

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

**ORDINANCE NO. 2416**

**AN ORDINANCE AMENDING CHAPTER 15.24 OF THE DERBY MUNICIPAL CODE, INCORPORATING BY REFERENCE THE INTERNATIONAL MECHANICAL 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 MECHANICAL SYSTEMS, APPLIANCES, AND DEVICES; AMENDING AND REPEALING SECTION 15.24.010 OF THE DERBY MUNICIPAL CODE AND PROVIDING SUBSTITUTE PROVISIONS THEREFOR; AND FURTHER AMENDING CHAPTER 15.24 BY THE ADDITION OF NEW SECTION 15.24.020.**

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

**Section 1.** Section 15.24.010 of the Derby Municipal Code is hereby amended to read as follows:

**“15.24.010 - Incorporation by Reference of 2018 International Mechanical 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 mechanical systems, appliances, and devices, the International Mechanical 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 Mechanical Code when placed on file by the Director of Planning & Engineering. One official copy of said International Mechanical Code shall be marked or stamped “Official Copy as Incorporated by Reference by Ordinance No. 2416,” 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 Mechanical Code similarly marked, deleted, and changed as may be expedient.”

**Section 2.** Section 15.24.020 of the Derby Municipal Code is hereby added and is enacted to read as follows:

**“15.24.020 - Amendments to the 2018 International Mechanical Code.**

The following amendments and deletions to the International Mechanical Code incorporated by Section 15.24.010 of this article are hereby adopted:

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

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

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

**106.3 Application.** Activity authorized by a permit issued under this Code shall be conducted by the permittee or the permittee's agents or employees in compliance with all requirements of this Code applicable thereto and in accordance with the approved plans and specifications. No permit issued under this Code shall be interpreted to justify a violation of any provision of this Code or any other applicable law or regulation. The permit applicant shall be responsible for satisfying all requirements of applicable City of Derby codes and amendments. Any addition or alteration of approved plans or specifications shall be approved in advance by the building official, as evidenced by the issuance of a new or amended permit.

- E. Section 106.3.1 of the International Mechanical Code is hereby amended to read as follows:

**106.3.1 Construction documents.** Construction documents, engineering calculations, diagrams and other 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 registered design professional having a valid State of Kansas license. Where special conditions exist, the code official is authorized to require additional construction documents to be prepared by a registered design professional. 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 mechanical systems, and 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 if the nature of the work applied for is such that reviewing of construction documents is not necessary to determine compliance with this code.

- F. Section 106.4 of the International Mechanical Code is hereby amended to read as follows:

**106.4 Permit issuance.** The building official shall be authorized to establish and issue permits, certificates, notices and approvals, or orders pertaining to mechanical safety hazards pursuant to the current City of Derby Building Code.

- G. Section 106.5 of the International Mechanical Code is hereby amended to read as follows:

**106.5 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.

- H. Section 106.5.2 of the International Mechanical Code is hereby deleted.
- I. Section 106.5.3 of the International Mechanical Code is hereby amended to read as follows:

**106.5.3 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.

- J. Section 108.4 of the International Mechanical 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.

- K. Sections 108.5 through 109.7 of the International Mechanical Code are hereby deleted.

- L. Section 303.3 of the International Mechanical 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.

M. Section 306.5 of the International Mechanical 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.
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/m<sup>2</sup>) 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.

N. Section 307.2.1 of the International Mechanical Code is hereby amended to read as follows:

**307.2.1 Condensate disposal.** Condensate from all cooling coils and evaporators shall be conveyed from the drain pan outlet to an approved place of disposal. Condensate shall not discharge into a street, alley, public way, or other areas so as to cause a nuisance.

O. Section 506.3.11 of the International Mechanical Code is hereby amended to read as follows:

**506.3.11 Grease duct enclosure.** A grease duct serving a Type I hood that penetrates a ceiling, wall or floor shall be enclosed from the point of penetration to the outlet terminal. A duct shall penetrate exterior walls only at locations where unprotected openings are permitted by the International Building Code. Ducts shall be enclosed in accordance with the International Building Code requirements for shaft construction. The duct enclosure shall be sealed around the duct at the point of penetration and vented to the outside of the building through the use of weather-protected openings. Clearance from the duct to the interior surface of enclosures of combustible construction shall be not less than 18 inches (457 mm). Clearance from the duct to the interior surface of enclosures of noncombustible construction or gypsum wall board attached to noncombustible structures shall be not less than 3 inches (152 mm). The duct enclosure shall serve a single grease exhaust duct system and shall not contain any other ducts, piping, wiring or systems.

- P. Section 1009.1 of the International Mechanical Code is hereby amended to read as follows:

**1009.1 Where required.** An expansion tank shall be installed in every hot water system. For multiple boiler installations, a minimum of one expansion tank is required. Expansion tanks shall be of the closed or open type. Tanks shall be rated for the pressure of the hot water system.

**Exception:** Group R-3, R-2 occupancy.

### **Section 3. Repeal**

Original sections 15.24.010 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**

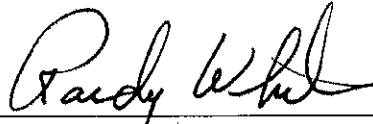
Should any section, clause, sentence, or phrase of this ordinance be found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any remaining provisions herein.

### **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 10<sup>th</sup> day of December, 2019, and

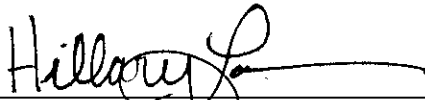
**SIGNED** by the Mayor.



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Randy White, Mayor

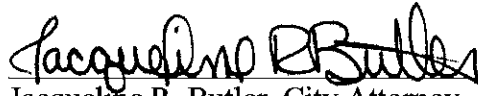
ATTEST:



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Hillary Lawrence, City Clerk

Approved as to form:



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Jacqueline R. Butler, City Attorney

