

**Ordinance No. 2561 Summary**

On December 1, 2022, the City of De Soto, Kansas, adopted Ordinance No. 2561, amending the City Code to create a permit (separate and apart from a typical building permit) for large scale footings and foundations necessary to support extremely large structures. A complete copy of this ordinance is available at [www.desotoks.us](http://www.desotoks.us) or at City Hall, 32905 West 84<sup>th</sup> Street, De Soto, Kansas. This summary is certified by Patrick G. Reavey, City Attorney.

**ORDINANCE NO. 2561**

**AN ORDINANCE AMENDING CHAPTER IV OF THE CITY CODE TO INCLUDE NEW ARTICLE 11 TO PROVIDE FOR PERMITS FOR LARGE SCALE STRUCTURE FOOTINGS AND FOUNDATIONS**

WHEREAS, City Staff recognizes there may be occasions whereby a structure is so enormous that construction of footings and foundations may need to be commenced before full planning and all elements of the building are known and included as part of a site plan; and

WHEREAS, understanding that any work done (prior to issuance of a formal Building Permit) on footings or foundations is at the owner’s risk and subject to further approvals by the City, City Staff recommends the creation of a separate permit for such large scale footings and foundations.

**NOW THEREFORE, BE IT ORDAINED** by the Governing Body of the City of De Soto, Kansas:

**Section 1.** The Governing Body hereby amends Chapter IV of the City Code to include the following new Article 11:

**ARTICLE 11. LARGE SCALE FOOTING AND FOUNDATION PERMIT**

**4-1101. Large scale footing and foundation defined.**

For purposes of this Article, the terms “Large Scale Footing and Foundation” (“LSFF”), or derivatives thereof, shall be defined as footings or foundations that are designed and constructed to support a single structure (with a ground floor area exceeding 1,500,000 square feet) and, because of such enormity, construction needs to commence before all planning and zoning requirements are complete and a final building permit can be obtained. In applying for and receiving such LSFF Permit, the applicant understands and acknowledges that work performed pursuant to the LSFF Permit is at risk and conditioned on later approval of all required planning and zoning requirements and issuance of building permits for any structures built upon the footings and foundations covered by the LSFF Permit.

**4-1102. Permit required; application; approval.**

No person shall commence with the construction of a Large Scale Footing and/or Foundation (as defined by Section 4-1101) without first applying for and obtaining a LSFF Permit from the building official.

**4-1103. Same; application procedure and information required.**

- (a) Any applicant for a LSFF Permit pursuant to this Article shall:
  - (1) Request a pre-application meeting through the building official or his designee;
  - (2) Submit a completed application (on a form provided by the building official), and any other submittals required by the building official, to the building official or his designee;
  - (3) Provide any other information as may be pertinent to the issuance of the LSFF permit, and requested by the building official or his designee; and
  - (4) Pay a permit fee, as set forth by the City Fee Resolution.

(b) An application for the LSFF Permit shall be signed by the owner or his or her duly authorized agent, or the owner or agent’s contractor. If the application is made by the owner or his agent, it shall contain the name or names of the contractor or contractors doing the work described.

(c) Upon approval of the completed application and a determination that a LSFF Permit should be issued, the building official or his designee shall issue the LSFF Permit to the owner or contractor authorizing the construction of the Large Scale Footing and/or Foundation.

(d) Any LSFF Permit issued under this section shall be valid and subsisting for a period of not more than 6 months from the date of issuance unless the permittee shall have commenced, within the period so limited, the work authorized by such permit. Work commenced for the purpose of this section shall mean the commencement of construction on the footing and/or foundation, and not preparation of plans or the staking out of the location of the footing and/or foundation.

**4-1104. Posting.**

A copy of the LSFF Permit shall be prominently displayed on a temporary sign for public inspection during the performance of the work and until completion of the same. Such sign shall be located on the land where the construction of the footings and/or foundations are occurring and as close to the public right of way as possible.

**4-1105. Liability.**

This Article shall not be construed to relieve from any liability or lessen the liability of any person performing any activity connected herewith, nor shall the city be held as assuming any liability by reason of any inspection of work covered by a LSFF permit.

**4-1106. Limited Application.**

Nothing in this Article will apply to -- or vary any applicable planning, zoning, building, or permit requirements for -- footings or foundations that are designed for single structures with a ground floor area equal to or less than 1,500,000 square feet.

**Section 3. Effective Date.** This Ordinance shall take effect upon its adoption by the City Council, approval by the Mayor and publication in the City’s official newspaper.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF DE SOTO, KANSAS AND APPROVED BY THE MAYOR ON THE 1<sup>st</sup> DAY OF DECEMBER 2022.

(seal)

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RICK WALKER, Mayor

ATTEST:

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BRANDON MILLS, City Clerk

APPROVED AS TO FORM:

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PATRICK G. REAVEY, City Attorney