction documents shall include:
1. Delineation of flood hazard areas, floodway boundaries and flood zones and the design flood elevation, as appropriate;
 2. The elevation of the proposed lowest floor, including basement; in areas of shall flooding (AO Zones), the height of the proposed lowest floor, including basement, above the highest adjacent grade;
- 13-109.3 **Examination of Documents.** The building official shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this Chapter and other pertinent laws or regulations.
- 13-109.3.1 **Approval of Construction Documents.** When the building official issues a permit, the construction documents shall be approved, in writing or by stamp, as "Reviewed for Code Compliance." One set of construction documents so reviewed shall be retained by the building official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or a duly authorized representative.
- 13-109.3.2 **Previous Approvals.** This Chapter shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.
- 13-109.3.3 **Phased Approval.** The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit

for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

- 13-109.3.4 **Design Professional in Responsible Charge.** When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

- 109.3.5 **Deferred Submittals.** For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period.

Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the building official.

- 13-109.6 **Amended Construction Documents.** Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

- 13-109.7 **Retention of Construction Documents.** One set of approved construction documents shall be retained by the building official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or other local laws.

- 13-110 **TEMPORARY STRUCTURES AND USES**

- 13-110.1 **General.** The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.
- 13-110.2 **Conformance.** Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure public health, safety and general welfare.
- 13-110.3 **Temporary Power.** The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the National Electric Code, 2011 Edition, NFPA 70.
- 13-110.4 **Termination of Approval.** The building official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.
- 13-111 **FEES**
- 13-111.1 **Payment of Fees.** A permit shall not be valid until the fees prescribed herein have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, has been paid.
- 13-111.2 **Schedule of Permit Fees.** On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit pursuant to the codes adopted under this Chapter, a fee for each permit shall be paid as required according to the following table:

PERMIT FEE SCHEDULE

TOTAL VALUATION	FEE
\$1 to \$500	\$23.50
\$501 to \$2,000	\$23.50 for the first \$500 plus \$3.05 for each additional \$100 or fraction thereof, to and including \$2,000.
\$2,000 to \$25,000	\$69.25 for the first \$2,000 plus \$10.89 for each additional \$ 1,000 or fraction thereof, to and including \$25,000.
\$25,001 to \$50,000	\$391.25 for the first \$25,000 plus \$10.10 for each additional \$1,000 or fraction thereof, to and including \$50,000.

\$50,001 to \$100,000	\$643.75 for the first \$50,000 plus \$7.00 for each additional \$1,000 or fraction thereof, to and including \$100,000.
\$100,001 to \$500,000	\$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000 or fraction thereof, to and including \$500,000.
\$500,001 to \$1,000,000	\$3,233.75 for the first \$500,000 plus \$4.75 for each additional \$1,000 or fraction thereof, to and including \$1,000,000.
\$1,000,001 to \$5,000,000	\$5,608.75 for the first \$ 1,000,000 plus \$3.15 for each additional \$1,000 or fraction thereof, to and including \$5,000,000.
\$5,000,001 to \$15,000,000	\$17,980.92 for the first \$5,000,000 plus \$1.54 for each additional \$ 1,000 or fraction thereof, to and including \$15,000,000.
\$15,000,001 and above	\$33,562.30 for the first \$15,000,000 plus \$1.02 for each additional \$1,000 or fraction thereof.

Inspection and Other Fees:

1. Inspections outside of normal business hours (minimum charges - two hours) - \$47.00 per hour.*
2. Reinspection fees assessed under provisions of Section 108.8 - \$47.00 per hour.*
3. Inspections for which no fee is specifically indicated (minimum charge - one-half hour) - \$47.00 per hour.*
4. Additional plan review required by changes, additions or revisions to approved plans (minimum charge - one-half hour) - \$47.00 per hour or the total hourly cost to Douglas County, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.
5. Any person who commences any work before obtaining the necessary permits and paying the necessary permit fees shall pay an additional fee equal to 100 percent of the permit fee set forth above, which is in addition to all other required permit fees.
6. The permit applicant shall pay costs of any third party plan review required by the size or complexity of the building project, as determined by the building official.

13-111.3 **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, such as electrical, gas, mechanical, plumbing equipment and permanent systems. 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. Final building permit valuation shall be set by the building official.

- 13-111.4 **Disposition of Fees.** The building official shall keep, or cause to be kept, an accurate account of fees collected and received under the provisions of this Chapter and record the name of the person on whose account the same was paid, the date and the amount thereof together with the location of the proposed construction or installation to which the fees relate. The building official shall deposit the amount of the fees collected with the County Treasurer.
- 13-111.5 **Work Commencing Before Permit Issuance.** Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to an additional fee established by the permit fee schedule, which shall be in addition to all other required permit fees.
- 13-111.6 **Related Fees.** The payment of the fee for the 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 the payment of other fees that are prescribed by law.
- 13-111.7 **Fee Refund.** The building official may authorize the refunding of fees as follows:
1. The full amount of any fee paid hereunder that was erroneously paid or collected.
 2. Not more than 50% of the permit fee paid when no work has been done under a permit issued in accordance with this Chapter.
 3. Not more than 50% of a plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

13-112 **INSPECTIONS**

- 13-112.1 **General.** Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this Chapter or of resolutions of Douglas County. Inspections presuming to give authority to violate or cancel the provisions of this Chapter or of other resolutions of Douglas County shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor Douglas County shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

- 13-112.2 **Preliminary Inspection.** Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.
- 13-112.3 **Required Inspections.** The building official, upon notification, shall make the inspections set forth in this Article.
- 13-112.3.1 **Footing and Foundation Inspection.** Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.
- 13-112.3.2 **Concrete Slab and Under-Floor Inspection.** Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.
- 13-112.3.3 **Lowest Floor Elevation.** In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the documentation required in Section 1612.5 of the International Building Code, 2012 Edition or Section R109.1.3 of the International Residential Code, 2012 Edition, as the case may be, shall be submitted to the building official.
- 13-112.3.4 **Frame Inspection.** Framing inspections shall be made after the roof deck or sheathing, all framing, fire- blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.
- 13-112.3.5 **Lath and Gypsum Board Inspection.** Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished. Exception: Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly.
- 13-112.3.6 **Fire and Smoke-Resistant Penetrations.** Protection of joints and penetrations in fire-resistance- rated assemblies, smoke barriers and smoke partitions shall not be concealed from view until inspected and approved.
- 13-112.3.7 **Energy Efficiency inspections.** Inspections shall be made to determine compliance with energy efficiency requirements and shall include, but not be limited to, inspections for: envelope insulation R- and U-values, fenestration U-value, duct system R-value, and HVAC and water-heating equipment efficiency.
- 13-112.3.8 **Special Inspections.** For special inspections, see Chapter 17 of the International Building Code, 2012 Edition.

- 13-112.3.9 **Final Inspection.** The final inspection shall be made after all work required by the building permit is completed.
- 13-112.3.10 **Flood Hazard Documentation (Elevation Certificate).** If located in a flood hazard area, documentation of the elevations as required in Section 1612.5 of the International Building Code, 2012 Edition or Section R109.1.6.1 of the International Residential Code, 2012 Edition, as the case may be, shall be submitted to the building official prior to the final inspection.
- 13-112.3.11 **Other Inspections.** In addition to the inspections specified in Sections 13-112.3.1 through 13-112.3.10, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.
- 13-112.4 **Inspection Agencies.** The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.
- 13-112.5 **Inspection Requests.** It shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this Chapter.
- 13-112.6 **Approval Required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.
- 13-113 **CERTIFICATE OF OCCUPANCY**
- 13-113.1 **Use and Occupancy.** No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made, until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other resolutions of Douglas County.
Exceptions:
1. Certificates of occupancy are not required for work exempt from permits under pursuant to this Article.
 2. Accessory buildings or structures.
- 13-113.2 **Certificate Issued.** After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws

that are enforced by the department of building safety, the building official shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this Chapter for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the building official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy, in accordance with the provisions of the applicable code.
9. The type of construction as defined in the applicable code
10. The design occupant load.
11. If an automatic sprinkler system is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building permit.

13-113.3 **Temporary Occupancy.** The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.

13-113.4 **Revocation.** The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this Chapter wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this Chapter.

13-114 **SERVICE UTILITIES**

13-114.1 **Connection of Service Utilities.** No person shall make connections from a utility, source of energy, fuel or power to any building or system that is

regulated by this code for which a permit is required, until released by the building official.

13-114.2 **Temporary Connection.** The building official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.

13-114.3 **Authority to Disconnect Service Utilities.** The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this Chapter and the referenced and adopted codes and standards set forth therein in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without the required approval. The building official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

13-115 **BOARD OF CONSTRUCTION CODES APPEALS.**

13-115.1 **General.** In order to determine the suitability of alternate materials and types of construction and in order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of the codes adopted pursuant to this Chapter, there shall be and is hereby created a Board of Construction Codes Appeals, consisting of 5 members who are qualified by experience and training to pass upon matters pertaining to building projects. The Board of Construction Codes Appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of Douglas County. Board of County Commissioners shall use reasonable efforts to appoint members to the Board of Construction Codes Appeals having one of the following qualifications: (1) a license professional engineer; (2) a licensed professional architect; (3) a building contractor or superintendent of building construction; or (4) a master plumber, electrician or other individual in the building trades. Each member of the Board of Construction Codes Appeals shall have had 10 years of experience, no less than 5 years of which shall have been in a position of responsible authority on building projects. No more than two members should be selected from the same profession, business, or trade, and at least one of the members should have professional registration and engineering experience as a structural, civil, or architectural engineer, or architect. Notwithstanding the foregoing, the failure of the members of the Board of Construction Codes Appeals to possess the foregoing qualifications shall not invalidate actions and determinations that the Board of Construction Codes Appeals makes. The building official shall be an ex-officio member and shall act as Secretary to the Board of Construction Codes Appeals. The Board of Construction Codes Appeals shall be appointed by the Board of County Commissioners for terms of office of 4 years. Notwithstanding the foregoing, the members of the Board of Construction Codes Appeals appointed and serving pursuant to the construction codes in place on the effective date of this Section shall continue as members of the Board of Construction Codes Appeals hereby

created for the remainder of their appointed terms, subject to removal or resignation. The Board of Construction Codes Appeals shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the building official with a duplicate copy to the appellant, and may recommend to the Board of County Commissioners such new legislation as is consistent therewith. The Board of Construction Codes Appeals shall annually elect or re-elect a Chair and a Vice-Chair from its membership.

13.115.2 **Authority.** An application or appeal shall be based on a claim that the true intent of the applicable code or rules legally adopted thereunder have been incorrectly interpreted, the provisions of the applicable code do not fully apply, or an equally good or better form of construction is proposed. The Board of Construction Codes Appeals, however, shall not have the authority to waive requirements under the applicable code.

13-115.3 **Rules, Meetings, and Records.** The Board of Construction Codes Appeals shall adopt rules to govern its proceedings in accordance with the provisions of this subsection.

1. Meetings of the Board of Construction Codes Appeals shall be held at least once a month if there is business for the Board to consider. Additional meetings may be called at such other times as are determined by the Chair at any time or by the Board of Construction Codes Appeals at regular or special meeting.

2. The Board of Construction Codes Appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or filing to vote, indicted such facts.

3. The Board of Construction Codes Appeals shall keep records of hearings, examinations and other action. Such minutes and records shall be public records.

13-115.4 **Appeals.** Any person whose application for a building permit requesting the use of an alternate material or type of construction has been denied by the building official, or who disagrees with the application of the Residential Code, Building Code, Mechanical Code, Plumbing Code, Fuel Gas Code, or Electric Code or other determination of the building official, may appeal the action of the building official to the Board of Construction Codes Appeals by serving written notice upon the building official and paying a \$100 application fee. The notice shall state the action being appealed, the reasons for appeal, and that the applicant shall pay all costs and expenses of tests deemed necessary by Board of Construction Codes Appeals in determining the merits of the appeals. The building official shall at once transmit the notice to the members of the Board of Construction Codes Appeals and schedule a hearing on the matter.

13-115.5 **Authority of the Board of Construction Codes Appeals.** The Board of Construction Codes Appeals may reverse, affirm or modify the decision of the building official. All decisions of the Board of Construction Codes Appeals shall be by a majority of the members of the Board present and voting at which a

quorum is present. Three members shall constitute a quorum for meeting purposes.

13-115.6 **Disposition of Fee.** In the event the Board of Construction Codes Appeals reverses or modifies the decision of the building official, the \$100 application fee shall be refunded to the applicant. If the Board affirms the decision of the building official, the application fee shall be retained by Douglas County and deposited with the County Treasurer to the credit of the general fund.

13-116 **VIOLATIONS AND STOP WORK ORDERS.**

13-116.1 **Unlawful Acts.** It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this Chapter, or cause the same to be done, in conflict with or in violation of any of the provisions thereof.

13-116.2 **Notice of Violation.** The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this chapter, or in violation of a detail statement or a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of this Chapter. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

13-116.3 **Violation Penalties.** Any person who violates a provision of this Chapter or fails to comply with any of the requirements thereof or who erects, constructs, alters 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 Chapter, shall be guilty of a misdemeanor, punishable by a fine of not more than \$500 or by imprisonment for not more than one month, or by both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense. In addition to any other remedies provided by the code or other applicable law, the county or building official may bring civil suit to enjoin the violation of any provisions of the code.

13-116.4 **Stop Work Orders.** Upon notice from the building official or his designee that work on any building or structure is being performed contrary to the provisions of any codes adopted in this Chapter or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent or to the person doing the work and shall state the conditions under which work will be permitted to resume. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not more than \$500 and such other penalties as prescribed by law.

13-116.5 **Abatement and Injunction of Violation.** The imposition of the penalties herein prescribed shall not preclude the building official or Douglas County from instituting appropriate action to prevent unlawful construction or restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure, or premises, or to stop an illegal act, conduct, business or utilization of a building or other construction on or about any premises.

13-117 **UNSAFE STRUCTURES AND EQUIPMENT**

13-117.1 **Conditions.** Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

13-117.2 **Record.** The building official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

13-117.3 **Notice.** If an unsafe condition is found, the building official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the building official acceptance or rejection of the terms of the order.

13-117.4 **Method of Service.** Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

13-117.5 **Restoration.** The structure or equipment determined to be unsafe by the building official is permitted to be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of Section 113-107.4.7 and Chapter 34 of the International Building Code, 2012 Edition or Appendix J of the International Residential Code, 2012 Edition, as the case may be.

13-118 **QUALIFICATION AND LICENSURE**

- 13-118.1 **Licensure of Plumbers.** All plumbers practicing their trade within the unincorporated area of Douglas County shall hold a valid license from some Kansas jurisdiction. This license shall be subject to the requirement of K.S.A. 12-1508 *et seq.* and any amendment thereto. Any property owner shall be allowed to do his or her own plumbing work; provided, however, after the second failure to pass a plumbing inspection, a licensed plumber will be required to finish the work.
- 13-118.2 **Licensure of Electricians.** All electricians practicing their trade within the unincorporated area of Douglas County shall hold a valid license from some Kansas jurisdiction. This license shall be subject to the requirement of K.S.A. 12-1525 *et seq.* and any amendment thereto. Any property owner shall be allowed to do his or her own electrical work; provided, however, after the second failure to pass an electrical inspection, a licensed electrician will be required to finish the work.
- 13-118.3 **Licensure of Mechanical Mechanics.** All mechanical heating, ventilation and air conditioning mechanics practicing their trade within the unincorporated area of Douglas County shall hold a valid license from some Kansas jurisdiction. This license shall be subject to the requirement of K.S.A. 12-1540 *et seq.* and any amendment thereto. Any property owner shall be allowed to do his or her own mechanical work; provided, however, after the second failure to pass an electrical inspection, a licensed mechanical heating, ventilation and air conditioning mechanic will be required to finish the work.

ARTICLE 2. RESIDENTIAL CODE

13-201 **ADOPTION OF INTERNATIONAL RESIDENTIAL CODE.** The International Residential Code, 2012 Edition, including the following Appendix Chapters:

Appendix E Manufactured Housing Used as Dwellings
Appendix F Radon Control Methods
Appendix G Swimming Pools, Spas and Hot Tubs
Appendix J Existing Buildings and Structures
Appendix P Sizing of Water Piping Systems

as published by the International Code Council, is hereby adopted as the “Residential Code” of Douglas County, Kansas, for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress in the unincorporated areas of Douglas County, Kansas as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions, and said Residential Code are hereby referred to, adopted, and made a part hereof, as if fully set out herein, with the additions, insertions, deletions and changes hereinafter provided.

The regulations hereby adopted, as amended, shall be known as the Residential Code of Douglas County, Kansas, hereinafter interchangeably referred to as the “Code” or the “Residential Code.”

13-202 **COPIES.** Not less than one copy of the International Residential Code, 2012 Edition, marked and stamped in the manner provided by K.S.A. 12-3304, shall be filed with the County Clerk and shall be open to inspection and available to the public at reasonable business hours. Subsequent references to the “Residential Code” shall mean the International Residential Code, 2012 Edition, as adopted and amended herein.

13-203 **AMENDMENTS TO RESIDENTIAL CODE.** The International Residential Code, 2012 Edition is amended or supplemented as provided below.

13-203.1 Chapter 1 of the Residential Code is deleted and replaced with the provisions of Article 1 of this Chapter 13.

13-203.2 **Table R301.2 (1). Climatic and Geographic Design Criteria.** Table R301.2(1) is completed and inserted to read as follows:

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

GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATEGORY ^f	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP ^e	ICE BARRIER UNDERLAYMENT REQUIRED ^h	FLOOD HAZARDS ^g	AIR FREEZING INDEX ⁱ	MEAN ANNUAL TEMP ^j
	Speed ^d (mph)	Topographic effects ^k		Weathering ^a	Frost line depth ^b	Termite ^c					
20 lbs psf	90 mph	No	A	Severe	30"	Moderate to Heavy	4° F	No	See note g below	778	56° F

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

- a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index (i.e., "negligible," "moderate" or "severe") for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.
- b. The frost line depth may require deeper footings than indicated in Figure R403.1(!). The stated depth in the frost line depth column is the minimum depth of footing below finish grade.
- c. This part of the table indicates the need for protection based upon a history of local subterranean termite damage.
- d. This part of the table is the wind speed from the basic wind speed map [Figure R301.2(4)A]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- e. The outdoor design dry-bulb temperature shall be selected from the columns of 97 ^{1/2} – percent values for winter from Appendix D of the International Plumbing Code, 2012 Edition. Deviations from Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official.
- f. This part of the table is from the seismic design category determined from Section R301.2.2.1.
- g. (a) The date of Douglas County’s entry into the National Flood Insurance Program and date of adoption of the first code or ordinance for management of flood hazard areas was 03/02/1981, (b) the Date of the Flood Insurance Study is 08/05/2010, and (c) the panel numbers and dates of all currently effective FIRMs and FBFMs or other flood hazard map adopted by Douglas County, as amended are: Panel numbers: 20,29,33,36,37,40,41,42,43,44,61,62,63,64,66,67,68,69,88,89,90,95,110,120,130,135,140,145,151,152,153,154,156,157,158,159,16,165,166,167,168,169,176,177,178,179,181,182,183,184,186,187,188,189,191,192,195,201,202,203,204,206,208,211,212,215,220,23,5,245,255,257,259,260,265,270,276,277,280,281,282,285,290,295,301,304,305,306,308,310,312,314,315,316,318,320,330,335,341,360,380,385,405,410,430,435,455.
- h. In accordance with Sections R905.2.7.1, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, there has not been a history of local damage from the effects of ice damming.
- i. This part of the table is the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99 percent) value on the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)" at www.ncdc.noaa.gov/fpsf.html.
- j. This part of the table is the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index- USA Method (Base 32°F)" at www.ncdc.noaa.gov/fpsf.html.
- k. In accordance with Section R301.2.1.5, there is not local historical data documenting structural damage to buildings due to topographic wind speed-up effects.

13-203.3 **Section R313.2 One- and Two-Family Dwellings Automatic Fire Systems.** First sentence is amended to read: An automatic residential fire sprinkler system may be installed in one-and two-family dwellings. [Changed from “shall be installed” to “may be installed”.]

13-203.4 **Section R403.3. Frost Protected Shallow Foundations.** Delete whole section and subsections, including figures R403.3(1), R403.3 (3), and R403.3(4), and Table R403.3(1). [Frost Protected Shallow Foundations are not permitted.]

13-203.5

Table N1102.1.1 (R402.1.1). Insulation and Fenestration Requirements by Component. Table N1102.1.1 (R402.1.1) is amended to read as follows:

Table N1102.1.1 (R402.1.1)
INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT^a

CLIMATE ZONE	FENESTRATION U-FACTOR	SKYLIGHT ^b U-FACTOR	GLAZED FENESTRATION SHGC	CEILING R-VALUE	WOOD FRAME WALL R-VALUE	MASS WALL R-VALUE ^k	FLOOR R-VALUE	BASEMENT ^c WALL R-VALUE	SLAB ^d R-VALUE AND DEPTH	CRAWL SPACE ^e WALL R-VALUE
1	1.2	0.75	0.35 ⁱ	30	13	3/4	13	0	0	0
2	0.65 ⁱ	0.75	0.35 ^j	30	13	4/6	13	0	0	0
3	0.50	0.65	0.35 ^{e,j}	30	13	5/8	19	5/13 ^f	0	5/13
4 except Marine	0.35	0.60	NR	38	13	5/10	19	10/13	10, 2ft	10/13
5 and Marine ⁴	0.35	0.60	NR	38	20 or 13 + 5 ^h	13/17	30 ^f	10/13	10, 2ft	10/13
6	0.35	0.60	NR	49	20 or 13 + 5 ^h	15/19	30 ^g	10/13	10, 4 ft	10/13
7 and 8	0.35	0.60	NR	49	21	19/21	30 ^g	10/13	10, 4 ft	10/13

- a. R-values are minimums. U-factors and solar heat gain coefficient (SHGC) are maximums. R-19 batts compressed in to nominal 2 x 6 framing cavity such that the R-value is reduced by R-1 or more shall be marked with the compressed batt R-value in addition to the full thickness R-value.
- b. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.
- c. The first R-value applies to continuous insulation, the second to framing cavity insulation; either insulation meets the requirement.
- d. R-5 shall be added to the required slab edge R-values for heated slabs. Insulation depth shall be the depth of the footing or 2 feet, whichever is less, in zones 1 through 3 for heated slabs. Slab edge insulation may be eliminated for slab on grade floors when the building's heating system efficiency rating is 90% or better.
- e. There are no SHGC requirements in the Marine Zone.
- f. Basement wall insulation is not required in warm-humid locations as defined by Figure N1101.2 and Table N1101.2.
- g. Or insulation sufficient to fill the framing cavity, R-19 minimum.
- h. "13+5" means R-13 cavity insulation plus R-5 insulated sheathing. If structural sheathing covers 25% or less of the exterior, R-5 sheathing is not required where structural sheathing is used. If structural sheathing covers more than 25% of exterior, structural sheathing shall be supplemented with insulated sheathing of at least R-2.
- i. For impact-rated fenestration complying with Section R301.2.1.2, the maximum U-factor shall be 0.75 in zone 2 and 0.65 in zone 3.
- j. For impact-resistant fenestration complying with Section R301.2.1.2 of the International Residential Code, 2012 Edition, the maximum SHGC shall be 0.40.
- k. The second R-value applies when more than half the insulation is on the interior.

[Using the 2009 table rather than the 2012 table, which requires 49 R in ceilings and 20 R in walls.]

13-203.6 **Section N1102.4.1.2 Testing.** Delete section which requires a blower door test. Building official will perform an insulation inspection but will not require a blower door test.

13-203.7 **Section N1102.2.8. Building Thermal Envelope/ Basement Walls.** Section N1102.2.8 is amended to read: Exterior walls associated with conditioned basements shall be insulated from the top of the basement wall down to 10 feet (3048 mm) below grade or to the basement floor, whichever is less. Walls associated with unconditioned basements shall meet this requirement unless the floor overhead is insulated in accordance with Sections N1102.1.1 and N1102.2.7. *Exception:* Basement walls that are otherwise exposed shall be insulated from the top of the basement wall down 3 feet (914mm) below grade or the basement floor, whichever is less. [The exception is added.]

13-203.8 **Section G2406. Appliance location.** The following is added:

Appliances burning liquefied petroleum gas (LPG) or liquid fuel may be installed in a basement, a pit, an underfloor space, below grade or similar location; provided, however, that each area in which such appliances are located shall be equipped with a listed and approved liquefied petroleum gas or liquid fuel detection alarm (110-Volt with a battery backup, with all detectors in new construction being permanently wired into the electrical system if such permanently wired detectors are reasonably available at a comparable price in Douglas County). Detectors shall sound an alarm audible in all areas of the dwelling unit and be installed per the manufacturer's installation instructions.

- 13-203.9 **Section G2417.4.1 Fuel Gas Test Pressure.** Amended to read: The test pressure to be used shall be not less than one and one-half time the proposed maximum working pressure, but not less than 10 psig (69 kPa gauge), irrespective of design pressure. Where the test pressure exceeds 125 psig (862 kPa gauge), the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe. [Changed test pressure from 3 psig to 10 psig.]
- 13-203.10 **Section P2503.5.1. Rough Plumbing.** Amended to read: DWV systems shall be tested on completion of the rough piping installation by water or air with no evidence of leakage. Either test shall be applied to the drainage system in its entirety or in sections after rough piping has been installed, as follows:
1. Water test. Each section shall be filled with water to a point not less than 10 feet (3048mm) above the highest fitting connection in that section, or to the highest point in the completed system. Water shall be held in the section under test for a period of 15minutes. The system shall prove leak free by visual inspection.
 2. Air test. The portion under test shall be maintained at a gauge pressure of 5 pounds per square inch (psi) (34kPa) or 10 inches of mercury column (34kPa). This pressure shall be held without introduction of additional air for a period of 15 minutes. [Changed to allow air test on plastic DWV.]
- 13-203.11 **Section P2603.5.1. Sewer Depth.** Amended to read: Building sewers that connect to private sewage disposal systems shall be not less than 12 inches (304 mm) below finished grade at the point of septic tank connection. Building sewers shall be not less than 12 inches (304 mm) below grade. [Inserted number of inches and millimeters in two locations.]
- 13-203.12 **Section P3005.4.2. Building drain and sewer size and slope.** Amended to read: Pipe sizes and slope shall be determined from Table P3005.4.2 on the basis of drainage load in fixture units (d.f.u.) computed from Table P3004.1; however no building sewer shall be less than four (4) inches in diameter. [Added minimum sewer size requirement of 4 inches.]
- 13-203.13 **Section P3113.5 Total Size of Vents.** New Section added read: The drainage piping of each building and each connection to a public sewer or a private sewage disposal system shall be vented by means of one or more vent pipes, the aggregate cross-sectional area of which shall not be less than that of the largest required building sewer. *Exception:* When connected to a common

building sewer, the drainage piping of two buildings located on the same lot and under one ownership may be vented by means of piping sized in accordance with Table P3005.4.2, provided the aggregate cross-sectional area of all vents is not less than that of the largest required common building sewer.

- 13-203.14 **Section P3114.2. Installation of Air Admittance Valves.** Amended to read: The valves shall only be installed with prior approval from the Zoning & Codes Department, in accordance with the requirements of this section and the manufacturer's installation instructions. Air admittance valves shall be installed after the DWV testing required by Section P2503.5.1 or P2503.5.2 has been performed. [Added requirement to get prior approval for air admittance valves.]
- 13-203.15 **Section P3114.3. Air Admittance Valves, Where Permitted.** Amended to read: Individual vents, branch vents, circuit vents and stack vents shall be permitted to terminate with a connection to an permitted air admittance valve. Individual and branch type air admittance valves shall vent only fixtures that are on the same floor level and connect to a horizontal branch drain. [Added requirement to get prior approval for air admittance valves.]
- 13-203.16 **Section P3114.8. Air Admittance Valves, Prohibited Installations.** Amended to read: Air admittance valves without an engineered design shall not be used to vent sumps or tanks of any type and shall not be installed in new construction. Exception: Island fixtures in new construction may be vented by air admittance valves that comply with Section 3114. [Added prohibition to use of non-engineered air admittance valves in new construction and added exception.]
- 13-203.17 **Section P3201.2. Trap Seals and trap seal protection.** Amended to read: Traps shall have a liquid seal not less than 2 inches (51mm) and not more than 4 inches (102 mm). [Eliminated requirement of trap primers or deep seals on floor drains for residential (still required for commercial).]
- 13-203.18 **Section E3601.6.2. Service disconnect location.** Amended to read: The service disconnecting means shall be limited to a horizontal distance not to exceed three (3) feet from the point of penetration of the service entrance raceway into the structure. Service disconnecting means shall not be installed in bathrooms. Each occupant shall have access to the disconnect servicing the dwelling unit in which they reside. [Added distance limitation.]
- 13-203.19 **Section E3604.5 Service masts as supports.** Amended to read: Where a service mast is used for the support of service-drop conductors, it shall be a galvanized rigid conduit with a minimum trade size diameter of two (2) inches and of adequate strength to withstand the strain imposed by the service drop. Where the service mast projects above the roof surface in excess of three (3) feet, the mast shall be supported by braces or guys to withstand safely the strain imposed. Where raceway-type service masts are used, all equipment shall be approved. Only power service drop conductors shall be permitted to be attached to a service mast. [Added minimum requirement of 2-inch rigid conduit.]
- 13-203.20 **Section E3609.3 Bonding for Other Systems.** Amended to read: An intersystem bonding termination for connecting intersystem bonding

conductors required for other systems shall be provided external to enclosures at the service or metering equipment enclosure and at the disconnecting means for any additional buildings or structures. The intersystem bonding termination shall comply with the following:

1. It shall be accessible for connection and inspection.
2. It shall consist of a set of terminals with the capacity for connection of not less than three intersystem bonding conductors.
3. It shall not interfere with opening the enclosure for a service, building or structure disconnecting means, or metering equipment.
4. Where located at the service equipment, it shall be securely mounted and electrically connected to an enclosure for the service equipment, or shall be mounted at one of these enclosures and connected to the enclosure or to the grounding electrode conductor with a minimum 6 AWG copper conductor.
5. Where located at the disconnection means for a building or structure, it shall be securely mounted and electrically connected to the metallic enclosure for the building or structure disconnecting means, or shall be mounted at the disconnecting means and connected to the metallic enclosure or to the grounding electrode conductor with a minimum 6 AWG copper conductor.
6. It shall be listed as grounding and bonding equipment.

[Deleted allowance in #4 for intersystem bonding on meter or raceway.]

13-203.21 **Section E3611.2. Accessibility.** Amended to read: All mechanical elements used to terminate a grounding electrode conductor or bonding jumper to the grounding electrodes that are not buried or concrete encased shall be accessible. The location of the grounding electrode conductor connection to the grounding electrodes shall be permanently stated on a plaque or directory on the service disconnecting means. [Added requirement that the location of the GEC connection to the grounding electrodes shall be permanently stated on the disconnecting means.]

13-203.22 **Section E3902.12. Arc-fault circuit-interrupter protection.** Amended to read: All branch circuits that supply 120-volt, single-phase, 15- and 20-ampere outlets installed in bedrooms shall be protected by a listed arc-fault circuit interrupter installed to provide protection of the branch circuit.
Exceptions:

1. Where a listed AFCI is installed at the first outlet to provide protection for the remaining portion of the branch circuit, the portion of the branch circuit between the branch-circuit over-current device and such outlet shall be wired with metal outlet and junction boxes and RMC, IMC, EMT or steel armored cable, Type AC meeting the requirements of Section E3908.8.

2. AFCI protection is not required for a branch circuit supplying only a fire alarm system where the branch circuit is wired with metal outlet and junction boxes and RMC, IMC, EMT, or steel armored cable Type AC meeting the requirements of Section E3908.8.

[Not all circuits need be arc faulted, just the bedrooms.]

13-203.23 **Section E4002.14. Tamper-resistant receptacles.** Amended to read: In areas specified in Section E 3901.1, 125-volt, 15- and 20-ampere receptacles may be listed tamper-resistant receptacles. [Used “may” rather than “shall”.]

13-203 **SEVERABILITY.** If any section, subsection, sentence, clause or phrase in this Article or in the Residential Code is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions hereof. The Board declares that it would have passed this code, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

13-204 **EXISTING RIGHTS OR VIOLATIONS.** Nothing in this Article or in the Residential Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or resolution repealed in connection with the adoption of the Residential Code; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

ARTICLE 3. BUILDING CODE

13-301 **ADOPTION OF INTERNATIONAL BUILDING CODE.** The International Building Code, 2012 Edition, including the following Appendix Chapters:

Appendix G Flood-Resistant Construction

as published by the International Code Council, be and is hereby adopted as the “Building Code” of the Douglas County, Kansas, for 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 and structures unfit for human occupancy and use and the demolition of such structures in the unincorporated areas of Douglas County, Kansas as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code are hereby referred to, adopted, and made a part hereof, as if fully set out herein, with the additions, insertions, deletions and changes hereinafter provided.

The regulations hereby adopted, as amended, shall be known as the Building Code of Douglas County, Kansas, hereinafter interchangeably referred to as the “Code” or the “Building Code.”

This Code shall not apply to the extent that the Residential Code adopted pursuant to Article 2 of this Chapter applies.

13-302 **COPIES.** Not less than one copy of the International Building Code, 2012 Edition, marked and stamped in the manner provided by K.S.A. 12-3304, shall be filed with the County Clerk and shall be open to inspection and available to the public at reasonable business hours. Subsequent references to the “Building Code” shall mean the International Building Code, 2012 Edition, as adopted and amended herein.

13-303 **AMENDMENTS TO BUILDING CODE.** The International Building Code, 2012 Edition is amended or supplemented as provided below.

13-303.1 Chapter 1 of the Building Code is deleted and replaced with the provisions of Article 1 of this Chapter 13.

13-303.2 **Section 1612.3. Establishment of flood hazard areas.** The title and date of the flood insurance study referred to and incorporated by reference in Section 1612.3 is The Flood Insurance Study for the Unincorporated Territory of Douglas County, Kansas, dated August 5, 2010.

13-303.3 **Section 3412.2. Applicability.** The applicability date in Section 3412.2 is January 1, 2013.

13-304 **Section 4. SEVERABILITY.** If any section, subsection, sentence, clause or phrase in this Article or in the Building Code is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the

remaining portions hereof. The Board declares that it would have passed this code, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

13-305

EXISTING RIGHTS OR VIOLATIONS. Nothing herein or in the Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or resolution repealed in connection with the adoption of the Building Code; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

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ARTICLE 4. PLUMBING CODE

13-401 **ADOPTION OF INTERNATIONAL PLUMBING CODE.** The International Plumbing Code, 2012 Edition, including the following Appendix Chapters:

Appendix E Sizing of Water Piping System
Appendix F Structural Safety

as published by the International Code Council, be and is hereby adopted as the “Plumbing Code” of the Douglas County, Kansas, for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems in the unincorporated areas of Douglas County, Kansas as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Plumbing Code are hereby referred to, adopted, and made a part hereof, as if fully set out herein, with the additions, insertions, deletions and changes hereinafter provided.

The regulations hereby adopted, as amended, shall be known as the Plumbing Code of Douglas County, Kansas, hereinafter interchangeably referred to as the “Code” or the “Plumbing Code.”

This Code shall not apply to the extent that the Residential Code adopted pursuant to Article 2 of this Chapter applies.

13-402 **COPIES.** Not less than one copy of the International Plumbing Code, 2012 Edition, marked and stamped in the manner provided by K.S.A. 12-3304, shall be filed with the County Clerk and shall be open to inspection and available to the public at reasonable business hours. Subsequent references to the “Plumbing Code” shall mean the International Plumbing Code, 2012 Edition, as adopted and amended herein.

13-403 **AMENDMENTS TO PLUMBING CODE.** The International Plumbing Code, 2012 Edition is amended or supplemented as provided below.

13-403.1 Chapter 1 of the Plumbing Code is deleted and replaced with the provisions of Article 1 of this Chapter 13.

13-403.1 **Section 305.4.1. Sewer Depth.** Amended to read: The minimum building sewer depth is inserted in Section 305.4.1 as (i) 12 inches (304 mm) below finished grade at the point of septic tank connection; and (ii) 12 inches (304 mm) below grade for other building sewers. [Inserted number of inches and millimeters in two locations.]

13-403.2 **Section 312.3. Drainage and vent air test.** The first sentence of Section 312.3, prohibiting use of air for testing plastic piping, is deleted. The remainder of the Section remains as written.

- 13-403.3 **Section 312.5. Water supply system test.** Amended to read: Upon completion of a section of or the entire water supply system, the system, or portion completed, shall be tested and proved tight under a water pressure not less than the working pressure of the system; or by an air test of not less than 50 psi (344 kPa). This pressure test shall be held for not less than 15 minutes. The water utilized for tests shall be obtained from a potable source of supply. The required tests shall be performed in accordance with this section and Section 107. [Added provision permitting testing of plastic water pipes with air.]
- 13-403.4 **Section 710.1. Maximum fixture unit load.** Amended to read: The maximum number of drainage fixture units connected to a given size of building sewer, building drain or horizontal branch of the building drain shall be determined using Table 710.1(1); however no building sewer shall be less than four (4) inches in diameter. The maximum number of drainage fixture units connected to a given size of horizontal branch or vertical soil or waste stack shall be determined using table 710.1(2). [Added minimum sewer size requirement of 4 inches.]
- 13-403.5 **Section 903.1. Roof extension.** The standard minimum vent pipe roof extension is inserted in Section 903.1 as six (6) inches (152mm) above the roof.
- 13-404 **SEVERABILITY.** If any section, subsection, sentence, clause or phrase in this Article or in the Plumbing Code is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions hereof. The Board declares that it would have passed this code, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.
- 13-405 **EXISTING RIGHTS OR VIOLATIONS.** Nothing herein or in the Plumbing Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or resolution repealed in connection with the adoption of the Plumbing Code; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

ARTICLE 5. MECHANICAL CODE

13-501 **ADOPTION OF INTERNATIONAL MECHANICAL CODE.** The International Mechanical Code, 2012 Edition, as published by the International Code Council, be and is hereby adopted as the Mechanical Code of Douglas County, Kansas, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems in the unincorporated areas of Douglas County, Kansas as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Mechanical Code are hereby referred to, adopted, and made a part hereof, as if fully set out herein, with the additions, insertions, deletions and changes hereinafter provided.

The regulations hereby adopted, as amended, shall be known as the Mechanical Code of Douglas County, Kansas, hereinafter interchangeably referred to as the "Code" or the "Mechanical Code."

This Code shall not apply to the extent that the Residential Code adopted pursuant to Article 2 of this Chapter applies.

13-502 **COPIES.** Not less than one copy of the International Mechanical Code, 2012 Edition, marked and stamped in the manner provided by K.S.A. 12-3304, shall be filed with the County Clerk and shall be open to inspection and available to the public at reasonable business hours. Subsequent references to the "Residential Code" shall mean the International Mechanical Code, 2012 Edition, as adopted and amended herein.

13-503 **AMENDMENTS TO MECHANICAL CODE.** The International Mechanical Code, 2012 Edition is amended or supplemented as provided below.

13-503.1 Chapter 1 of the Mechanical Code is deleted and replaced with the provisions of Article 1 of this Chapter 13.

13-504 **SEVERABILITY.** If any section, subsection, sentence, clause or phrase in this Article or in the Mechanical Code is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions hereof. The Board declares that it would have passed this code, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

13-505 **EXISTING RIGHTS OR VIOLATIONS.** Nothing herein or in the Mechanical Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or resolution repealed in connection with the adoption of the Mechanical Code; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

ARTICLE 6. FUEL GAS CODE

- 13-601 **ADOPTION OF INTERNATIONAL FUEL GAS CODE.** The International Fuel Gas Code, 2012 Edition, as published by the International Code Council, be and is hereby adopted as the Fuel Gas Code of Douglas County, Kansas, regulating and governing fuel gas systems and gas-fired appliances in the unincorporated areas of Douglas County, Kansas as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fuel Gas Code are hereby referred to, adopted, and made a part hereof, as if fully set out herein, with the additions, insertions, deletions and changes hereinafter provided.
- The regulations hereby adopted, as amended, shall be known as the Fuel Gas Code of Douglas County, Kansas, hereinafter interchangeably referred to as the “Code” or the “Fuel Gas Code.”
- This Code shall not apply to the extent that the Residential Code adopted pursuant to Article 2 of this Chapter applies.
- 13-602 **COPIES.** Not less than one copy of the International Fuel Gas Code, 2012 Edition, marked and stamped in the manner provided by K.S.A. 12-3304, shall be filed with the County Clerk and shall be open to inspection and available to the public at reasonable business hours. Subsequent references to the “Residential Code” shall mean the International Fuel Gas Code, 2012 Edition, as adopted and amended herein.
- 13-603 **AMENDMENTS TO FUEL GAS CODE.** The International Fuel Gas Code, 2012 Edition is amended or supplemented as provided below.
- 13-603.1 Chapter 1 of the Fuel Gas Code is deleted and replaced with the provisions of Article 1 of this Chapter 13.
- 13-603.2 **Section 406.4.1. Fuel Gas Test Pressure.** Section 406.4.1 is amended so that the minimum test pressure in is increased from 3 psig (20 kPa gauge) to 10 psig (69 kPa gauge).
- 13-604 **SEVERABILITY.** If any section, subsection, sentence, clause or phrase in this Article or in the Fuel Gas Code is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions hereof. The Board declares that it would have passed this code, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.
- 13-605 **EXISTING RIGHTS OR VIOLATIONS.** Nothing herein or in the Fuel Gas Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or resolution repealed in connection

with the adoption of the Fuel Gas Code; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

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ARTICLE 7. ELECTRICAL CODE

13-701 **ADOPTION OF NATIONAL ELECTRIC CODE.** The National Electric Code, 2011 Edition, NFPA 70, including the following Appendix Chapters, as published by the National Fire Protection Association, be and is hereby adopted as the “Electric Code” of the Douglas County, Kansas, regulating and governing electrical systems and appliances in the unincorporated areas of Douglas County, Kansas as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Electric Code are hereby referred to, adopted, and made a part hereof, as if fully set out herein, with the additions, insertions, deletions and changes hereinafter provided.

The regulations hereby adopted, as amended, shall be known as the Electric Code of Douglas County, Kansas, hereinafter interchangeably referred to as the “Code” or the “Electric Code.”

This Code shall not apply to the extent that the Residential Code adopted pursuant to Article 2 of this Chapter applies.

13-702 **COPIES.** Not less than one copy of the National Electric Code, 2011 Edition, NFPA 70, marked and stamped in the manner provided by K.S.A. 12-3304, shall be filed with the County Clerk and shall be open to inspection and available to the public at reasonable business hours. Subsequent references to the “Electric Code” shall mean the National Electric Code, 2011 Edition, NFPA 70, as adopted and amended herein.

13-703 **AMENDMENTS TO ELECTRIC CODE.** The National Electric Code, 2011 Edition, NFPA 70 is amended or supplemented as provided below.

13-703.1 **Section 230.28 Service Masts as Supports.** Amended to read: Where a service mast is used for the support of service-drop conductors, it shall be a galvanized rigid conduit with a minimum trade size diameter of two (2) inches and of adequate strength to withstand the strain imposed by the service drop. Where the service mast projects above the roof surface in excess of three (3) feet, the mast shall be supported by braces or guys to withstand safely the strain imposed. Where raceway-type service masts are used, all equipment shall be approved. Only power service drop conductors shall be permitted to be attached to a service mast. [Added minimum requirement of 2-inch rigid conduit.]

13-703.2 **Section 230.70 (A) (1) Readily Accessible Location.** Amended to read: The service disconnecting means shall be installed at a readily accessible location either outside of the building or structure or inside the building or structure at a horizontal distance not to exceed three (3) feet from the point of penetration of the service entrance raceway into the structure. [Added 3 foot distance limitation.]

13-703.3 **Section 250.94 Bonding for Other Systems.** Amended to read: An intersystem bonding termination for connecting intersystem bonding conductors required for other systems shall be provided external to

enclosures at the service or metering equipment enclosure and at the disconnecting means for any additional buildings or structures. The intersystem bonding termination shall comply with the following:

1. Be accessible for connection and inspection.
2. Consist of a set of terminals with the capacity for connection of not less than three intersystem bonding conductors.
3. Not interfere with opening the enclosure for a service, building or structure disconnecting means, or metering equipment.
4. At the service equipment, be securely mounted and electrically connected to an enclosure for the service equipment, or be mounted at one of these enclosures and be connected to the enclosure or to the grounding electrode conductor with a minimum 6 AWG copper conductor.
5. At the disconnecting means for a building or structure, be securely mounted and electrically connected to the metallic enclosure for the building or structure disconnecting means, or be mounted at the disconnecting means or be connected to the metallic enclosure or to the grounding electrode conductor with a minimum 6 AWG copper conductor.
6. The terminals shall be listed as grounding and bonding equipment.

[Deleted allowance in #4 for intersystem bonding on meter or raceway.]

13-704

Section 4. SEVERABILITY. If any section, subsection, sentence, clause or phrase in this Article or in the Electric Code is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions hereof. The Board declares that it would have passed this code, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

13-705

EXISTING RIGHTS OR VIOLATIONS. Nothing herein or in the Electric Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or resolution repealed in connection with the adoption of the Electric Code; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

HOME RULE RESOLUTION NO. HR-12-_____

A HOME RULE RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS ADOPTING AND INCORPORATING BY REFERENCE THE CONSTRUCTION CODES OF DOUGLAS COUNTY, KANSAS, AUGUST 29, 2012 EDITION, TO BE CODIFIED AT CHAPTER 13 OF THE DOUGLAS COUNTY CODE, GOVERNING AND REGULATING BUILDING AND CONSTRUCTION, INCLUDING BUILDING SYSTEMS AND APPLIANCE, IN THE UNINCORPORATED AREAS OF DOUGLAS COUNTY, KANSAS, CONSISTING OF ADMINISTRATIVE PROVISIONS; THE INTERNATIONAL RESIDENTIAL CODE, 2012 EDITION; THE INTERNATIONAL BUILDING CODE, 2012 EDITION; THE INTERNATIONAL PLUMBING CODE, 2012 EDITION; THE INTERNATIONAL MECHANICAL CODE, 2012 EDITION; THE INTERNATIONAL FUEL GAS CODE, 2012 EDITION; AND THE NATIONAL ELECTRIC CODE (NFPA 70), 2011 EDITION; AND REPEALING RESOLUTION NO. HR-99-6-2, RESOLUTION NO. HR-99-6-3, RESOLUTION NO. HR-99-6-4, AND RESOLUTION NO. HR-99-6-5, ALL AS AMENDED, CODIFIED AT CHAPTER 3, ARTICLE S 1, 2, 3, AND 4 OF THE DOUGLAS COUNTY CODE, TOGETHER WITH ALL OTHER CODE PROVISIONS, RESOLUTIONS OR PARTS OF LAWS IN CONFLICT THEREWITH.

WHEREAS, K.S.A. 19-101a, and amendments thereto, authorizes the Board of County Commissioners (hereinafter the "Board") to transact all County business and perform all powers of local legislation and administration it deems appropriate, including the enactment of legislation designed to protect the health, safety, welfare, and quality of life of the citizens of Douglas County; and

WHEREAS, by Resolution No. HR-99-6-2, Resolution No. HR-99-6-3, Resolution No. HR-99-6-4, and Resolution No. HR-99-6-5, all as amended, the Board has adopted the Uniform Building Code 1997 Edition; the Uniform Mechanical Code; 1997 Edition; the Uniform Plumbing Code, 1997 Edition; and the National Electric Code, 1999 Edition, respectively, all with certain amendments, which are codified at Articles 1, 2, 3, and 4 of Chapter 3 the Douglas County Code; and

WHEREAS, the Board desires to adopt new construction codes and repeal previously adopted codes as provided in this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS, SITTING IN REGULAR SESSION THIS ___ DAY OF _____ 2012 AND INTENDING TO EXERCISE THE POWERS OF HOME RULE LEGISLATION PURSUANT TO K.S.A. 19-101a, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. ADOPTION OF CONSTRUCTION CODE. The Construction Codes of Douglas County, Kansas, August 29, 2012 Edition, to be codified at Chapter 13 of the Douglas County Code, is hereby adopted as the "Construction Codes" of the Douglas County, Kansas, regulating and governing the construction, conditions and maintenance of property, buildings and structures; regulating and governing the construction,

alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress; regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems; regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems; regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of fuel gas systems and gas-fired appliances, including gas piping from the point of delivery to the inlet connections of appliances and the installation and operation of gas appliances and related accessories; regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of electrical systems; 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 and structures unfit for human occupancy and use and the demolition of such structures; providing for the issuance of permits and collection of fees therefore; and each and all of the terms, conditions, regulations, provisions, and penalties, of said Construction Codes are hereby referred to, adopted, and made a part hereof, as if fully set out herein.

Section 2. COPIES. Not less than one copy of the Construction Codes incorporated by reference and adopted herein, together with the International Building Code, 2012 Edition; the International Residential Code, 2012 Edition; the International Plumbing Code, 2012 Edition; the International Mechanical Code, 2012 Edition; the International Fuel Gas Code, 2012 Edition; and the National Electric Code (NFPA 70), 2011 Edition; all adopted therein, marked and stamped in the manner provided by K.S.A. 12-3304, shall be filed with the County Clerk and shall be open to inspection and available to the public at reasonable business hours. Subsequent references to the "Construction Codes" shall mean the Construction Codes as adopted and amended herein.

Section 3. SEVERABILITY. If any section, subsection, sentence, clause or phrase herein or in the Construction Codes is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions hereof. The Board declares that it would have adopted the Construction codes, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

Section 4. EXISTING RIGHTS OR VIOLATIONS. Nothing herein or in the Construction Codes hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or

causes of action acquired or existing, under any act or resolution repealed in connection with the adoption of the Construction Codes, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Resolution.

Section 5. REPEAL. Resolution No. HR-99-6-2, Resolution No. HR-99-6-3, Resolution No. HR-99-6-4, and Resolution No. HR-99-6-5, all as amended, adopting the Uniform Building Code 1997 Edition; the Uniform Mechanical Code, 1997 Edition; the Uniform Plumbing Code, 1997 Edition, and the National Electric Code, 1999 Edition, respectively, all with certain amendments, which are codified at Articles 1, 2, 3, and 4 of Chapter 3 the Douglas County Code, and all other Resolutions or parts of laws in conflict herewith are repealed.

Section 6. EFFECTIVE DATE. This is a home rule resolution and shall take effect and be in force and effect from and after its adoption and the later of (i) its publication once in the official County newspaper, and (ii) January 1, 2013.

ADOPTED THIS ____ day of _____ 2012.

BOARD OF COUNTY COMMISSIONERS OF
DOUGLAS COUNTY, KANSAS

Mike Gaughan, Chair

Nancy Thellman, Member

Jim Flory, Member

ATTEST:

Jameson D. Shew, County Clerk