

RESOLUTION 2025-37

A RESOLUTION OF THE BOARD OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LEAVENWORTH, KANSAS, PURSUANT TO THE AUTHORITY GRANTED THEM BY K.S.A. 12-3301 ET SEQ., ADOPTING BY REFERENCE CERTAIN RESIDENTIAL AND COMMERCIAL BUILDING CODES TO BE APPLIED IN THE UNINCORPORATED AREA OF THE COUNTY OF LEAVENWORTH, KANSAS AND REPEALING RESOLUTION 2020-39.

WHEREAS, on December 16, 2020 the Board of County Commissioners of the County of Leavenworth, Kansas, ("County") adopted building codes to be applied to new residential and commercial construction within the unincorporated area of the county with the exception of the townships of Easton and Kickapoo; and

WHEREAS, the County has considered the issue of adopting updated building codes to be applied to new residential and commercial construction within the unincorporated area of the county; and

WHEREAS, the County has solicited and received input from the citizens of the County and the Building Codes Committee of the County on the question of whether or not to adopt such updated building codes; and

WHEREAS, the Board of County Commissioners, as a body, has determined that the adoption by reference of certain residential and commercial building codes by the County would serve to benefit the citizens of the County and promote the safety and welfare of the citizens of the County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS;

1. Pursuant to the provisions of K.S.A. 12-3301 *et seq.*, the residential building codes listed herein be adopted by the County by reference: The 2012 International Residential Code for One- and Two-Family Dwelling with the following amendments and omissions specified herein:

- a. R102.7 – except “in cases where damage occurs to more than 51% of the residential structure in which case the repair shall be deemed new construction and the codes adopted herein shall apply.”
- b. R103.1 – Designation of a Building Official. The Director of Planning & Zoning shall be the building official. The director shall have the authority to appoint a building official in his/her place.
- c. Remove R103.2 and R103.3
- d. R104.2 – Remove “inspect the premises for which such permits have been issued and enforce compliance with the previsions of this code.” Add “The building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority”
- e. R104.4 – Remove 104.4
- f. Remove 104.5

- g. R-104.6 – Remove “Where it is necessary to make an inspection to enforce the provisions of this code or.”
- h. R104.7 – Remove “certificates issued” and “reports of inspections”
- i. 105.2 – Remove “5. Sidewalks and driveways” and “8. Swings and other playground equipment.”
 - 1. Change 7. to “Prefabricated storable aboveground swimming pools.”
 - 2. Change Electrical 5. to “Repair Work.”
- j. 105.2.2 – Add “Repairs which constitute less than 51% of the building structure shall not require a permit.”
- k. R105.3.2 Time limitation of application. Change to “The time limitation of application shall be subject to the rules and policies set forth in the adopted Leavenworth County Zoning & Subdivision Regulations.”
- l. Remove R109.1, R109.1.1, R109.1.2, R109.1.4, R109.1.5, R109.1.5.1, and R109.1.6.
- m. Remove Section R110
- n. Remove Section R111
- o. R202 – Add “AGRICULTURAL BUILDING. A structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. This structure shall not be a place of human habitation or a place of employment.”
- p. Table R301.2(1) – Add “Ground Snow Load 20lbs/sq ft”
 - 1. Add “Wind Design Speed 110mph)
 - 2. Add “Frost Line Depth 36””
 - 3. Add “Ice Barrier Underlayment Required YES”
- q. Remove R309.5
- r. Remove Section R313
- s. R502.11.4 – Remove “and approved prior to installation”
- t. R905.2.7.1, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1, and R905.8.3.1 – Remove “In areas where there has been a history of ice forming along the eaves causing a backup of water as designated in Table R301.2(1)” Add “Ice and water shield protection shall be required on all new or replacement roof coverings.” Remove “an ice barrier that” and Add “It shall”
 - 1. Exception – Add “, less than 200 square feet of floor area,”
- u. Remove Chapter 11 and Add note “Items that reference Chapter 11 will void only the part that references Chapter 11 and not the entire section.”
- v. Chapter 25 – Add “In conjunction with the Leavenworth County Sanitary Code, where the more stringent regulation takes precedence.”
- w. Adopt Appendix B, F, H, J, M

2. Pursuant to the provisions of K.S.A. 12-3301 *et seq.*, the residential and commercial building codes listed herein be adopted by the County by reference: The 2012 International Building Code with the following amendments and omissions specified herein:
- a. Remove [A] 101.4.1, [A] 101.4.2, [A] 101.4.3, and [A] 101.4.4
 - b. [A] 101.4.5 – Replace “International Fire Code” with “Fire Code adopted by the State of Kansas”
 - c. Remove [A] 101.4.6
 - d. [A] 102.6 – except “in cases where damage occurs to more than 51% of the residential structure in which case the repair shall be deemed new construction and the codes adopted herein shall apply.”
 - e. [A] 103.1 – Designation of a Building Official. The Director of Planning & Zoning shall be the building official. The director shall have the authority to appoint a building official in his/her place.
 - f. Remove [A] 103.2 and [A] 103.3
 - g. [A] 104.2 – Remove “inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code?” and Add “The building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.”
 - h. Remove [A] 104.4 and [A] 104.5
 - i. [A] 104.6 – Remove “Where it is necessary to make an inspection to enforce the provisions of this code, or”
 - j. [A] 104.7 – Remove “certificates issued” and “reports of inspections”
 - k. [A] 105.2 – 1. Change “120” to “200”
 - 1. 6. Remove “Sidewalks”
 - 2. 9. Add “storable” and remove “less than 24 inches deep, are not greater than 5,000 gallons and are entirely”
 - 3. Change to “Electrical: Repairs and maintenance: Repair Work.”
 - l. [A] 105.2.2 – Begin with “Repairs which constitute less than 51% of the building structure shall not require a permit.”
 - m. [A] 105.3.2 – Change to “The time limitation of application shall be subject to the rules and policies as set forth in the adopted Leavenworth County Zoning & Subdivision Regulations.”
 - n. Remove [A] 106.2

- o. [A] 108.1 – Change “180” to “365”
- p. Remove – [A] 110.1, [A] 110.2, [A] 110.3, [A] 110.3.1, [A] 110.3.2, [A] 110.3.3, [A] 110.3.4, [A] 110.3.5, [A] 110.3.6, [A] 110.3.7, [A] 110.3.8, [A] 110.3.9, [A] 110.3.10
- q. [A] 110.3.10.1 – Remove “prior to the final inspection”
- r. [A] 111.1 – Replace “issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction” with “received an affidavit of code compliance stamped and signed by the original registered design professional.”
- s. Remove [A] 111.2, [A] 111.3, and [A] 111.4
- t. Remove Chapter 13
- u. 1507.2.8.2, 1507.5.4, 1507.6.4, 1507.7.4, 1507.8.4, and 1507.9.4 – Replace “In areas where there has been a history of ice forming along the eaves causing a backup of water, an ice barrier that” with “Ice and water shield protection shall be required on all new or replacement roof coverings. It shall”
 - 1. Exception: add “less than 200 sq ft of floor area,”
- v. 34.08.2 – Chang to “Affidavit of Code Compliance. An affidavit of code compliance may be required at the discretion of the Building Official.”
- w. Adopt Appendix I Patio Covers

3. That said building codes to be applied in the entire unincorporated area of Leavenworth County, Kansas and apply only to new construction, as defined herein, of residential and commercial buildings.

4. That for the purpose of this resolution “new construction” shall mean construction of a building serving as either a residential or commercial structure undertaken after the adoption of this resolution or construction on an existing structure where 51% or more of the building is being replaced, reconstructed or added to. In the case of new construction that constitutes replacement, reconstruction, repair of or an addition to an existing structure, where such construction constitutes 51% or more of the subject building, the codes adopted herein shall only apply to that portion of the building subject to that new construction.

5. That the office of Planning and Zoning shall provide to all persons applying for building permits within the unincorporated area of the county notice that the building codes adopted herein apply to the construction conducted pursuant to that building permit and shall further provide to such persons access to the building codes adopted herein.

6. That this resolution may be enforced pursuant to Kansas law. A fine in the amount of \$250.00 may be imposed for each occurrence of a violation of the Resolution. Each day a violations exists shall constitute a separate occurrence of a violation.

7. This resolution shall repeal Resolution 2020-38 and all other contradictory resolutions of the Board of County Commissioners of the County of Leavenworth Kansas.

8. This resolution shall go into effect on January 1, 2026 and upon adoption and publication in the *Leavenworth Times*.



Fran Keppler
Fran Keppler, Clerk

Adopted this 12th day of November, 2025
Board of County Commission
Leavenworth, County, Kansas

Mike Smith
Mike Smith, Chairman

Jeff Culbertson
Jeff Culbertson, Member

Vanessa Reid
Vanessa Reid, Member

Willie Dove
Willie Dove, Member

Mike Stieben
Mike Stieben, Member