

ORDINANCE NO. 2414

AN ORDINANCE AMENDING CHAPTER 15.16 OF THE DERBY MUNICIPAL CODE, INCORPORATING BY REFERENCE THE INTERNATIONAL PLUMBING CODE, 2018 EDITION, WITH CERTAIN AMENDMENTS AND DELETIONS THERETO AND EXCLUDING ITS SEVERAL APPENDICES; ALL PERTAINING TO THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITIONS TO, AND USE OR MAINTENANCE OF PLUMBING SYSTEMS WITHIN THE CITY OF DERBY; AMENDING AND REPEALING SECTION 15.16.010 OF THE DERBY MUNICIPAL CODE AND PROVIDING SUBSTITUTE PROVISIONS THEREFORE; AND FURTHER AMENDING CHAPTER 15.16 OF THE DERBY MUNICIPAL CODE BY ADDITION OF NEW SECTION 15.16.020.

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

Section 1. Section 15.16.010 of the Derby Municipal Code is hereby amended to read as follows:

“ 15.16.010 - Incorporation by Reference of 2018 International Plumbing Code.

There is hereby incorporated by reference for the purpose of providing minimum regulations for the construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, and use or maintenance of any building or structure, the “International Plumbing 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 Plumbing Code when placed on file by the Director of Planning & Engineering. One official copy of said International Plumbing Code shall be marked or stamped “Official Copy as Incorporated by Reference by Ordinance No. 2414,” 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 Plumbing Code similarly marked, deleted, and changed as may be expedient.”

Section 2. Section 15.16.020 of the Derby Municipal Code is hereby added and is enacted to read as follows:

“15.44.020 - Amendments to the 2018 International Plumbing Code.

The following amendments and deletions to the International Building Code incorporated by Section 15.16.010 of this article are hereby adopted:

A. Section R101.1 of the International Plumbing Code is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the City of Derby, Kansas Plumbing Code.

B. Section 101.2 of the International Plumbing Code is hereby adopted to read as follows:

101.2 Scope. The provisions of this code shall apply to the erection, installation, alteration, repairs, relocation, replacement, addition to, and use or maintenance of plumbing systems within this jurisdiction. This code shall also regulate nonflammable medical gas, inhalation anesthetic, vacuum piping, non-medical oxygen systems and sanitary and condensate vacuum collection systems. The installation of fuel gas distribution piping and equipment, fuel-gas-fired water heaters and water heater venting systems shall be regulated by the City of Derby, Kansas Fuel Gas Code.

C. Section 103.4 of the International Plumbing 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 106.3.1 of the International Plumbing Code is hereby amended to read as follows:

106.3.1 Construction documents. Construction documents, engineering calculations, diagrams and other such data shall be submitted in two or more sets with each application for a permit. The code official shall require construction documents, computations and specifications to be prepared and designed by a registered design professional registered in the State of Kansas when required by state law. Construction documents shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that the work conforms to the provisions of this code. Construction documents for buildings more than two stories in height shall indicate where penetrations will be made for pipe, fittings and components and shall indicate the materials and methods for maintaining required structural safety, fire-resistance rating and fireblocking.

Exception: The code official shall have the authority to waive the submission of construction documents, calculations or other data for one and two-family dwellings if the nature of the work applied for is such that reviewing of construction documents is not necessary to determine compliance with this code.

E. Section 106.6.2 of the International Plumbing Code is hereby amended to read as follows:

106.6.2 Fee schedule. 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.

F. Section 106.6.3 of the International Plumbing 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 107.1 of the International Plumbing Code is hereby amended to read as follows:

107.1 Required inspections and testing. The code official, upon notification from the permit holder or the permit holder's agent, shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or an agent of any violations that must be corrected. The holder of the permit shall be responsible for the scheduling of such inspections.

1. Underground inspection shall be made after trenches or ditches are excavated and bedded, piping installed, and before any backfill is put in place.
2. Rough-in inspection shall be made after all sanitary, storm and water distribution piping is roughed-in, and prior to the installation of wall or ceiling membranes.
3. Final inspection shall be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

H. Section 108.4 of the International Plumbing 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.

I. Section 108.5 of the International Plumbing Code is hereby amended to read as follows:

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; provided, that where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. The notice shall state the conditions under which work is authorized to resume. No person 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 by the code official to remove a violation or unsafe condition.

J. Sections 109.1 through 109.7 of the International Plumbing Code are hereby deleted.

K. Section 304.4 of the International Plumbing Code is hereby amended to read as follows:

304.4 Openings for pipes. In or on structures where openings have been made in walls, floors or ceilings for the passage of pipes, such openings shall be closed and protected with approved caulking materials.

L. Section 313.1 of the International Plumbing Code is hereby deleted.

M. Section 404.1 of the International Plumbing Code is hereby amended to read as follows:

404.1 Where required. Accessible plumbing facilities and fixtures shall be provided in accordance with the American's with Disabilities Act ("ADA" or "The Act").

N. Section 502.1 of the International Plumbing Code is hereby amended to read as follows:

502.1 General. Water heaters shall be installed in accordance with the manufacturer's installation instructions. Oil-fired water heaters shall conform to the requirements of this code and the City of Derby, Kansas Mechanical Code. Electric water heaters shall conform to the requirements of this code and provisions of the City of Derby, Kansas Electric Code. Gas-fired water heaters shall conform to the requirements of the City of Derby, Kansas Fuel Gas Code.

O. Section 504.3 of the International Plumbing Code is hereby amended to read as follows:

504.3 Shutdown. A means for disconnecting an electric hot water supply system from its energy supply shall be provided in accordance with the *National Electric Code*. A separate valve shall be provided to shut off the energy fuel supply to all other types of hot water supply systems.

P. Sections 607.2 and 607.2.1 of the International Plumbing Code are hereby deleted.

Q. Section 701.2 of the International Plumbing Code is hereby amended to read as follows:

701.2 Sewer required. Every building in which plumbing fixtures are installed and all premises having drainage piping shall be connected to a public sewer, where available, or a private sewage disposal system approved by the Utilities Manager of the City of Derby, Kansas.

R. Section 701.3 of the International Plumbing Code is hereby amended to read as follows:

701.3 Separate sewer connection. Every building having plumbing fixtures installed and intended for human habitation, occupancy or use on premises abutting on a street, alley or easement in which there is a public sewer shall have a separate connection with the sewer. The Utilities Manager of the City of Derby, Kansas shall have the authority to approve a common building sewer that connects to the public sewer.

S. Section 702.3 of the International Plumbing Code is hereby amended to read as follows:

702.3 Building sewer pipe. Building sewer pipe shall conform to one of the standards listed in Table 702.3. with the exclusion of any type of cellular core, foam core, and SDR type pipe to be used outside the perimeter of the structure.

T. Section 904.1 of the International Plumbing Code is hereby amended to read as follows:

904.1 Roof extension. All open vent pipes that extend through a roof shall be terminated at least 12 inches above the roof. The vent system serving each drain shall have not less than one vent pipe that extends outdoors.

Section 3. Repeal

Original section 15.16.010 of the Derby Municipal Code is 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

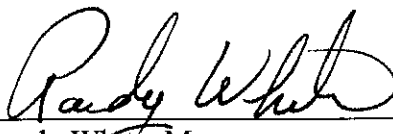
Should any section, clause, sentence, or phrase of this ordinance be found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any remaining provisions herein.

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.

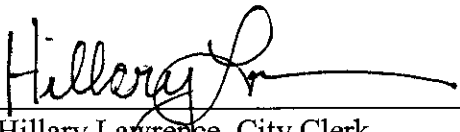
PASSED by the City Council on the 10th day of December, 2019, and

SIGNED by the Mayor.



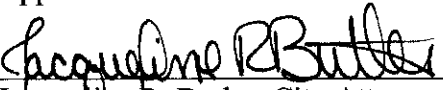
Randy White, Mayor

ATTEST:



Hillary Lawrence, City Clerk

Approved as to form:



Jacqueline R. Butler, City Attorney

