

RESOLUTION 2020-39

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

WHEREAS, the board of county commissioners of the county of Leavenworth, Kansas, (“county”) has considered the issue of adopting 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 on the question of whether or not to adopt such 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; and

WHEREAS, the board of county commissioners conducted a public hearing on the matter of the consideration of the adoption of said building codes on October 21, 2020, all proper notice having been given in conformity with K.S.A 12-3303,

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

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 2006 International Residential Code for One- and Two-Family Dwelling with the following amendments and omissions specified. herein.
 - a. Amend R102.7 to: The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change except in cases where damage occurs to more than 51% of the residential structure in which case the repair of the shall be deemed new construction and the codes adopted herein shall apply;
 - b. Remove Section R103.1.3 – Creation of Enforcement Agency;
 - c. Amend R104.2 to strike “inspect;”
 - d. Remove Section 104.4 - Inspections;
 - e. Remove Section 104.5 - Identification;
 - f. Remove Section 104.6 – Right of Entry;
 - g. Amend section R104.7 to remove “certificated issued” and “reports of inspections”;
 - h. Amend Section 105.2 Work exempt from permit – Building to state “Agricultural buildings, when used for agricultural activities, but now when used as a home or commercial building, shall be exempt from this code.
 - i. Amend Section 105.2 to remove sidewalks and driveways on private property.
 - j. Amend Section 105.2 – Electrical to state, “permits shall not be required for repair work”;
 - k. Amend Section 105.2.2 Repairs to state, “Repairs for the following items which constitute less than 51% of the building structure shall not require a permit”;
 - l. Amend Section 105.3.2 to state, “The time limitation of application shall be subject to the rules and policies as set fourth in the adopted Leavenworth County Zoning and Subdivision

Regulations”;

- m. Remove the entirety of Section R109, except Section R109.1.3 – Lowest Floor Elevation;
- n. Remove Section R110- Certificate of Occupancy;
- o. Remove Section R111 – Service Utilities.

AND

The amendments listed herein be approved: The 2006 International Building Code with the following amendments and omissions specified herein shall be adopted for use in the Unincorporated areas of Leavenworth County:

- a. Remove Section 103.1 – Creation of enforcement agency;
- b. Amend Section 104.2 to strike “inspect”;
- c. Remove Section 104.4 – Inspections;
- d. Remove Section 104.5 – Identification;
- e. Remove Section 104.6 – Right of Entry;
- f. Amend Section 104.7 to strike “Occupancy Certificates”;
- g. Amend Section 105.3.2 to state, “The time limitation of application shall be subject to the rules and polices as set fourth in the adopted Leavenworth County Zoning and Subdivision Regulations”;
- h. Remove Section 109- Inspections except for Section 109.3.3 – Lowest Floor Elevation;
- i. Remove Section 110- Certificate of Occupancy;
- j. Remove Section 111 – Service Utilities

2. That said building codes be applied in the unincorporated area of the county, with the exclusion of the townships of Easton and Kickapoo, and apply only to new construction, as defined herein, of residential and commercial buildings.

3. That for the purpose of this resolution “new construction” shall mean construction of a building, serving as either a residence or commercial enterprise, undertaken after the adoption of this resolution, or construction on an existing structure where 51% or more of the building is being replaced, reconstructed, repaired or added to. In the case of new construction that constitutes the replacement, reconstruction, repair of addition to an existing structure, where such new 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.

4. 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.

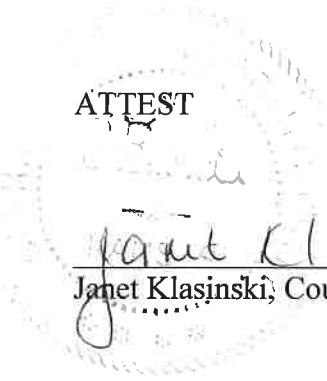
5. That this resolution may be enforced pursuant to Kansas law and shall become effective January 1, 2021.

Adopted this 16th day of December, 2020
Board of County Commission
Leavenworth, County, Kansas




Doug Smith, Chairman

ATTEST


Janet Klasinski
Janet Klasinski, County Clerk




Jeff Culbertson, Member



Vicky Kaaz, Member



Chad Schimke, Member



Mike Stieben, Member