

**BOARD OF COUNTY COMMISSIONERS
OF
FRANKLIN COUNTY, KANSAS**

RESOLUTION NO. 05-30

A RESOLUTION ADOPTING REGULATIONS FOR THE FABRICATION, ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, MOVEMENT, PLACEMENT, LOCATION AND USE OF DWELLINGS, COMMERCIAL AND INDUSTRIAL STRUCTURES, THEIR APPURTENANCES AND ACCESSORY STRUCTURES INCLUDING ELECTRICAL, PLUMBING AND MECHANICAL SERVICES REQUIRED FOR SUCH STRUCTURES WITHIN THE UNINCORPORATED TERRITORY OF FRANKLIN COUNTY, KANSAS; AND PROVIDING FOR THE ISSUANCE OF PERMITS, ESTABLISHING FEES AND PROVIDING FOR PENALTIES FOR VIOLATION OF THIS RESOLUTION.

WHEREAS, pursuant to K.S.A. 12-3303, the Board of County Commissioners of Franklin County, Kansas has published in the official County paper on March 8, 2005 notice of a Public Hearing to consider the adoption by reference of the 2003 International Residential Code; the 2003 International Building Code; the 2003 International Plumbing Code; the 2003 International Mechanical Code; the 2003 International Code Council Electrical Code and the 2002 National Electrical Code; the 2003 International Fuel Gas Code and the 1998 International Code Council and American National Standards Accessibility Code for the unincorporated areas of Franklin County, Kansas; and WHEREAS, in accordance with the provisions of K.S.A. 12-3303, the Board of County Commissioners held a public hearing on March 30, 2005 to consider said codes; and WHEREAS, after consideration of said codes, together with the recommendation of the Building Code Board of Appeals and public testimony, the Franklin County Board of County Commissioners finds the adoption of said Codes to be in the public interest and necessary to promote the public health, safety and general welfare.

NOW, THEREFORE, BE IT RESOLVED, that the Franklin County Board of County Commissioners does hereby adopt the 2003 International Residential Code; the 2003 International Building Code; the 2003 International Plumbing Code; the 2003 International Mechanical Code; the 2003 International Code Council Electrical Code; and the 2002 National Electrical Code; the 2003 International Fuel Gas Code and the 1998 International Code Council and American National Standards Accessibility Code published by the International Code Council, 4051 Flossmoor Road, Country Club Hills, Illinois including all appendixes, amendments and supplements thereto, with the following additions and amendments, for the Unincorporated Territory of Franklin County, Kansas.

Section 1:The 2003 International Codes (hereinafter referred to as the "Building Code") and all amendments and supplements thereto, are hereby adopted by reference as provided in K.S.A. 12-3303 and made a part hereof as if fully set out herein save and except certain sections or portions thereof specifically referred to and omitted therefrom or as amended or modified herein.

Section 2:Not less than three (3) copies of last edition of the Building Code shall be marked or stamped in the manner provided by K.S.A. 12-3304, with all sections or portions thereof intended to be omitted clearly marked and showing portions that are amended and to which shall be attached a copy of all amendments, and shall be filed with the County Clerk and shall be open to the public at all reasonable business hours. Official copies of such code shall be supplied at the cost of the County to the officials and agencies in the manner listed and set forth in K.S.A. 12-3304.

Section 3.Section R 105.1 is hereby amended to read as follows:

Permits

(a). No building or manufactured home shall be erected, constructed, altered, moved, converted, extended, or enlarged, except exclusively for agricultural purposes, without the owner or owners first having obtained a building permit. Such permit shall require conformity with the provisions of this Resolution. When issued, such permit shall be valid for a period of six (6) months from date of issuance.

(b). No building permit lawfully issued prior to the effective date of this Resolution, or of any amendment hereto, and which permit, by its own terms and provisions, is in full force and effect at said date, shall be invalidated by the passage of this Resolution, or any such amendment, but shall remain a valid and subsisting permit, subject only to its own terms, provisions, resolutions, rules and regulations appertaining thereto, and in effect at the time of the issuance of said permit, provided that all such permits shall expire not later than sixty (60) days from the effective date of this resolution unless actual construction shall have theretofore begun and continued pursuant to the terms of said permit.

Section 4. Section R105.3 is hereby amended to read as follows:

Application for Permit – Specifications and Plans Required.

With each application for a building permit, and when required by the building official for enforcement of any provisions of this Building Code, two (2) sets of plans and specifications shall be submitted. The building official shall review the plans to verify compliance with the Building Code.

Plot/site plans shall be drawn and shall show in detail that the plot and site conform to the provisions of this Building Code and all relevant laws, ordinances, rules and regulations. Plans shall include a plot plan drawn to scale, showing the locations of all easements, sewage disposal system, drainage facilities, adjacent grades, property lines, the proposed building and every existing building on the property.

Section 5. Section R108.2 is hereby amended as follows:

Fees:

Building permit fees shall be calculated based on the following table and are not refundable:

SINGLE FAMILY STRUCTURES/ADDITIONS; FEE

Garages, decks and patios\$ 50.00

Additions (with electrical/plumbing/HVAC)\$ 75.00

Single-wide mobile home\$175.00

Less than 2,000 square foot total finished living space\$275.00

Between 2,000 and 4,000 square foot total finished living space\$425.00

Over 4,000 square foot total finished living space\$650.00

Re-inspections\$ 25.00

Building without a building permit (fines)\$100.00

COMMERCIAL/INDUSTRIAL STRUCTURES; FEE

NEW STRUCTURES or building, NEW ADDITIONS or effected area or remodel (Total floor space, including garage, basement, porch, etc.); (Includes plumbing, electrical and mechanical.)

Less than 500 square feet\$ 150.00

Between 501 to 1,000 square feet\$ 250.00

Between 1,001 and 2,000 square feet\$ 350.00

Between 2,001 and 3,000 square feet\$ 500.00

Between 3,001 and 4,000 square feet\$ 650.00

Between 4,001 and 5,000 square feet\$ 900.00
Between 5,0001 and 10,000 square feet\$ 1,200.00
Between 10,001 and 20,000 square feet\$ 1,500.00
Between 20,001 and 30,000 square feet\$ 2,000.00
Between 30,001 and 40,000 square feet\$ 3,000.00
Between 40,001 and 50,000 square feet\$ 4,000.00
Between 50,001 and 60,000 square feet\$ 5,000.00
Between 60,001 and 70,000 square feet\$ 6,000.00
Between 70,001 and 80,000 square feet\$ 7,000.00
Between 80,001 and 90,000 square feet\$ 8,000.00
Between 90,001 and 100,000 square feet\$ 9,000.00
Between 100,001 and 120,000 square feet\$10,000.00
Between 120,001 and 140,000 square feet\$11,000.00
Between 140,001 and 160,000 square feet\$12,000.00
Between 160,001 and 180,000 square feet\$13,000.00
Between 180,001 and 200,000 square feet\$14,000.00
Over 200,001 square feet\$15,000.00

COMMERCIAL/INDUSTRIAL REPAIRS/ALTERATIONS:

Misc. repairs and minor alterations (awnings, cutting of doorways, foundation repairs, ramps, porches and decks)\$ 50.00

ELECTRICAL\$ 50.00

PLUMBING\$ 50.00

HVAC MECHANICAL\$ 50.00

DEMOLITIONS:

Commercial Buildings\$100.00

Residential & Misc. structures\$ 50.00

Building permit fees will be reimbursed to the Planning/Building Department.

Section 6:Section R112.1 is hereby amended to read as follows:

Board of Appeals.

General: In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals.

Organization and Members: The Building Code Board of Appeals ("board") shall consist of five (5) members who are qualified by experience and training to pass upon matters pertaining to construction. The membership of the board shall consist of one of the following qualifications: (1) a licensed professional engineer; (2) a licensed professional architect; (3) a building contractor or superintendent of building construction; (4) a licensed plumber, electrician or other licensed individual in the building trades. Each member of the Building Code Board of Appeals shall have had ten (10) years of experience, no less than five (5) years of which shall have been in a position of responsible authority on building projects. No more than two (2) members may be selected from the same profession, business or trade and at least one of the members shall have professional registration and engineering experience as a structural, civil, or architectural engineer or architect. The building official shall be an exofficio member and shall act as secretary to the board. The Building Code Board of Appeals shall be appointed by the Board of County Commissioners and shall hold office at the Commissioner's pleasure. The board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings to the County Commissioners such new legislation as is consistent therewith. The Building Code Board of Appeals shall elect or re-elect a

chairman and a vice-chairman from the membership with the said election to occur annually. Rules, Meetings and Records: The Building Code Board of Appeals shall adopt rules to govern its proceedings in accordance with the provisions of this subsection. (1) Meetings of the Building Code Board of Appeals shall be held at least once each month if there is business for the board to consider but may be held at other times at the call of the chairman and at such other times as the Building Code Board of Appeals may determine. All hearings before the Building Code Board of Appeals shall be open to the public and the news media, and all other parties requesting notice shall be notified of such meetings. (2) The Building Code Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon every question. (3) The Building Code Board of Appeals shall keep records of hearing, examinations and all other official actions. Such minutes and such records shall be public record.

Appeals. Any person whose application for building permit for the use of any alternate material or type of construction has been refused by the building official, or who may consider that the provisions of this Building Code do not cover the point raised, or who may consider that any particular provisions would cause a manifest injury to be done may appeal to the Building Code Board of Appeals by serving written notice on the building official in which it shall be stated that the applicant desiring to use the alternate materials or types of construction shall guarantee payment of all expenses for necessary tests made or ordered by the Building Code Board of Appeals. Such notice shall be at once transmitted to the Building Code Board of Appeals, which the board shall arrange for a hearing on the particular point raised. The Building Code Board of Appeals shall meet upon notice from the chairman within twenty-one (21) days of the filing of an appeal. It shall be the responsibility of the applicant to notify any third party or parties the applicant wishes to be present at the meeting.

Section 7. Section R112.2.21 is hereby amended to read as follows:

Permits in areas prone to flooding

Any person, firm, company or corporation moving, constructing, placing, installing, enlarging, altering, repairing or replacing any building or structure in flood prone areas shall be subject to a "Development Permit" as authorized in Article 16, Section 16-6 et seq. of the Franklin County Zoning Regulations and the Franklin County Floodplain Management Regulations, in addition to all other requirements for such buildings or structures as required by the International Building Codes. Flood prone areas are those areas identified on the Flood Insurance Rate Maps as areas of Special Flood Hazard shown on the 100-year flood maps prepared by the Federal Emergency Management Agency for the National Flood Insurance Program effective June 3, 1991, and any amendments or revisions thereto.

Section 8. Licensure of Plumbers, Electricians and Heating, Ventilation, and Air Conditioning (HVAC). All plumbers, electricians and heating, ventilation and air conditioning (HVAC) practicing their respective trades within the Unincorporated Territory of Franklin County shall hold a valid license from some State of Kansas jurisdiction. This license shall be subject to the requirements of K.S.A. 12-1508 et seq and any amendment thereto and K.S.A. 12-1525 et seq and any amendments thereto. Any homeowner or the agent thereof, shall be allowed to do his own electrical and plumbing work. However, after the third failure to pass an electrical or plumbing inspection, a licensed tradesperson will be required to finish the work.

Section 9. Relocation of Buildings.

Any building moved into or within the Unincorporated Territory of Franklin County shall comply with the requirements in the Building Code adopted by this Resolution.

Section 10. Validity.

If any section, paragraph, subdivision, clause, phrase or provision of this Resolution shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Resolution as a

whole or any part provision thereof, other than the part so decided to be invalid or unconstitutional.

Section 11.Effective Date.

This resolution shall take effect and be in force after its publication in the official County newspaper.

This resolution supercedes and replaces Resolution 00-65.

PASSED AND ADOPTED by the Franklin County Board of County Commissioners this 30th day of March 2005. This action shall become effective upon publication in the official county newspaper.

/s/ Donald E. Waymire 9; /s/ John E. Taylor

Donald E. Waymire John E. Taylor

Commissioner District 1 Commissioner District 2

/s/ Roy C. Dunn; /s/ Donald C. Hay

Roy C. DunnDonald C. Hay

Commissioner District 3#9; Commissioner District 4

/s/ Donald R. Stottlemire

Donald R. Stottlemire

Commissioner District 5

Received and recorded this the 30th day of March 2005.

/s/ Shari Perry

Shari Perry

County Clerk