

**BUTLER COUNTY**  
**BUILDING CODE**  
**2016**

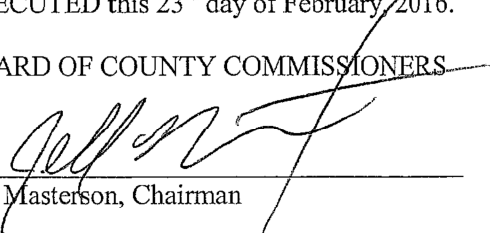
AS ADOPTED BY THE BUTLER COUNTY  
BOARD OF COMMISSIONERS BY RESOLUTION  
16-06 ON THE 23RD OF FEBRUARY, 2016

Department of Community Development

This Code shall become effective from and after the date of adoption by the Board of County Commissioners and publication of the adopting resolution in the official County newspaper.


EXECUTED this 23<sup>rd</sup> day of February, 2016.

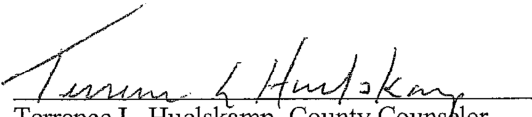
BOARD OF COUNTY COMMISSIONERS

  
\_\_\_\_\_  
Jeff Masterson, Chairman

ATTEST

APPROVED AS TO FORM

  
\_\_\_\_\_  
Don Engels, County Clerk

  
\_\_\_\_\_  
Terrence L. Huelskamp, County Counselor





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# ARTICLE 1. ADMINISTRATION, PERMITS, LICENSING AND FEES

## 101. Title.

This article shall be known as the Administration, Permits, Licensing and Fees section of the Butler County Building Code adopted by Resolution 98-73, 29<sup>th</sup> of September, 1998 by the Board of County Commissioners

## 102. Permit fees.

Building, electrical, mechanical, plumbing code permit fees are set forth by Resolution 99-02 that being Table 1-A of the 1997 Uniform Building Code, adopted 11<sup>th</sup> January, 1999 by the Board of County Commissioners

TOTAL VALUATION	FEE
\$1.00 to \$500.00	\$23.50
\$501.00 to \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, up to \$2,000.00
\$2,001.00 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00 up to \$25,000.00
\$25,001.00 to \$50,000.00	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00 up to \$50,000
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00 up to \$100,000.00
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1000.00 up to \$500,000.00
\$ 500,001.00 to \$1,000,000.00	\$3, 233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00 up to \$ 1M
\$1,000,001 and up	\$5608.75 for the first \$1,000,000.00 plus \$3.65 for each additional \$1000.00
<b>Other Inspection Fees:</b>	
1. Inspections outside of business hours.....	\$47.00 per hr (a)
2. Inspections for which no fee is specifically indicated .....	\$47.00 per hr (a) (1/2 hour min)
3. Reinspection fees as per section 305.8.....	\$47.00 per hr (a)
4. Additional plan review required by changes.....	\$47.00 per hr (a) (1/2 hr min)
5. for use of outside consultants for plan review or inspection.....	Actual cost (b)
(a) Or the total hourly cost to the jurisdiction, whichever is greatest, to include Administrative, equipment and wage expenses	
(b) To include Administrative and overhead costs	

Exemptions: As per Resolution 98-73, Article 1

*EXEMPTIONS: All permits for nonresidential structures utilized solely for agricultural purposes shall be exempt from paying fees as set forth in a fee schedule to be established by the Board of County Commissioners.*

## 103. Contractor licensing requirements.

(a) CONTRACTOR; DEFINITION. A contractor, within the meaning of this Chapter, is any person who undertakes, with or for another, to build, construct, alter, repair, add to or wreck any building or structure, or any portion thereof, within the boundaries of un-incorporated Butler County, for which a permit is required; or who advertises or otherwise represents to the public to have the capacity or ability to undertake to build, construct, alter, repair, add to or wreck any building or structure, either on his own or

other property, for purposes of speculation. A contractor shall be responsible for all work included in his contract, whether or not he does such work directly or by subcontractor. He shall be responsible for all funds or property received by him for prosecution or completion of a specific contract or for a specific purpose.

(b) LICENSE REQUIRED.

(1) A Building Trade license shall be issued to a person in responsible charge of a business or corporation. A Building Trade license shall not be issued to a business or corporation without naming an individual as the license holder. Contact information for any licensed individual must include; name, current address – both work and home addresses, e-mail address and any phone, fax or mobile telephone numbers assigned to the individual or the business or corporation represented by the individual. No building permit for any work covered by the provisions of this Chapter shall be issued to any contractor who has not first obtained the applicable license, who is delinquent in any payment or fee(s), or whose license has been revoked by action of the governing body. It is further unlawful for any person to enter into a contract with another so as to bring him/herself under the classification of a contractor as defined in this Chapter for any work under a contract, without having first obtained a contractor's license.

(2) WORK BY OWNER. The owner of any single family dwelling not exceeding two stories in height, shall not be required to obtain a contractor's license, but shall be required to obtain permits, to construct, enlarge, alter, repair, improve, convert or perform any work on the residence, except as exempted by the Residential Building Code as referenced in Article 6 of the Building Code of Butler County. Licenses shall be required for all work performed by subcontractors. Owners of commercial or industrial properties shall comply with licensing and permitting requirements prior to the performance of any work regulated by this Section.

(c) LICENSE FEE. The Building Trade license fee shall be fifty dollars (\$50.00) for each license issued.

(d) LICENSE EXPIRATION. All Building Trade licenses shall expire on December 31st of the year in which the license is issued. License renewal application forms will be mailed by the Building Department to all currently licensed contractors prior to the expiration date. Any licenses renewed on or before December 31st shall require payment of the license fee set forth in Paragraph (c) of this section.

(e) LICENSES IN EFFECT. All valid and existing contractors licenses issued prior to the adoption of this Ordinance shall remain valid and may be renewed as required by Section 103 (d)

(f) CERTIFICATE OF INSURANCE. Prior to the issuance of a Building Trade license, the applicant shall file a certificate of insurance reflecting comprehensive general liability insurance coverage in an amount not less than one hundred thousand dollars (\$100,000.00) for each occurrence and aggregate for bodily injury and property damage combined. Comprehensive general liability shall include the following coverage: independent contractor and contractual. Upon receipt of any notice of cancellation or alteration of said insurance, Contractor shall within five (5) days procure other policies of insurance in compliance with this Article of the Butler County Building Code and if the Contractor fails to provide, procure and deliver acceptable certificates thereof, it shall be cause for immediate cancellation of the Contractor's license.

(g) REVOCATION OF LICENSE. Any person, firm or corporation licensed to do business as a Contractor may have said license revoked, suspended or denied by the governing body or Board of Appeals provided that person, firm or corporation is served with notice to appear at a hearing before the governing body or Board of Appeals to show cause why said license should not be revoked. The Building Official may

issue a letter of conditions or violations prior to serving such notice. A notice to appear must be served not less than five (5) days prior to the hearing. Failure to appear shall constitute a waiver to show cause and the governing body or Board of Appeals may revoke, suspend or deny a license application without further consideration.

(h) **PENALTIES.** As per Resolution 98-73, Article 7: Penalties

*VIOLATIONS: Any person, company, corporation, institution, municipality or agency of the State of Kansas who violates any provision of the Butler County Building Code as adopted above and amended hereafter shall be subject to the penalties and remedies provided for in this Article. A violation of this code shall be deemed to be a misdemeanor and punishable by a fine not to exceed two hundred dollars (\$200.00) for each offense, and each day's violation shall constitute a separate offense.*

*OTHER REMEDIES: Whenever any building or structure is or is proposed to be erected, constructed, altered, converted or maintained in violation of any building code, the Board of County Commissioners, in addition to other remedies, may institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful activity or to correct or abate violation of this act.*

## **104. Board of appeals.**

As per Resolution 98-73, Article 4: Board of Appeals

*GENERAL: In order to hear and decide appeals of decisions, orders or determinations made by the building officials relative to the application and interpretation of the above listed codes adopted by incorporation and to determine the suitability of alternate materials and methods of construction and installation, there shall be and is hereby created a single Board of Appeals consisting of 5 members who are engineers, architects or craftsmen qualified by experience and training in one or more of the areas related to building construction, mechanical design, electrical systems and equipment, plumbing, security systems and fire prevention systems. The members of the Board of Appeals shall not be County employees. The building official in charge of enforcing the codes shall be an ex officio member, shall act as secretary to said Board and shall have no vote on any matter before the Board.*

*TERMS AND APPOINTMENT: Members of the Board of Appeals shall be appointed by the County Commission and shall be residents of Butler County, Kansas. Positions 1 and 2 shall be 3 year terms, positions 3 and 4 shall be 2 year terms and position 5 shall be a one year term. Positions 3, 4 and 5 shall become three year terms after the expiration of the initial term of office. The members of the Board shall receive no compensation except for expenses such as traveling, meals and training.*

*ORGANIZATION: The Board shall meet, organize and adopt rules of procedure for conducting its business. The Board shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.*

*LIMITATIONS OF AUTHORITY: The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this code, nor shall the Board be empowered to waive any requirements of this code.*

## **105. Official copies.**

As per K.S.A. 12-3304. Counties; adoption of codes by reference; filing copy of adopted code; furnishing copies.

As per Butler County Resolution 98-73, Article 3: ADOPTION BY INCORPORATION

*The following Uniform, National and International Codes shall be incorporated, by reference in this Resolution and shall constitute the minimum standards for the construction, reconstruction Alteration remodeling, occupancy, location or maintenance of buildings and structures. At least three copies of the below stated codes shall be stamped "official copy". They shall clearly show those portions of a code omitted from this resolution, have a copy of this resolution attached, be filed with the County Clerk's Office and shall be available for public inspection during normal business hours.*



## **ARTICLE 2. BUILDING CODE OF BUTLER COUNTY**

### **201. International Building Code incorporated.**

The International Building Code, 2006 Addition, including appendix chapters C, E, and K is hereby incorporated by reference herein as Article 2 of the aforementioned Butler County Building Code, save, and except such portion as are hereinafter or may hereafter be deleted or amended, as authorized and in the manner prescribed by the provisions of K.S.A. 12-3303.

### **202. Same; deletions.**

- (a) Section 101.4.4 is hereby deleted in its entirety.  
(ICC Plumbing Code by reference)
- (b) Section 101.4.5 is hereby deleted in its entirety  
(ICC Property Maintenance Code by reference)
- (c) Section 101.4.7 is hereby deleted in its entirety  
(ICC Energy Conservation Code by reference)
- (d) Section 103 is hereby deleted in its entirety.  
(Dept. of Building Safety; RES. 98-73)
- (e) Section 109.3.5 is hereby deleted in its entirety.  
(Lath and Gypsum board Insp.)
- (f) Section 109.3.7 is hereby deleted in its entirety.  
(Energy Efficiency Insp.)
- (g) Section 305.2 is hereby deleted in its entirety.  
(Daycare as Group E Occupancy)

### **203. Amendments.**

Changes, additions, and deletions to sections of the International Building Code, 2006 Edition and the appendices thereto are adopted only as set forth hereinafter:

101.1. Title.

These regulations shall be known as the Building Code of Butler County, hereinafter referred to as the "building code," the "I.B.C.," or "this code."

- (a) Section 101.4 is hereby amended by adding a new Section 101.4, which shall read as follows:

101.4. Reference codes.

101.4.1. Electrical.

Whenever used in the Building Code, the term “ICC Electrical Code” shall be construed to mean the current Electrical Code of Butler County

101.4.2. Gas.

Whenever used in the Building Code, the term “International Fuel Gas Code” shall be construed to mean the current Plumbing or Fuel Gas Code of Butler County.

101.4.3. Mechanical.

Whenever used in the Building Code, the term “International Mechanical Code” shall be construed to mean the current Mechanical Code of Butler County.

101.4.4. Plumbing.

Whenever used in the Building Code, the term “International Plumbing Code” shall be construed to mean the current Plumbing Code of Butler County.

101.4.5. Residential building.

Whenever used in the Building Code, the term “International Residential Code” shall be construed to mean the current Residential Building Codes of Butler County.

101.4.6. Fire.

Whenever used in the Building Code, the term “International Fire Code” shall be construed to mean the current Fire Codes of Butler County.

- (b) Section 104.6 Right of entry shall be amended to read as follows:

104.6. Right of entry.

The Building Official shall have authority to enter upon premises at reasonable hours for the purpose of making such inspections. Entry shall be made so as to cause the least possible inconvenience to any person in possession of the structure. If entry is denied, the enforcing officer may seek an order for this purpose from a court of competent jurisdiction

- (c) Section 108.2 is amended to include new sections 108.2.1 and 108.6 which shall read as follows:

108.2.1 Fee Schedule. As per Butler County Resolution 99-02

108.6 Fee Refund. The Building Official shall authorize any refunding of fees

- (e) Section 112 Board of Appeals shall be amended to read as follows:

112 Board of Appeals. As per Butler County Resolution 98-73, Article 4.

- (f) Section 113.4 Violation penalties shall be amended to read as follows:

113.4 Violation penalties. As per Butler County Resolution 98-73, Article 7.  
(Article 1, 103.h)

(g) Section 1604.8 Anchorage shall be amended to read as follows:

1604.8.1 General

All structures, including accessory structures shall be anchored to the ground to meet the requirements of this code. Anchorage of the roof to walls and columns, and, of walls and columns to foundations, shall be provided to resist the uplift and sliding forces that result from the application of the prescribed loads.

(g) Section 1805.2.1 shall be amended to read as follows:

1805.2.1 Frost protection. Except where otherwise protected from frost, foundation walls, piers and other permanent supports of buildings and structures shall be protected by one or more of the following methods:

- (1) Extending below the frost line of the locality;
- (2) Constructing in accordance with ASCE 32; or
- (3) Erecting on solid rock.

Exception: Freestanding buildings meeting all of the following conditions shall not be required to be protected:

- (1) Protection of freestanding accessory structures with an area of 400 square feet or less, of light framed construction, with eaves of 10 feet or less shall not be required.

Footings shall not bear on frozen soil unless such frozen condition is of a permanent character.

## **ARTICLE 3. MECHANICAL CODE OF BUTLER COUNTY**

### **301. International Mechanical Code incorporated.**

The International Mechanical Code, 2006 Edition, including all appendix chapters is hereby incorporated by reference herein as Article 3 of the aforementioned Butler County Building Code, save and except for any portion as are hereinafter or may hereafter be deleted or amended, as authorized and in the manner prescribed by the provisions of K.S.A. 12-3303.

## **302. Deletions.**

- (a) Section 102.8 Referenced codes and standards is hereby deleted in its entirety and a new Section 102.8 is hereby adopted below.
- (b) Section 103 is hereby deleted in its entirety.  
(Dept. of Mechanical Insp: Res 98-73)
- (c) Section 301.2 Energy Utilization is hereby deleted in its entirety.  
(International Energy Conservation Code)

## **303. Amendments.**

The International Mechanical Code, 2006, incorporated by reference in Section 301 herein shall be amended as follows:

(a) Section 101.1 Title. These regulations shall be known as the Mechanical Code of Butler County, hereinafter referred to as the “mechanical code,” the “I.M.C.,” or “this code.”

(b) Section 102 is amended to add a new Section 102.8 and shall read as follows:

102.8 Referenced codes and standards.

- (1) Whenever used in the Mechanical Code, the term “ICC Electrical Code” shall be construed to mean the current Electrical Code of Butler County.
- (2) Whenever used in the Mechanical Code, the term “International Fuel Gas Code” shall be construed to mean the current Plumbing or Fuel Gas Code of Butler County.
- (3) Whenever used in the Mechanical Code, the term “International Plumbing Code” shall be construed to mean the current Plumbing Code of Butler County.
- (4) Whenever used in the Mechanical Code, the term “International Building Code” shall be construed to mean the current Building of Butler County.
- (5) Whenever used in the Mechanical Code, the term “International Residential Code” shall be construed to mean the current Residential Code of Butler County.
- (6) Whenever used in the Mechanical Code, the term “International Fire Code” shall be construed to mean the current Fire Code of Butler County.

(c) Section 104.5 Right of Entry. The Building Official shall have authority to enter upon premises at reasonable hours for the purpose of making such inspections. Entry shall be made so as to cause the least possible inconvenience to any person in possession of the structure. If entry is denied, the enforcing officer may seek an order for this purpose from a court of competent jurisdiction

(d) Section 106.5.2 Fee schedule. As per Butler County Resolution 99-02

(e) Section 106.5.3 is amended as follows:

(1) The Building Official shall authorize any refunding of fees

(f) Section 108 relating to violations is amended as follows:

(1) Section 108.4 Violation penalties. As per Butler County Resolution 98-73, Article 7  
(Article 1, 103.h)

(2) Section 108.5 Stop work orders. Any person who shall continue any work after having been served with a stop work order, except such work as that person was directed to perform to remove a violation of unsafe condition, shall be subject to Resolution 98-73, Article 7  
(Article 1; 103.h)

(g) Section 109 Means of Appeal shall be amended to read as follows:

Section 109 Means of Appeal. As per Butler County Resolution 98-73, Article 4

(h) Section 305.5 shall be amended to read as follows:

Section 305.5 Protection against physical damage. Protection against physical damage in concealed locations where piping, other than cast-iron or galvanized steel, is installed through holes or notches in studs, joists, rafters, plates or similar members less than 1.5 inches from the nearest edge of the member, the pipe shall be protected by shield plates. Protective shield plates shall be a minimum of 0.062-inch thick steel, and shall cover the area where the member is notched or bored.

(Removal of shield plates 2" above sill and below top plates)

### **303.1. Effect on prior ordinances.**

All subsequent resolutions of Butler County in conflict with the forgoing are hereby repealed to the extent that such conflicts exist.

### **303.2. Severability.**

If any section, sub-section, sentence, clause or phrase of this ordinance or of the Code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this amendment and Code.

## **ARTICLE 4. ELECTRICAL CODE OF BUTLER COUNTY**

### **401. National electric code incorporated.**

The National Electrical Code, 2005 Edition, is hereby incorporated by reference herein as Article 4 of the aforementioned Butler County Building Code, save and except for any portion as are hereinafter or may hereafter be deleted or amended, as authorized and in the manner prescribed by the provisions of K.S.A. 12-3303.

## **401.1. IBC Appendix K; ICC Electrical Code Administrative provisions incorporated.**

The International Code Council Electrical Code Administrative Provisions, 2006 Edition, is hereby incorporated by reference herein and made a part of this Chapter and shall be subsection 401.1 of Article 4 of the of the aforementioned Butler County Building Code, save and except for any portion as are hereinafter or may hereafter be deleted or amended, as authorized and in the manner prescribed by the provisions of K.S.A. 12-3303.

## **402. Amendments.**

The National Electrical Code, 2005, incorporated by reference in Section 401 herein shall be amended as follows:

(a) Section 101 Title. These regulations shall be known as the Electrical Code of Butler County, hereinafter referred to as the “electrical code,” the “N.E.C.,” or “this code.”

(b) Section 100 is amended to add a new Section 102 and shall read as follows:

102 Reference Codes.

(1) Whenever used in the Electrical Code, the term “IFC Fire Code” shall be construed to mean the current Fire Code of Butler County.

(2) Whenever used in the Electrical Code, the term “International Fuel Gas Code” shall be construed to mean the current Plumbing or Fuel Gas Code of Butler County.

(3) Whenever used in the Electrical Code, the term “International Mechanical Code” shall be construed to mean the current Mechanical Code of Butler County.

(4) Whenever used in the Electrical Code, the term “International Plumbing Code” shall be construed to mean the current Plumbing Code of Butler County.

(5) Whenever used in the Electrical Code, the term “International Building Code” shall be construed to mean the current Building Codes of Butler County.

(c) Section 103 Fee Schedule. AS per Butler County Resolution 99-02

(d) Section 103.1 Fee Refund. The Building Official shall authorize the refunding of fees

(e) Section 104 Violation Penalties. As per Butler County Resolution 98-73, Article 7

(f) Section 105 Stop work orders. Any person who shall continue any work after having been served with a stop work order, except such work as that person was directed to perform to remove a violation of unsafe condition, shall be subject to Resolution 98-73, Article 7

(Article 1; 103.h)

(g) Section 210.8 Ground-Fault Circuit-Interrupter Protection for Personnel, subsection (A) (5) Exception 3 shall be amended to read as follows:

Exception No.3 to (5) A single receptacle supplying only a permanently installed fire alarm or burglar alarm system, which is supplied by a dedicated branch circuit, shall not be required to have ground-fault circuit-interrupter protection. Also, a single receptacle supplying only a permanently installed sump pump, or sewer ejector pump, which is supplied a branch circuit, shall not be required to have ground-fault circuit-interrupter protection. Receptacles installed under the exception to 210.8(A)(5) shall not be considered as meeting the requirements of 210.52(G) (Addition)

(h) Section 210.12 Arc-Fault Circuit-Interrupter Protection (B) Dwelling Units shall be amended to read as follows:

(B) Dwelling Unit Bedrooms. All 120-volt, single phase, 15-and 20- ampere branch circuits supplying outlets installed in dwelling unit bedrooms shall be protected by a listed arc-fault circuit-interrupter, combination type installed to provide protection of the branch circuit  
(Removal of expiration date of January 1, 2008)

(i) Section 300.11 Securing and Supporting, subsection (A) (2) Exception shall be amended to read as follows:

Exception: The ceiling support system shall be permitted to support branch – circuit wiring and associated equipment where installed in accordance with the ceiling system manufacturer’s instructions. Flexible metal conduit no larger than ½ inch trade size with listed clips or devices may be supported by the ceiling supports.

(h) Section 334.12 Uses Not Permitted, subsection (A) shall be amended to include a new section (11) which shall read as follows:

(11) Multi – story commercial wood structures

### **403. Deletions.**

(a) Section K102.1.3 is hereby deleted in its entirety.  
(Additions, alterations and Repair integration)

(b) Section K301 is hereby deleted in its entirety.  
(Dept. of Electrical Insp.; Res 98-73)

(c) Section 300.5 (A), (D), (E), and Table 300.5) are hereby deleted in their entirety  
(Direct burial of Cable; Res 05-31)

(d) Table reference 300.50 (1) is hereby deleted in its entirety

(e) Section 404 is hereby deleted in its entirety.  
(Fees; Res 99-02)

(e) Section 702.1.7 is hereby deleted in its entirety.  
(Insp. Record Card)

(f) Chapter 12 is hereby deleted in its entirety.

(Redundant; NEC 2005)

#### **404. Amendments.**

(a) 302.7 Right of Entry. The Building Official shall have authority to enter upon premises at reasonable hours for the purpose of making inspections. Entry shall be made so as to cause the least possible inconvenience to any person in possession of the structure. If entry is denied, the Building Official may seek an order for this purpose from a court of competent jurisdiction.

(b) Chapter 11 is hereby amended to add a new Chapter 11 and shall read as follows:

Chapter 11 Means of Appeal. As per Butler County Resolution 98-73, Article 4

#### **405. Effect on prior ordinances.**

All prior resolutions of Butler County in conflict with the foregoing are hereby repealed to the extent that such conflicts exist.

#### **406. Severability.**

If any section, sub-section, sentence, clause or phrase of this ordinance or of the Code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance and Code.

#### **407. Adoption of Rules and Regulations.**

The Building Official shall have the authority to promulgate such rules and regulations as are necessary to carry out the purpose of the National Electrical Code as adopted in Section 401.

### **ARTICLE 5. PLUMBING CODE OF BUTLER COUNTY**

#### **501. Uniform Plumbing Code incorporated.**

The Uniform Plumbing Code, 2006 Edition, including all appendix chapters is hereby incorporated by reference herein as Article 6 of the aforementioned Butler County Building Code, save and except for any portion as are hereinafter or may hereafter be deleted or amended, as authorized and in the manner prescribed by the provisions of K.S.A. 12-3303

#### **502. Deletions.**

Those deletions, amendments or revisions to the 2006 Uniform Plumbing Code are as follows:



- (a) Section 413.0 Plumbing Fixtures Required and the corresponding table. Table 2909.1 shall be deleted in their entirety.  
(Fixtures / Occupant load; IBC 2006 Sec 1004)
- (b) Section 1204.3.2 Final Piping Inspection is hereby deleted in its entirety.
- (c) Appendix A is deleted.  
(Recommended Rules for Sizing the Water Supply System)
- (d) Appendix B is deleted.  
(Explanatory Notes on Combo Waste and Vent Systems)
- (e) Appendix D is deleted.  
(Sizing Storm Water Drainage Systems)
- (f) Appendix E is deleted.  
(Mobile Home/ RV Park)
- (g) Appendix F is deleted.  
(Firefighter Breathing Air Replenishment Systems)
- (h) Appendix K is deleted.  
(Private Sewage Disposal Systems)
- (i) Appendix L is deleted.  
(Alternate Plumbing Systems)

### **503. Amendments.**

The Uniform Plumbing Code, 2006, incorporated by reference in Section 601 herein shall be amended as follows:

- (a) SECTION 101.1 TITLE. These regulations shall be known as the Plumbing Code of Butler County, hereinafter referred to as the “plumbing code,” the “U.P.C.,” or “this code.”
- (b) Section 102 is amended as follows:
  - (1) SECTION 102.2.2 RIGHT OF ENTRY. The Building Official shall have authority to enter upon premises at reasonable hours for the purpose of making inspections. Entry shall be made so as to cause the least possible inconvenience to any person in possession of the structure. If entry is denied, the Building Official may seek an order for this purpose from a court of competent jurisdiction.
  - (2) SECTION 102.3.2 VIOLATION PENALTIES. As per Butler County Resolution 98-73, Article 7
- (c) Section 103.4 is amended as follows:
  - 103.4 FEE SCHEDULE. As per Butler County Resolution 99-02, Article 1

(d) SECTION 103.4.5.1 FEE REFUND. The Building Official shall authorize the refunding of fees

(e) Section 313 relating to protection of piping is amended as follows:

- (1) SECTION 313.9 PROTECTION AGAINST PHYSICAL DAMAGE. Protections against physical damage in concealed locations where piping, other than cast-iron or galvanized steel, is installed through holes or notches in studs, joist, rafters, plates or similar members less than 1.5 inches from the nearest edge of the member, the pipe shall be protected by shield plates. Protective shield plates shall be a minimum of 0.062-inch thick steel, and shall cover the area where the member is notched or bored.

(Addition)

(f) Section 401 is amended as follows:

SECTION 401.1 QUALITY OF FIXTURES. Plumbing fixtures shall be constructed of dense, durable, non-absorbent materials and shall have smooth, impervious surfaces, free from unnecessary concealed fouling surfaces. Hot or tempered water shall be supplied to all plumbing fixtures and equipment utilized for culinary purposes, cleaning, laundry, and janitorial closets. Tempered water shall be supplied for hand-washing and bathing facilities.

(Addition)

(g) SECTION 404.2 CONNECTIONS is amended by adding the following:

Exception: Removing gypsum wallboard is permitted to allow for sufficient access.

(Addition)

(h) SECTION 603.3. GENERAL REQUIREMENTS is amended as follows:

- (1) Section 603.3.8. In cold climate areas, backflow assemblies and devices may be protected from freezing with an outdoor enclosure or by a method acceptable to the Authority Having Jurisdiction.

(Change from “shall be”)

- (2) Section 603.4.6.1. Potable water supplies to systems having no pumps or connections for pumping equipment, and no chemical injection or provisions for chemical injection, shall be protected by one of the following devices:

(A) Pressure vacuum breaker

(B) Spill-resistant pressure vacuum breaker

(C) Reduced-pressure backflow preventer

(Deletion of Atmospheric Vacuum Breaker)

(i) Section 712 relating to Testing is amended as follows:

SECTION 712.1 MEDIA. The piping of the plumbing, drainage, and venting systems shall be tested with water or air. The Authority Having Jurisdiction may require the removal of any cleanouts, etc., to ascertain whether the pressure has reached all parts of the system. After the

plumbing fixtures have been set and their traps filled with water, they shall be submitted to a final test.

(Removes exception to allow Plastic Pipe to be air tested)

- (j) Section 908 relating to Bathroom Wet Venting is amended as follows:

SECTION 908.4.1 BATHROOM WET VENTING. Where permitted. Any combination of fixtures within one (1) or two (2) bathrooms located on the same floor level \* may be permitted to be vented by a wet vent. The wet vent shall be considered the vent for the fixtures and shall extend from the connection of the dry vent along the direction of the flow in the drain pipe to the most downstream fixture drain connection to the horizontal branch drain. Only the fixtures within the bathroom(s) shall connect to the wet vented horizontal branch drain. Any additional fixtures shall discharge downstream of the wet vent system and be conventionally vented.

(Deletion of “in Dwellings and Guest Rooms” \*)

## **504. Effect on prior ordinances.**

All prior resolutions of Butler County in conflict with the forgoing are hereby repealed to the extent that such conflicts exist.

## **505. Severability.**

If any section, sub-section, sentence, clause or phrase of this ordinance or of the Code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance and Code.

# **ARTICLE 6. INTERNATIONAL RESIDENTIAL CODE**

## **601. International Residential Code incorporated.**

The *International Residential Code*, 2006 Edition, including all appendix chapters is hereby incorporated by reference herein and made a part of the Code of Butler County, save, and except such portions as are hereinafter or may hereafter be deleted or amended, as authorized and in the manner prescribed by the provisions of K.S.A. 12-3303.

## **602. Deletions.**

- (a) Section R103 is hereby deleted in its entirety.  
(Dept. of Building Safety; Res 98-73)
- (b) Section R106.1.3 is hereby deleted in its entirety.  
(Redundant; Article 18 Butler County Zoning Regulations, Floodplain District)
- (c) Section 109.1.3 is hereby deleted in its entirety.  
(Redundant; Article 18 Butler County Zoning Regulations, Floodplain District)

- (d) Section R319.1 subsection 7. is hereby deleted in its entirety.  
(Treated furring material in Bsmts)
- (e) Section R801.3 is hereby deleted in its entirety.  
(Roof drainage system)
- (f) Section E3802 is hereby deleted in its entirety.  
(Redundant; Section 210.8, 2005 NEC)

### **603. Amendments.**

Changes, additions, and deletions to sections of the International Residential Code, 2006 Edition and the appendices thereto are adopted only as set forth hereinafter:

- (a) 101.1 TITLE. These regulations shall be known as the Residential Code of Butler County, hereinafter referred to as the “residential code,” the “I.R.C.,” or “this code.”
- (b) Section 102 is hereby amended by adding a new Section 102.4.2, which shall read as follows:

#### 102.4.2 REFERENCE CODES.

- (1) Whenever used in the Residential Code, the term “ICC Electrical Code” shall be construed to mean the current Electrical Code of Butler County
- (2) Whenever used in the Residential Code, the term “International Fuel Gas Code” shall be construed to mean the current Plumbing or Flue Gas Code of Butler County.
- (3) Whenever used in the Residential Code, the term “International Mechanical Code” shall be construed to mean the current Mechanical Code of Butler County.
- (4) Whenever used in the Residential Code, the term “International Plumbing Code” shall be construed to mean the current Plumbing Code of Butler County.
- (5) Whenever used in the Residential Code, the term “International Building Code” shall be construed to mean the current Building Codes of Butler County.

(c) RI04.6 RIGHT OF ENTRY. The Building Official shall have authority to enter upon premises at reasonable hours for the purpose of making inspections. Entry shall be made so as to cause the least possible inconvenience to any person in possession of the structure. If entry is denied, the Building Official may seek an order for this purpose from a court of competent jurisdiction.

(d) Section R106.3.1 is hereby amended by adding a new Section R106.3.1, which shall read as follows:

#### R106.3.1 APPROVAL of CONSTRUCTION DOCUMENTS.

When the Building Official issues a permit, the construction documents shall be approved, in writing or by stamp which states “Released for Construction”. One set of construction documents so reviewed shall be retained by the Building Official. The other set shall be returned to the applicant, shall be available for inspection by the Building Official or his or her authorized representative.

(Change in language, no onsite requirement)

(e) Section 108.2 is amended to include new sections 108.2.1 and 108.6 which shall read as follows:

108.2.1 FEE SCHEDULE. As per Butler County Resolution 99-02, Article 1

108.6 FEE REFUND. The code official shall authorize the refunding of fees

(f) R112 BOARD OF APPEALS. As per Butler County Resolution 98-73 Article 4

(g) R113.4 VIOLATION PENALTIES. As per Butler County Resolution 98-73, Article 7

(h) R114.2 UNLAWFUL CONTINUANCE. Any person who shall continue any work after having been served with a stop work order, except such work as that person was directed to perform to remove a violation of unsafe condition, shall be subject to Resolution 98-73, Article 7 (Article 1; 103.h)

(i) Section R301 shall be amended as follows:

Table R301.2(1) Climatic and Geographic Design Criteria, Insert:

Ground Snow Load	15psf
Wind Speed (mph)	90mph
Seismic Design Category:	A
Weathering:	Severe
Frost Line Depth:	30 inches
Termite:	Moderate to Heavy
Winter Design Temp:	7
Ice Barrier Underlayment Required	No
Flood Hazard:	FIRM 20015C; June 6, 2009
Air Freezing Index	0-1000
Mean Annual Temp:	55°-60°

(j) Section R303 shall be amended as follows:

R303.6 STAIRWAY ILLUMINATION. All interior and exterior stairways shall be provided with a means to illuminate the stairs, including the landings and treads. Interior stairways shall be provided with an artificial light source located in the immediate vicinity of each landing of the stairway. Exterior stairways shall be provided with an artificial light source located in the immediate vicinity of the top landing of the stairway. Exterior stairways providing access to a basement from the outside grade level shall be provided with an artificial light source located in the immediate vicinity of the bottom landing of the stairway.

(Removal of light level requirement [11 lux or 1ft-candel / tread])

(k) R310.1.3 MINIMUM OPENING WIDTH. The minimum net clear opening width shall be 17 inches (432 mm) for Casement windows.

(Decrease from 20" Common)

(l) Section R311 shall be amended as follows:

R311.4.3 LANDINGS AT DOORS. Subsection Exceptions: 1. shall be amended to read as follows:

(1) Where a stairway with 30" total rise or less is located on the exterior side of a door, other than the required exit door, a landing is not required for the exterior side of the door provided the door, other than an exterior storm or screen door does not swing over the stairway.

(Removal of exterior requirement)

(m) Section R313 shall be amended to include the following:

R313.2.1 ALTERATIONS, REPAIRS, AND ADDITIONS. Where the installation of hard-wired and interconnected smoke alarms is not technically feasible, battery operated smoke alarms shall be installed. The Building Official shall have the authority to determine what is technically feasible. All dwelling units, including existing dwelling units and unfinished spaces as per construction documentation, shall have smoke alarms, either hard-wired or battery operated in all locations that require smoke alarms.

(Clarity of existing language)

(n) Section R403 shall be amended to include the following:

R403.1.4.1 FROST PROTECTION subsection Exceptions: shall be amended to read as follows:

- (1) Protection of freestanding accessory structures with an area of 400 square feet or less, of light framed construction, with eaves of 10 feet or less shall not be required.  
(removal of 600sqft requirement)
- (2) Decks not supported by a dwelling need not be provided with footings that extend below the frost line.

R403.1.6 FOUNDATION ANCHORAGE. All structures, including accessory structures shall be anchored to the ground to meet the requirements of this code.

(Addition)

(o) R502.11.4 TRUSS DESIGN DRAWINGS. Truss prints may be required by the Building Official for review prior to construction. Truss prints shall be available on the job site during inspections. Truss print design specifications shall be submitted to the Building Official upon receipt of same, specifying location and design loads.

(Documentation submittal)

(p) R8020.10.1 TRUSS DESIGN DRAWINGS. Truss prints may be required by the Building Official for review prior to construction. Truss prints shall be available on the job site during inspections. Truss print design specifications shall be submitted to the Building Official upon receipt of same, specifying location and design loads.

(Documentation submittal)

(q) R807.1 ATTIC ACCESS. Buildings with combustible ceiling or roof construction shall have an attic access opening to attic areas that exceed 120 square feet (11 m<sup>2</sup>) and have a vertical height of 30 inches (762 mm) or more.

The rough - framed opening shall not be less than 22 inches by 30 inches (559 mm by 762 mm) and shall be located in a hallway or other readily accessible location. A 30 - inch (762 mm) minimum unobstructed headroom in the attic space shall be provided at some point above the access opening. See Section M1305.1.3 for access requirements where mechanical equipment is located in attics.

(Increase from 30sqft)

(r) M1308.2 PROTECTION AGAINST PHYSICAL DAMAGE. In concealed locations where piping, other than cast - iron or galvanized steel, is installed through holes or notches in studs, joists, rafters or similar members less than 1.5 inches (38 mm) from the nearest edge of the member, the pipe shall be

protected by shield plates. Protective shield plates shall be a minimum of 0.062 - inch - thick (1.6 mm) steel, shall cover the area of the pipe where the member is notched or bored.

(Removal of shield plates 2" above sill and below top plates)

(s) G2415.1 PROHIBITED LOCATIONS. shall be amended by adding the following section:

Exception: Such piping may be installed through ventilated attic spaces with limited or no tenant access.

(Addition)

(t) G2415.5 PROTECTION AGAINST PHYSICAL DAMAGE. In concealed locations, where piping other than black or galvanized steel is installed through holes or notches in wood studs, joists, rafters or similar members less than 1.5 inches (38 mm) from the nearest edge of the member, the pipe shall be protected by shield plates. Shield plates shall be a minimum of 1/16-inch - thick (1.6 mm) steel, shall cover the area of the pipe where the member is notched or bored.

(Removal of shield plates 4" above sill and below top plates)

(u) P2603.6.1 SEWER DEPTH. Building sewers that connect to private sewage disposal systems shall be a minimum of 12" inches (305 mm) below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 12" inches (305 mm) below grade.

(Insert dimensions)

(v) P3114.3 WHERE PERMITTED. Air admittance valves may be permitted when conventional venting may not be practical if approved by the code official.

(Allowance)

(w) E3508.1 GROUNDING ELECTRODE SYSTEM. Concrete - encased electrode systems, as specified in section E3508.1.2 shall be present at each building or structure to form the grounding electrode system.

Exception: Concrete - encased electrodes of existing buildings or structures shall not be required to be part of the grounding electrode system where the steel reinforcing bars or rods are not accessible for use without disturbing the concrete. In such cases one or more of the electrodes specified in Sections E3508.1.1, E3508.1.3, E3508.1.4 and E3508.1.5 shall be installed and used.

(Exception for existing buildings)

## **605. Adoption of rules and regulations.**

The Building Official shall have the authority to promulgate such rules and regulations as are necessary to carry out the purpose of the Residential Code as adopted in Section 601.