

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE ADOPTING AND UPDATING THE BUILDING CODE

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF KEARNEY, MISSOURI, AS FOLLOWS:

Section 1. The City of Kearney hereby adopts by reference the following Building Codes as herein contained, and Sections 500.010-500.020 of the Code of Ordinances of the City of Kearney are hereby amended, as follows:

SECTION 500.010: ADOPTION OF BUILDING CODES

A. *International Residential Code For One- And Two-Family Dwellings.*

1. *Adoption.* The 2012 Edition of the International Residential Code for One- and Two-Family Dwellings, as published by the International Code Council, Inc., including all chapters, additional references, tables and illustrations, is hereby adopted for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and town houses not more than three (3) stories in height in the City of Kearney, and providing for the issuance of permits and collection of fees therefor.
2. *Additions.* The following appendices are hereby adopted:
 - a. Appendix A – Sizing and Capacities of Gas Piping
 - b. Appendix B – Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category 1 Appliances, and Appliances Listed for Use with Type B Vents
 - c. Appendix C – Exit Terminals of Mechanical Draft and Direct-Vent venting Systems
 - d. Appendix E – Manufactured Housing Used as Dwellings
 - e. Appendix G – Swimming Pools, Spas and Hot Tubs
 - f. Appendix H – Patio Covers
 - g. Appendix J – Existing Buildings and Structures
 - h. Appendix K – Sound Transmission
 - i. Appendix N – Venting Methods
 - j. Appendix P – Sizing of Water Piping System
 - k. Appendix Q – ICC International Residential Code Electrical Provisions/ National Electrical Code Cross Reference.
3. *Amendments.* The following sections shall be deleted or amended to read as follows:
 - a. R105.2 Work Exempt from Permit. Delete Exemption #10 regarding decks as an exemption.
 - b. R105.3.1.1 Determination of substantially improved or substantially damaged existing buildings in flood hazard areas. Applications for reconstruction, rehabilitation, addition or other improvements of existing buildings or structures located in a flood hazard area shall comply with the City's floodplain ordinance, municipal code sections 405.600-405.635.
 - c. R106.1 Submittal documents. Submittal documents consisting of construction documents and other data shall be submitted in two or more sets with each application for a permit. The construction documents shall be prepared by a registered design

professional. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

- d. R107.1 General. The *building official* is authorized to issue a *permit* for temporary structures and temporary uses, **in accordance with the Code of Ordinances of the City of Kearney**. Such *permits* shall be limited as to time of service, but shall not be permitted for more than 180 days.
- e. R112.1 General. The Kearney Board of Adjustment is hereby appointed to act as the Board of Appeals.
- f. R112.3 Qualifications – Deleted.
- g. Table R301.2(1) – Amend the table to read:

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 ^g	ICE BARRIER UNDERLAYMENT REQUIRED ^h	FLOOD HAZARDS ⁱ	AIR FREEZING INDEX ^j	MEAN ANNUAL TEMP ^k
	Speed ^d (mph)	Topographic effects ^e		Weathering ^a	Frost line depth ^b	Termite ^c					
20	90	NO	A	SEVERE	36"	YES	6	NO	FEMA	1000	54.1

- h. R302.5.1 Self Closing Door Between Garage and House – Deleted.
- i. SECTION R313 AUTOMATIC FIRE SPRINKLER SYSTEMS – Deleted.
- j. R315.3 Where required in existing dwellings. Add “EXCEPTION: Work involving only the exterior surfaces of dwellings, such as the replacement of windows or doors, or the addition of a porch or deck, are exempt from the requirements of this section.”
- k. R401.3 Drainage. Surface drainage shall be diverted to a storm sewer conveyance or other *approved* point of collection that does not create a hazard. *Lots* shall be graded to drain surface water away from foundation walls. The *grade* shall fall a minimum of 6 inches (152 mm) within the first 10 feet (3048 mm). Gutter discharge and sump pump discharge shall not extend to a point closer than five (5) feet from a side lot line or 10 feet from a rear lot line, lot line along a street right-of-way, or sidewalk.
- l. R405.1 Concrete or masonry foundations. Drains shall be provided around all concrete or masonry foundations that retain earth and enclose habitable or usable spaces located below *grade*. Drainage tiles, gravel or crushed stone drains, perforated pipe or other *approved* systems or materials shall be installed at or below the area to be protected and shall discharge by gravity or mechanical means into an *approved* drainage system. Gravel or crushed stone drains shall extend at least 1 foot (305 mm) beyond the outside edge of the footing and either 6 inches (152 mm) above the top of the footing and be covered with an *approved* filter membrane material or 18 inches above the top of the footing when not covered with filter membrane material. The top of open joints of drain tiles shall be protected with strips of building paper. Perforated drains shall be surrounded with an *approved* filter membrane or the filter membrane shall cover the washed gravel or crushed rock covering the drain. Drainage tiles or perforated pipe shall be placed on a minimum of 2 inches (51 mm) of washed gravel or crushed rock at least one sieve size larger than the tile joint opening or perforation and covered.
- m. R501.3 Fire Protection of Floors – Deleted.
- n. R507.2.3 Deck Lateral Load Connection – Deleted.
- o. R602.6.1 Drilling and notching of top plate. When piping or ductwork is placed in or partly in an exterior wall or interior load-bearing wall, necessitating cutting, drilling or notching of the top plate by more than 50 percent of its width, a galvanized metal

tie not less than 0.054 inch thick (1.37 mm) (16 ga) and 1 1/2 inches (38 mm) wide shall be fastened across and to the plate at each side of the opening with not less than ~~four~~ **eight** 10d (0.148 inch diameter) having a minimum length of 1 1/2 inches (38 mm) at each side or equivalent. The metal tie must extend a minimum of 6 inches past the opening. See Figure R602.6.1.

- p. N1101.8 (R103.2) Information on construction documents. Information on construction documents shall be submitted in accordance with Section R106.
- q. Table N1102.1.1 (R402.1.1) – Amend the table to read:

**TABLE N1102.1.1 (R402.1.1)
INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT***

CLIMATE ZONE	FENESTRATION U-FACTOR ^b	SKYLIGHT ^b U-FACTOR	GLAZED FENESTRATION SHGC ^{b,*}	CEILING R-VALUE	WOOD FRAME WALL R-VALUE	MASS WALL R-VALUE ¹	FLOOR R-VALUE	BASEMENT ^c WALL R-VALUE	SLAB ^d R-VALUE & DEPTH	CRAWL SPACE ^e WALL R-VALUE
4	0.35	0.55	0.40	49	13	8/13	19	10/13		0/13

- r. N1102.2.8 Basement Walls – Deleted.
- s. N1102.4 Air Leakage Test – Deleted.
- t. Table N1102.4.1 Air Barrier and Insulation – Delete Fireplaces to have gasketed doors.
- u. N1102.4.1.2 (R402.4.1.2) Testing. Where required by the building official, the building or dwelling unit shall be tested and verified as having an air leakage rate of not exceeding 5 air changes per hour in Zones 1 and 2, and 3 air changes per hour in Zones 3 through 8. Testing shall be conducted with a blower door at a pressure of 0.2 inches w.g. (50 Pascals). Where required by the *building official*, testing shall be conducted by an *approved* third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the *building official*. Testing shall be performed at any time after creation of all penetrations of the *building thermal envelope*.
- v. N1103.1.1 Programmable Thermostat – Deleted.
- w. N1103.2 Ducts – Deleted.
- x. N1103.2.3 Building Cavities – Deleted.
- y. N1103.4.1 Circulating Hot Water Systems – Deleted.
- z. N1103.4.2 (R403.4.2) Hot water pipe insulation (Prescriptive). Insulation for hot water pipe with a minimum thermal resistance (*R*-value) of R-3 shall be applied to the following:
 1. Piping larger than 3/4-inch nominal diameter.
 2. Piping serving more than one dwelling unit.
 - ~~3. Piping from the water heater to kitchen outlets.~~
 4. Piping located outside the conditioned space.
 5. Piping from the water heater to a distribution manifold.
 6. Piping located under a floor slab.
 7. Buried piping.
 8. Supply and return piping in recirculation systems other than demand recirculation systems.
 - ~~9. Piping with run lengths greater than the maximum run lengths for the nominal pipe diameter given in Table N1103.4.2.~~

All remaining piping shall be insulated to at least R-3 or meet the run length requirements of Table N1103.4.2.

~~**TABLE N1103.4.2 (R403.4.2)**~~

~~**MAXIMUM RUN LENGTH (feet)***~~

~~For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm.~~

- a. ~~Total length of all piping from the distribution manifold or the recirculation loop to a point of use.~~
- aa. N1104.1 Lighting Equipment – Deleted.
- bb. M1503.4 Makeup air required. If the house tests at 3 air exchanges or less, then exhaust hood systems capable of exhausting in excess of 400 cubic feet per minute (0.19 m³/s) shall be provided with makeup air at a rate approximately equal to the exhaust air rate. Such makeup air systems shall be equipped with a means of closure and shall be automatically controlled to start and operate simultaneously with the exhaust system.
- cc. M1601.4.1 Joints, seams and connections. All longitudinal and transverse joints, seams and connections in metallic and nonmetallic ducts shall be constructed as specified in SMACNA *HVAC Duct Construction Standards—Metal and Flexible* and NAIMA *Fibrous Glass Duct Construction Standards*. All joints, ~~longitudinal and~~ transverse seams, and connections in ductwork shall be securely fastened and sealed with welds, gaskets, mastics (adhesives), mastic-plus-embedded-fabric systems or tapes.
- dd. P2503 Inspections and Tests – Sections P2503.4, P2503.5, P2503.6, and P2503.7 shall be amended by inserting “Where required by the building official,”
- ee. P2603.5.1 Sewer depth. *Building sewers* that connect to private sewage disposal systems shall be a not less than 36 inches (mm) below finished *grade* at the point of septic tank connection. *Building sewers* shall be not less than 36 inches (mm) below *grade*.
- ff. P2904 Dwelling Unit Fire Sprinkler System – Deleted.
- gg. E3902.2 Garage and accessory building receptacles. Add:
Exception: A dedicated receptacle supplying solely a garage door opener or a refrigerator or freezer that is clearly identified as “NOT GFCI PROTECTED”.
- hh. E3902.5 Unfinished basement receptacles. Amend and add:
Exceptions:
 1. A receptacle supplying only a permanently installed fire alarm or burglar alarm system and identified as “NOT GFCI PROTECTED”.
 2. A dedicated receptacle supplying a sump pump and identified as “NOT GFCI PROTECTED”.
 3. A dedicated receptacle supplying a refrigerator, or freezer that is clearly identified as “NOT GFCI PROTECTED”.
- ii. E3902.12 Arc-fault circuit-interrupter protection. All branch circuits that supply 120-volt, single-phase, 15- and 20-ampere receptacles installed in bedrooms shall be protected by a combination type arc-fault circuit interrupter installed to provide protection of the branch circuit.
- jj. E4002.14 Tamper-resistant receptacles. – Deleted.
- kk. All reference to the International Electric Code shall be replaced with the National Electrical Code.

B *International Building Code.*

1. *Adoption.* The International Building Code, 2012 published by the International Code Council, Inc., including all chapters, additional references, tables and illustrations is hereby adopted as the code of the City of Kearney for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the City of Kearney providing for issuance of permits and collection of fees therefor.

2. *Additions.* The following additions shall be adopted.
 - a. Appendix C – Group U – Agricultural Buildings
 - b. Appendix H – Signs
 - c. Appendix I – Patio Covers
 - d. Appendix J – Grading

3. *Amendments.* The following sections shall be deleted or amended to read as follows:
 - a. 101.1 Title. Insert “City of Kearney”.
 - b. 101.4.4 Property Maintenance – Deleted.
 - c. 101.4.6 Energy – Deleted.
 - d. Section 103 – Department of Building Safety – Deleted.
 - e. 104.10 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, the *building official* shall have the authority to grant modifications for individual cases, upon application of the owner or owner’s representative, provided the *building official* shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. Modification involving fire apparatus emergency access drives, fire suppression and/or fire alarm systems must also be approved by the Kearney Fire & Rescue Protection District. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.
 - f. 104.10.1 Flood Hazard Areas. Modifications within or regarding any flood hazard areas shall comply with the City’s floodplain ordinance, sections 405.600-405.635 of the Code of Ordinances of the City of Kearney.
 - g. 104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material, design or method of construction shall be *approved* where the *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. Modification involving fire apparatus emergency access drives, fire suppression and/or fire alarm systems must also be approved by the Kearney Fire & Rescue Protection District.
 - h. 105.2 Work exempt from permit. Remove Exemption #7 regarding Fences over 7 feet high as an exemption
 - i. 107.1 General. Amend section to read: 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 special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.
 - j. 107.2.2 Fire protection system shop drawings. Shop drawings for the *fire protection system(s)* shall be submitted to indicate conformance to this code and the *construction documents* and shall be *approved* prior to the start of system installation. Shop drawings are to also be submitted to the Kearney Fire & Rescue Protection District for review and approval. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9.

- k. 107.2.5 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, including easements, sewers, drains, utilities, etc., 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. All decks, balconies, overhangs, or other building protrusions shall be indicated and dimensioned. 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. Site plans are to also be submitted to the Kearney Fire & Rescue Protection District for review and approval. The property owner or his or her agent shall certify to the building official that the top of the foundation for a building will be in conformance with the approved site plan, including building elevations, site grading, erosion control devices, and building setbacks. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair and does not affect the exterior features of the building.
- l. 108.1 General. The *building official* is authorized to issue a *permit* for temporary structures and temporary uses, in accordance with the Code of Ordinances of the City of Kearney. Such *permits* shall be limited as to time of service, but shall not be permitted for more than 180 days.
- m. 110.3.7. Energy efficiency inspections. Where required by the building official, inspections shall be made to determine compliance with Chapter 13 and shall include, but not be limited to, inspections for: envelope insulation R- and U-values, fenestration U-value, duct system R-value, and HVAC and water-heating equipment efficiency.
- n. 113.1 General. The Kearney Board of Adjustment is hereby appointed to act as the Board of Appeals.
- o. 113.3 Qualifications – Deleted.
- p. 1008.1.9.3 Locks and latches. Locks and latches shall be permitted to prevent operation of doors where any of the following exists:
 - 6. In occupancy groups A, B, E, F, H, I, M, S, and U, a *Knox Box* Rapid Entry System, or other similar key box system per the Kearney Fire & Rescue Protection District, shall be installed per manufactures instructions near the fire access door.
- q. SECTION 1612 FLOOD LOADS – Within flood hazard areas, all new construction of buildings, structures and portions of buildings and structures, including substantial improvement and restoration of substantial damage to buildings and structures, shall be designed and constructed to resist the effects of flood hazards and flood loads per the City’s floodplain ordinance, sections 405.600-405.635 of the Code of Ordinances of the City of Kearney.
- r. 3001.5 State Inspection. Elevators, dumbwaiters, escalators, material lifts, inclined lifts, special purpose personnel elevators, or moving walks, including its hoistway, hoistway incloser and related construction, and all machinery and equipment must be approved through the *Missouri Department of Public Safety, Office of the State Fire Marshal*.
- s. H101.2 Signs exempt from permits. Deleted.
- t. H101.3 Municipal code compliance. Signage shall comply with the provisions of Chapter 405 of the Code of Ordinances of the City of Kearney. This Appendix shall be subordinate to the municipal code.

C. International Plumbing Code.

1. *Adoption.* The 2012 Edition of the International Plumbing Code, published by the International Code Council, Inc., including all chapters, additional references, tables and illustrations is hereby adopted for regulating, and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of any plumbing system in the City of Kearney providing for issuance of permits and collection of fees therefor.
2. *Additions.* The following additions shall be adopted:
 - a. Appendix B – Rates of Rainfall for Various Cities
 - b. Appendix D – Degree Day and Design Temperatures
 - c. Appendix E – Sizing of Water Piping System
 - d. Appendix F – Structural Safety
3. *Amendments.* The following sections shall be amended as follows:
 - a. 101.1 Title. Insert “City of Kearney”.
 - b. 106.6.2. Fee schedule. Fees shall be in accordance with chapters 500-530 of the Code of Ordinances of the City of Kearney.
 - c. 106.6.3. Fee refunds. Amend section to read: Fee refunds shall be in accordance with chapters 500-530 of the Code of Ordinances of the City of Kearney.
 - d. 108.4 Violation penalties. Amend section to read: Violation penalties shall be in accordance with chapters 500-530 of the Code of Ordinances of the City of Kearney.
 - e. 108.5 Stop work orders. Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner’s agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system 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 found in violation in accordance with chapters 500-530 of the Code of Ordinances of the City of Kearney.
 - f. Section 109 Means of Appeals. The Kearney Board of Adjustment is hereby appointed to act as the Board of Appeals.
 - g. 305.4.1 Sewer Depth. Insert 36” and 36”.
 - h. 701.2 Sewer required. Amend section to read: Buildings in which plumbing fixtures are installed and premises having drainage piping shall be connected to a public sewer, where available, or an approved private sewage disposal system in accordance with Chapter 715 of the Code of Ordinances of the City of Kearney and Clay County Health Department requirements.
 - i. 715.1 Sewage backflow. Amend section to read: Where plumbing fixtures are installed on a floor with a finished floor elevation below the elevation of the manhole cover of the next upstream unsealed manhole in the public sewer, such fixtures shall be protected by a backwater valve installed in the building drain. Plumbing fixtures installed on a floor with a finished floor elevation above the elevation of the elevation of the manhole cover of the next upstream unsealed manhole may not discharge through a backwater valve.

D. International Mechanical Code.

1. *Adoption.* The 2012 Edition of the International Mechanical Code, published by the International Code Council, Inc., including all chapters, additional references, tables and illustrations, is hereby adopted for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of heating, ventilating, cooling or refrigeration systems, incinerators, or other miscellaneous systems and heat-producing appliances in the City of Kearney providing for the issuance of permits and collection of fees therefor.
2. *Additions.* The following additions shall be adopted:
 - a. Appendix A – Chimney Connector Pass-Throughs.
3. *Amendments.* The following sections shall be amended as follows:
 - a. 101.1 Title. Insert “City of Kearney”.
 - b. 106.5.2. Fee schedule. Fees shall be in accordance with chapters 500-530 of the Code of Ordinances of the City of Kearney.
 - c. 106.5.3. Fee refunds. Fee refunds shall be in accordance with chapters 500-530 of the Code of Ordinances of the City of Kearney.
 - d. 108.4 Violation penalties. Violation penalties shall be in accordance with chapters 500-530 of the Code of Ordinances of the City of Kearney.
 - e. 108.5 Stop work orders. Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner’s agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system 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 found in violation in accordance with chapters 500-530 of the Code of Ordinances of the City of Kearney.
 - f. Section 109 Means of Appeals. The Kearney Board of Adjustment is hereby appointed to act as the Board of Appeals.

E. International Fuel Gas Code

1. *Adoption.* The 2012 Edition of the International Fuel Gas Code, published by the International Code Council, Inc., including all chapters, additional references, tables and illustrations, is hereby adopted for regulating 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 in the City of Kearney providing for the issuance of permits and collection of fees therefor.
2. *Additions.* The following additions shall be adopted:
 - a. Appendix A – (IFGS) Sizing and Capacities of Gas Piping;

- b. Appendix B – (IFGS) Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances and Appliances;
 - c. Appendix C – (IFGS) Exit terminals of Mechanical Draft and Direct-Vent Venting Systems;
 - d. Appendix D – Recommended Procedure for Safety Inspection of an Existing Appliance Installation.
3. *Amendments.* The following sections shall be amended as follows:
- a. 101.1 Title. Insert “City of Kearney”.
 - b. 106.6.2. Fee schedule. Amend to read: Fees shall be in accordance with chapters 500-530 of the Code of Ordinances of the City of Kearney.
 - c. 106.6.3. Fee refunds. Fee refunds shall be in accordance with chapters 500-530 of the Code of Ordinances of the City of Kearney.
 - d. 108.4 Violation penalties. Amend section to read: Violation penalties shall be in accordance with chapters 500-530 of the Code of Ordinances of the City of Kearney.
 - e. 108.5 Stop work orders. Amend section to read: Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner’s agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system 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 found in violation in accordance with chapters 500-530 of the Code of Ordinances of the City of Kearney.
 - f. Section 109 Means of Appeals. The Kearney Board of Adjustment is hereby appointed to act as the Board of Appeals.

F. National Electric Code.

1. *Adoption.* The 2011 Edition of the National Electrical Code, published by the International Code Council, Inc., including all chapters, additional references, tables and illustrations, is hereby adopted for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of electrical systems in the City of Kearney providing for the issuance of permits and collection of fees therefor.
2. *Additions.* The following additions shall be adopted:
- a. None.
3. *Amendments.* The following sections shall be amended as follows:
- a. 90.10 Administration and enforcement. The administrative provisions for this Code shall be those provisions contained in the Building Code adopted in Section 500.010 of the Code of Ordinances of the City of Kearney.
 - b. 210.12(A) Dwelling Units. All 120-volt, single phase, 15- and 20-ampere branch circuits supplying outlets installed in dwelling unit bedrooms shall be protected by a listed arc-fault circuit interrupter, combination-type, installed to provide protection of

the branch circuit. For these purposes, a smoke alarm or carbon monoxide alarm shall not be considered an outlet and is not required to be on an arc-fault circuit.

- c. 334.10 Uses permitted. Amend section to read as follows:
334.10 Uses permitted. Type NM, Type NMC, and Type NMS cables shall be permitted to be used in the following:
1. One-and two-family dwellings and their attached or detached garages and their storage buildings.
 2. Multifamily dwellings except as prohibited in Section 334.12.
 3. Other structures permitted except as prohibited in Section 334.12 Cables shall be concealed within walls, floors, or ceiling that provide a thermal barrier of material that has at least a 15-minute finish rating as identified in listings of fire-rated assemblies.
 4. Cable trays where the cables are identified for the use.
 - A. Type NM. Type NM cable shall be permitted as follows:
 - (1) For both exposed and concealed work in normally dry locations except as prohibited in Section 334.10(3)
 - (2) To be installed or fished in air voids in masonry block or tile walls.
 - B. Type NMC. Type NMC cable shall be permitted as follows:
 - (1) For both exposed and concealed work in dry, moist, damp, or corrosive locations, except as prohibited in Section 334.10(3).
 - (2) In outside and inside walls of masonry block or tile.
 - (3) In shallow chase in masonry, concrete, or adobe protected against nails or screws by a steel plate at least 1/16 in. thick and covered with plaster, adobe, or similar finish.
 - C. Type NMS. Type NMS cable shall be permitted as follows:
 - (1) For both exposed and concealed work in normally dry locations except as prohibited in Section 334.10(3).
 - (2) To be installed or fished in air voids in masonry block or tile walls.
 - (3) To be used as permitted in Article 780.
 - ~~5. Types I and II construction where installed within raceways permitted to be installed in Types I and II construction.~~

G. *International Fire Code.*

1. *Adoption.* The International Fire Code, 2012 Edition published by the International Code Council, Inc., including all appendix chapters, additional references, tables and illustrations, is hereby adopted as the official fire code of the City of Kearney providing for the issuance of permits and collection of fees therefor.
2. *Additions.*
 - a. None.
3. *Amendments.* *The following sections shall be amended to read as follows:*
 - a. 101.1 Title. Insert “City of Kearney”.
 - b. 103.2 Appointment. The Mayor of the City of Kearney, Missouri, is authorized to appoint, with approval by the Board of Aldermen, that person so designated and paid by the Kearney Fire and Rescue Protection District as the fire code official; and the *fire code official* shall not be removed from office except for cause and after full

opportunity to be heard on specific and relevant charges by and before the appointing authority.

- c. Section 108 Board of Appeals. The Kearney Board of Adjustment is hereby appointed to act as the Board of Appeals for appeals within the City limits pursuant to Section 108 of the 2012 Fire Code.
- d. 109.4 Violation penalties. Any violation of the 2012 International Fire Code shall be prosecuted as an offense in the Kearney Municipal Court with penalties as set forth in Section 100.220 of the Kearney Municipal Code.
- e. 507.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6.
507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 300 feet from a hydrant on a fire apparatus access road, as measured by an *approved* route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the *fire code official*.
Exceptions:
 1. For Group R-3 and Group U occupancies, the distance requirement shall be 300 feet.
 2. For buildings equipped throughout with an *approved automatic sprinkler system* installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183 m).
- f. 903.2.8 Automatic Sprinkler Systems, Group R – Deleted.

H. International Swimming Pool and Spa Code

1. *Adoption.* The 2012 Edition of the International Swimming Pool and Spa Code, published by the International Code Council, Inc., including all chapters, appendices, additional references, tables and illustrations, is hereby adopted to establish requirements for the design, construction, alteration, repair and maintenance of swimming pools, spas, hot tubes and aquatic facilities in the City of Kearney providing for the issuance of permits and collection of fees therefor.
2. *Additions.* The following additions shall be adopted:
 - a. None
3. *Amendments.* The following sections shall be amended as follows:
 - a. 101.1 Title. Insert: Insert “City of Kearney.”
 - b. 105.6.2 Fee Schedule. Amend to read: Fees shall be in accordance with chapters 500-530 of the Code of Ordinances of the City of Kearney.
 - c. 105.6.3 Fee refunds. Fee refunds shall be in accordance with chapters 500-530 of the Code of Ordinances of the City of Kearney.
 - d. Section 107.4 Violation Penalties. Amend section to read: Violation penalties shall be in accordance with chapters 500-530 of the Code of Ordinances of the City of Kearney.
 - e. Section 107.5 Stop Work Orders. Upon notice from the code official, work on any system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner’s agent, or to the person doing the

work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the 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 found in violation in accordance with chapters 500-530 of the Code of Ordinances of the City of Kearney.

- f. Section 108 Means of Appeals. The Kearney Board of Adjustment is hereby appointed to act as the Board of Appeals.

I. National Green Building Standard

1. *Adoption.* The 2008 Edition of the National Green Building Standard (ICC 700-2008), published by the National Association of Home Builders and International Code Council, Inc., including all chapters, appendices, additional references, tables and illustrations, is hereby adopted to establish performance criteria and practices for the voluntary design, construction, and remodeling of green residential development in the City of Kearney providing for the issuance of permits and collection of fees therefor.
2. *Additions.* The following additions shall be adopted:
 - a. None
3. *Amendments.* The following sections shall be amended as follows:
 - a. None

J. International Property Maintenance Code

1. *Adoption.* The 2012 Edition of the International Property Maintenance Code, published by the International Code Council, Inc., including all chapters, additional references, tables and illustrations, is hereby adopted to establish minimum maintenance standards for basic equipment, light, ventilation, heating, sanitation and fire safety in the City of Kearney providing for the issuance of permits and collection of fees therefor.
2. *Additions.* The following additions shall be adopted:
 - a. None
3. *Amendments.* The following sections shall be amended as follows:
 - a. A101.1 Title. Insert “City of Kearney.”
 - b. A103.5 Fees. Amend section to read: Fees shall be in accordance with chapters 500-530 of the Code of Ordinances of the City of Kearney.
 - c. A108.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered, or occupied or maintained contrary to law.
 - d. A111.1 Application for appeal. Any person directly affected by a decision of the *code official* or a notice or order issued under this code shall have the right to appeal to the Kearney Board of Adjustment, per Section 405.085 of the Code of Ordinances of the City of Kearney, provided that a written application for appeal is filed within 20 days

after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

- e. 302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth per Section 215 of the Code of Ordinances of the City of Kearney.
- f. 304.3.1 Secondary entry numbers. Multi-tenant shopping centers in which tenant spaces have secondary entry doors from an exterior facade of the building and have paved vehicle access adjacent to such doors shall have approved address numbers or addresses placed on or adjacent to at least one secondary entrance door. Numbers shall be a minimum of 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).
Exceptions:
 - a. If more than one entry door is installed on a facade, only one door needs to be marked (entry doors defined as overhead cargo doors and normal passage doors);
 - b. The Building Official may grant further exceptions after consultation with the Kearney Police Department if it can be shown that marking the doors would create a security risk.
- g. 304.14 Insect screens. Amend to include the period of May 15 through October 15.
- h. 602.3 Heat Supply. Amend to include the period of October 15 through May 15.
- i. 602.4 Occupiable workspaces. Amend to include the period of October 15 through May 15.

SECTION 500.020: VIOLATION AND PENALTY

Any person violating the terms of this Article and its incorporated code shall upon conviction thereof be punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment, provided that each day such violation occurs after notice by the City shall constitute a separate ordinance violation.

- Section 2. The City Clerk has maintained on file for public use, inspection, and examination, at least one (1) copy of such code for a period of 90 days prior to ordinance adoption;
- Section 3. If any section, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof;
- Section 4. All previous ordinances in conflict herewith are hereby repealed, including ordinances 217, 364, 449-86, 636-94, 637-94, and 851-2001;
- Section 5. This ordinance shall be in full force and effect on January 1, 2015 after its passage by the Board of Aldermen of the City of Kearney and approval by the Mayor.

ADOPTED AND APPROVED BY THE MAYOR AND BOARD OF ALDERMEN, CITY OF KEARNEY, MISSOURI, THIS ____ DAY OF _____, 2014.

APPROVED:

Bill Dane, Mayor

ATTEST:

Jim Eldridge, City Clerk