

Passed: December 10, 2019
Published: December 18, 2019

ORDINANCE NO. 2418

AN ORDINANCE AMENDING CHAPTER 15.48 OF THE DERBY MUNICIPAL CODE, INCORPORATING BY REFERENCE THE INTERNATIONAL FUEL GAS CODE, 2018 EDITION, WITH CERTAIN AMENDMENTS AND DELETIONS THERETO, ALL PERTAINING TO THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, AND USE OR MAINTENANCE OF ALL FUEL GAS SYSTEMS AND GAS-FIRED APPLIANCES; AMENDING AND REPEALING SECTIONS 15.48.010 AND 15.48.020 OF THE DERBY MUNICIPAL CODE AND PROVIDING SUBSTITUTE PROVISIONS THEREFOR.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DERBY, KANSAS:

Section 1. Section 15.48.010 of the Derby Municipal Code is hereby amended to read as follows:

“15.48.010 - Incorporation by Reference of 2018 International Fuel Gas Code.

There is hereby incorporated by reference for the purpose of providing minimum regulations for the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, and use or maintenance of all fuel gas systems and gas-fired appliances, the International Fuel Gas Code, 2018 Edition, excluding its several appendices, a uniform code prepared and published by the International Code Council, Inc., save and except such articles, sections, parts or portions as are hereinafter omitted, deleted, modified or changed. Any errata officially published by the International Code Council, Inc. shall become part of the International Fuel Gas Code when placed on file by the Director of Planning & Engineering. One official copy of said International Fuel Gas Code shall be marked or stamped “Official Copy as Incorporated by Reference by Ordinance No. 2418,” with all sections or portions thereof intended to be deleted, changed, or amended clearly marked to show any such deletion, change, or amendment, and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. All administrative departments of the City charged with enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of such International Fuel Gas Code similarly marked, deleted, and changed as may be expedient.”

Section 2. Section 15.48.020 of the Derby Municipal Code is hereby amended to read as follows:

“15.48.020 - Amendments to the 2018 International Fuel Gas Code.

The following amendments and deletions to the International Fuel Gas Code incorporated by Section 15.48.010 of this article are hereby adopted:

- A. Section 101.1 of the International Fuel Gas Code is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the City of Derby, Kansas Fuel Gas Code, hereinafter referred to as "this code."

- B. Section 103.1 of the International Fuel Gas Code is hereby amended to read as follows:

103.1 General. The department of mechanical inspection is hereby created and the executive official in charge thereof shall be known as the building official. Wherever used in this code, the term "code official" shall be deemed to refer to the building official.

- C. Section 103.4 of the International Fuel Gas Code is hereby amended to read as follows:

103.4 Liability. The code official and any officer, employee or agents enforcing this code on behalf of the code official, while acting within the scope of his or her employment, shall not be personally liable for his or her acts or omissions in accordance with the Kansas Tort Claims Act, as the same may from time to time be amended.

- D. Section 106.6 of the International Fuel Gas Code is hereby amended to read as follows:

106.6 Fees. The fees for permits required hereby shall be assessed in accordance with the provisions of a fee schedule adopted by resolution of the City's governing body, as the same may from time to time be amended.

Exception: Installations for new one- and two-family dwellings shall not be required to obtain an individual mechanical permit or to pay a mechanical permit fee because the applicable building permit and fee which have been issued and paid are inclusive of the mechanical installation.

- E. Section 106.6.2 of the International Fuel Gas Code is hereby deleted.

- F. Section 106.6.3 of the International Fuel Gas Code is hereby amended to read as follows:

106.6.3 Fee refunds. The building official may authorize refunding of any fee

paid hereunder which was erroneously paid or collected. The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code. The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

- G. Section 108.4 of the International Fuel Gas Code is hereby amended to read as follows:

108.4 Penalties. (a) Any person or entity who violates a provision of this chapter or code, fails to comply with any of the requirements thereof; or erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or a directive of the building official or of a permit or certificate issued under the provisions of this code shall be subject to the violation and penalty provisions found in Section 15.04.130 of the Derby Municipal Code. Each day that a violation continues after due notice has been served shall be deemed a separate violation.

(b) In addition to the violation and penalty provisions found in Section 15.04.130 of the Derby Municipal Code, any person or entity who violates a provision of this chapter or code, fails to comply with any of the requirements thereof; or erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or a directive of the building official or of a permit or certificate issued under the provisions of this code shall be subject to issuance of a stop work order as provided in Section 15.04.120, suspension or revocation of said license or permit, or such other remedies as may be found within Title 15 of the Derby Municipal Code or otherwise allowed by law.

- H. Sections 109.1 through 109.7 of the International Fuel Gas Code are hereby deleted.
- I. Section 301.2 of the International Fuel Gas Code is hereby deleted.
- J. Section 303.3 of the International Fuel Gas Code is hereby amended to read as follows:

303.3 Prohibited locations. Fuel-fired appliances shall not be located in, or obtain combustion air from, any of the following rooms or spaces:

1. Sleeping rooms.
2. Bathrooms.
3. Storage closets.
4. Surgical rooms

Exception: This section shall not apply to the following appliances:

1. Direct-vent appliances that obtain all combustion air directly from the outdoors.
2. Solid fuel-fired appliances provided that the room is not a confined space and the building is not of unusually tight construction.
3. Appliances installed in a dedicated enclosure in which all combustion air is taken directly from the outdoors or other approved areas.

K. Section 306.5 of the International Fuel Gas Code is hereby amended to read as follows:

306.5 Equipment and appliances on roofs or elevated structures. Where equipment and appliances requiring access are installed on roofs or elevated structures at a height exceeding 16 feet (4877 mm), such access shall be provided by a permanent approved means of access, the extent of which shall be from eight (8) feet above grade to the equipment and appliances' level service space. Such access shall not require climbing over obstructions greater than 30 inches (762 mm) high or walking on roofs having a slope greater than 4 units vertical in 12 units horizontal (33-percent slope). Permanent ladders installed to provide the required access shall comply with the following minimum design criteria:

1. The side railing shall extend above the parapet or roof edge not less than 30 inches (762mm).
2. Ladders shall have rung spacing not to exceed 14 inches (356 mm) on center.
3. Ladders shall have a toe spacing not less than 6 inches (152 mm) deep.
4. There shall be a minimum of 18 inches (457 mm) between rails.
5. Rungs shall have a minimum 0.75-inch (19 mm) diameter and be capable of withstanding a 300-pound (136.1 kg) load.
6. Ladders over 30 feet (9144 mm) in height shall be provided with offset sections and landings capable of withstanding 100 pounds (488.2 kg/m²) per square foot.
7. Ladders shall be protected against corrosion by approved means. Catwalks installed to provide the required access shall be not less than 24 inches (610 mm) wide and shall have railings as required for service platforms.

Exception: This section shall not apply to Group R-3 occupancies.

L. Section 309.2 of the International Fuel Gas Code is hereby deleted.

M. Section 403.4.3 of the International Fuel Gas Code is hereby amended to read as follows:

403.4.3 Copper and brass. Copper and brass shall not be acceptable as piping material for liquid petroleum fuel gas.

N. Section 403.5.2 of the International Fuel Gas Code is hereby deleted.

O. Section 404.12 of the International Fuel Gas Code is hereby amended to read as

follows:

404.12 Minimum burial depth. Underground piping systems shall be installed a minimum depth of 12 inches for metallic piping and 18 inches for non-metallic piping below grade, except as provided in Section 404.9.1.

- P. Section 406.4.1 of the International Fuel Gas Code is hereby amended to read as follows:

406.4.1 Test pressure. Test pressure shall be measured with a manometer or with a pressure-measuring device designed and calibrated to read, record, or indicate a pressure loss caused by leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made. In performing the prescribed piping tests as required elsewhere in this code, a spring type gauge may be used provided: The maximum capacity of the gauge used for the ten (10) psi for fifteen (15) minute test be thirty (30) psi; and, the maximum capacity of the gauge used for the sixty (60) psi for thirty (30) minute test be one-hundred (100) psi.

- Q. Section 414.2 of the International Fuel Gas Code is hereby amended to read as follows:

414.2 Interconnection for standby fuel. Where supplementary gas for standby use is connected downstream from a meter or a service regulator where a meter is not provided, a device to prevent backflow shall be installed. A three-way valve installed to admit the standby supply and at the same time shut off the regular supply shall be permitted to be used for this purpose. In areas where natural gas is available for use as a fuel gas, it shall be used as the primary source of fuel gas for R-1, R-2, R-3, and R-4 type occupancies.

- R. Section 503.2.2 of the International Fuel Gas Code is amended to read as follows:

503.2.2 Well-ventilated spaces. Where located in a large and well-ventilated space, industrial appliances shall be permitted to be operated by discharging the flue gases directly into the space when approved by the building official.

Section 3. Repeal

Original sections 15.48.010 and 15.482.020 of the Derby Municipal Code are hereby repealed. All other provisions of the Municipal Code of the City of Derby, Kansas shall remain in full force and effect except as specifically amended herein. All other ordinances or parts of other ordinances in conflict herewith are repealed. However, any section of an existing ordinance not in conflict herewith is not repealed and remains in full force and effect.

Section 4. Severability

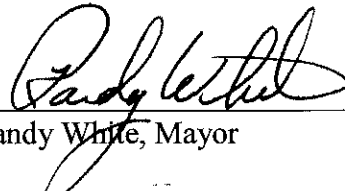
Should any section, clause, sentence, or phrase of this ordinance be found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any remaining provisions herein.

Section 5. Effective Date

This Ordinance shall take effect and be in force from and after its passage and publication of the ordinance or a summary thereof once in the City's official newspaper as provided by State law.

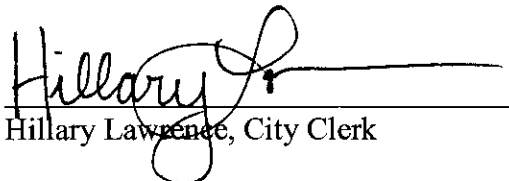
PASSED by the City Council on the 10th day of December, 2019, and

SIGNED by the Mayor.



Randy White, Mayor


ATTEST:



Hillary Lawrence, City Clerk



Approved as to form:



Jacqueline R. Butler, City Attorney