

Ordinance No. 2452 Summary

On November 15, 2018, the City of De Soto, Kansas, adopted Ordinance No. 2452 (effective January 1, 2019), adopting and incorporating into the De Soto City Code, with certain delineated additions, exceptions, or revisions, the 2018 Edition of the International Fire Code. A complete copy of this ordinance may be obtained or viewed free of charge at the Office of the City Clerk at City Hall, 32905 West 84th Street, De Soto, Kansas or at www.desotoks.us. This summary is certified by Patrick G. Reavey, De Soto City Attorney pursuant to K.S.A. 12-3001, et seq.

ORDINANCE NO. 2452

AN ORDINANCE AMENDING ARTICLE 2 OF CHAPTER VII OF THE CITY OF DE SOTO CODE RELATED TO INTERNATIONAL FIRE CODE

WHEREAS, § 7-201 of Chapter VII of the De Soto City Code adopts the 2012 Edition of the International Fire Code; and

WHEREAS, the City desires to update its fire prevention standards by adopting the 2018 Edition of the International Fire Code.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DE SOTO, KANSAS:

SECTION 1: Article 2, § 7-201 of Chapter VII of the City Code is amended to read as follows:

7-201. **ADOPTION OF INTERNATIONAL FIRE CODE.** There is hereby adopted and incorporated by reference, for the purpose of establishing regulations, governing conditions hazardous to life and property from fire or explosion, that certain code and standards known as the International Fire Code [including Appendix Divisions B, C, D, E, F, G, H, I, and J], 2018 Edition, save and except for such portions as hereinafter deleted, modified or amended. The International Fire Code, 2018 Edition, is made a part of the ordinances and code of the city as if the same had been set out in full herein, all as authorized and in the manner prescribed by K.S.A. 12-3009 through 12-3012 including any amendments thereto. At least one copy of the International Fire Code shall be marked or stamped “Official Copy as Incorporated by the Code of the City of De Soto,” and shall be available from the city clerk to be open to inspection and available to the public at all reasonable hours of business.

SECTION 2: Article 2, § 7-202 of Chapter VII of the City Code is amended to read as follows:

7-202. Definitions.

- a) The term "chief" and "fire code official" shall in all instances mean the Building Code Official of De Soto, Kansas, except in those instances where the International Fire Code addresses:
 - 1. The responsibility for the prevention of fires, as otherwise mandated by another rule, regulation, or law; or
 - 2. The suppression or extinguishment of dangerous or hazardous materials; or
 - 3. The investigation of the cause, origin, and circumstances of fire and unauthorized releases of hazardous materials; in which instances the term shall mean Fire District Fire Chief.

- b) In those instances where the fire-flow requirements and subdivision guidelines contained within this Code refer to a "hydrant", it is intended that the hydrant be supplied by a conventional water source such as a water line, and that the hydrant be located in close proximity to the residence. If water is available from a non-conventional source, such as a pond or stream, the Building Code Official may make a determination that the non-conventional source provides substantially equivalent fire-flow to the residence.

- c) The term "approved or certified automatic sprinkler system", "approved or certified automatic fire-extinguishing system" or "approved or certified fire alarm and detection system" shall mean one that has been designed by a fire protection engineer who is licensed in the State of Kansas, and installed by a contractor licensed to do so by the Johnson County Contractors Licensing Program.

- d) "Municipality" shall mean the City of De Soto, Kansas.

7-203. ADDITIONAL AND REVISED PROVISIONS. The following sections of this article are in addition to, or are revisions of, the standard codes incorporated by reference in section 4-301:

(a) **103.1 Fire Prevention Bureau.** A fire prevention bureau is hereby established under the direction of the Building Code Official, which shall consist of each and every applicable Fire District Fire Chief, or designee, in the City of De Soto, Kansas. The function of this bureau shall be to assist the Building Code Official in the implementation, administration, and enforcement of this code except when regarding;

- 1) The prevention of fires, as described or mandated by the appropriate Kansas statutes;
- 2) The suppression or extinguishment of dangerous or hazardous materials; or
- 3) The investigation of the cause, origin and circumstances of fire and unauthorized releases of hazardous materials.

(b) **104.1 General.** The Building Code Official is hereby authorized to enforce the provisions of this code and shall have the authority to render interpretations of this code, and to

adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code and shall not have the effect of waiving requirements specifically provided for in this code. The Building Code Official, with the approval of the Administrator, may designate a member of a fire district, or other appropriate individual to exercise the power and perform the duties of fire prevention engineer as set forth in this Code. The Building Code Official, with the aid of the fire prevention bureau, shall inspect, as often as may be necessary, all buildings and premises, including such other hazards or appliances as the Building Code Official may designate for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this Code, or of any other law or standard affecting fire safety.

(c) **104.11.2. Obstructing Operations.** No person shall obstruct the operations of the fire district in connection with extinguishment or control of any fire, or actions relative to other emergencies, or disobey any lawful command of the fire chief or officer of the fire district in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the fire district. Any person who obstructs the operations of the fire department in connection with extinguishing any fire, or other emergency, or disobeys any lawful command of the applicable Fire District Fire Chief or officer of the fire department who may be in charge at such a scene, or any part thereof, or the Building Code Official, or any police officer assisting the fire department, shall be guilty of a public offense.

(d) **105.1 General.** Permits shall be in accordance with Section 105. Where permits are required elsewhere in this code, the Building Code Official shall be permitted to waive the requirements for issuance of a permit provided public safety and welfare is maintained.

Operational permits are specifically required for the following:

Operational permits:

- 1) Explosives. (105.6.14)
- 2) Open burning. (105.6.30)
- 3) Pyrotechnic special effects material. (105.6.36)
- 4) Storage of scrap tires and tire byproducts. (105.6.42)

(e) **105.6.14 Explosives, fireworks, and blasting.** An operational permit is required for the manufacture, storage, handling, sale or use of any quantity of explosives, explosive material, fireworks, or pyrotechnic special effects within the scope of this Code.

(f) **105.6.32 Open burning.** An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to. Applications for open burning shall be submitted in writing to the appropriate fire district, before the fire is set and shall be in such form and contain such information as required by the Fire District Chief. Such applications shall contain information regarding the purpose of the proposed burning, the nature and quantities of material to be burned, the time and date when such burning will take place, the location of the burning site, and the name and phone number of the person responsible for supervision of the burning.

Exception: Fires deemed to be recreational by the appropriate Fire District Chief.

(g) **Section 105.6.40 Pyrotechnic special effects material.** An operational permit is required for use and handling of pyrotechnic special effects material.

(h) **Section 105.6.46 Storage of scrap tires and tire byproducts.** An operational permit is required to establish, conduct, or maintain storage of scrap tires and tire byproducts that exceed 2,500 cubic feet (71 m³) of total volume of scrap tires, and for indoor storage of tires and tire by products.

(i) **Section 105.4.1.2 Construction documents.** Construction documents for proposed fire apparatus access roads, location of fire lanes, security gates across fire apparatus access and construction documents and hydraulic calculations for fire hydrant systems shall be submitted to the Building Code Official and appropriate Fire District Fire Chief for review and approval prior to construction.

(j) **505.1.1 Secondary address numbers.** Multi-tenant retail shopping centers in which tenant spaces have secondary entry doors from an exterior façade of the building and have paved vehicle access adjacent to such doors shall have approved numbers or addresses placed on or adjacent to each door. Secondary address numbers shall be a minimum of four inches (4") in height.

Exceptions:

1. If more than one entry door is installed on a facade, only one door needs to be marked (entry doors defined as overhead or cargo doors and normal passage doors).
2. Further exceptions may be permitted by the Building Code Official.

(k) **506.1 Where required.** Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, a key box shall be installed in an approved location as required by the appropriate Fire District Fire Chief. The key box shall be an approved type listed in accordance with UL 1037, and shall contain keys or access cards to gain necessary access as required by the appropriate Fire District Fire Chief.

(l) **506.2 Key Box Maintenance.** The operator of the building shall immediately notify the appropriate Fire District Chief and provide the new key when a lock is changed or re-keyed. The key to such lock shall be secured in the box. The key box shall be maintained in working order by the operator/owner/occupant of the building.

(m) **507.1.1 Water distribution system failures.** Water districts serving areas within De Soto shall notify the Emergency Communications Center of any failure in their water distribution system; hydrant repair, main breaks, pump failures, or other interruptions of water supply that may affect water supply for fire control purposes.

(n) **901.6 Inspection, testing and maintenance.** Fire detection, alarm and extinguishing systems shall be maintained in an operative condition at all times, and shall be replaced or repaired where defective. Nonrequired fire protection systems and equipment shall be inspected, tested and maintained, or removed. The inspection, testing and maintenance of fire protection systems and equipment shall be performed by a fire protection engineer who is licensed in the State of Kansas, or a contractor with National Institute for Certification in Engineering Technologies (NICET), Level II technicians in the applicable discipline (automatic sprinkler systems, fire alarm systems or inspection and testing of water-based system), licensed to do so by the Kansas State Fire Marshal, and approved by the Building Code Official.

SECTION 2. Repealer. Any Ordinances or Code provisions inconsistent herewith are repealed.

SECTION 3. Effective Date. This Ordinance shall take effect and be in force on January 1, 2019 in the event of its prior passage, approval and publication as provided by law.

ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR OF DE SOTO, KANSAS THIS 15th DAY OF NOVEMBER, 2018.

(seal)

RICK WALKER
Mayor of De Soto, Kansas

ATTEST:

LANA R. McPHERSON, MMC
City Clerk of De Soto, Kansas

APPROVED AS TO FORM:

PATRICK G. REAVEY
City Attorney for De Soto, Kansas