

**CITY OF SHAWNEE**  
**ORDINANCE NO. 3264**

**AN ORDINANCE AMENDING CHAPTER 15.32 OF THE SHAWNEE MUNICIPAL CODE, INCORPORATING BY REFERENCE THE INTERNATIONAL FIRE CODE 2018 EDITION, WITH ADDITIONS, TO REGULATE CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE, EXPLOSION, HANDLING OR USE OF HAZARDOUS MATERIALS AND THE USE AND OCCUPANCY OF BUILDINGS AND PREMISES, IN THE CITY OF SHAWNEE, KANSAS.**

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SHAWNEE, KANSAS:**

**PARAGRAPH 1.** The Shawnee Municipal Code is hereby amended by repealing the previously existing Chapter 15.32 and providing in lieu thereof the following:

**CHAPTER 15.32**  
**INTERNATIONAL FIRE CODE ADOPTED**

Sections:

- 15.32.010 Incorporated by reference
- 15.32.020 Amendments and additions
- 15.32.030 Copies on file

Section 15.32.010. Incorporated by reference. There is hereby incorporated by reference the International Fire Code, 2018 Edition, including Appendix A, B, C, D, H, and I, prepared and published in book form by the International Code Council, Inc., 5203 Leesburg Pike, Suite 600, Falls Church Virginia 22041-3401, and hereby referenced as IFC.

Section 15.32.020 Amendments, additions, and omissions. The following Sections of the IFC, as adopted by Section 15.32.010, are amended or omitted as follows:

- A. Amend Section 101.1 Title., of the IFC, by replacing “[NAME OF JURISDICTION]” with “City of Shawnee, Kansas.”
- B. Amend Section 102 Applicability, of the IFC, and amend by adding a new Section 102.13 Home daycares, which reads:  
  
102.13 Home Daycares. Home Daycares that meet the requirements of the Johnson County, Kansas Home Daycare Handbook 2019 Edition shall be viewed as meeting the equivalent of the requirements of the IFC.
- C. Amend by omitting Sections 105.6.1 through 105.6.13, Sections 105.6.15 through 105.6.29. Section 105.6.31, Sections 105.6.33 through 105.6.50, Sections 105.6.37 through 105.6.42, and Sections 105.6.44 through 105.6.46 of the IFC.

- D. Amend by omitting Section 105.7 of the IFC
- E. Amend by omitting Section [A] 110.4 Violation penalties, of the IFC, and amend by adding in lieu thereof a new Section [A] 110.4 Violation penalties, which reads:

SECTION [A] 110.4  
VIOLATION PENALTIES

110.4 Any person who violates a provision of this Code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a public offense, and upon conviction shall be subject to penalties as set forth in Title 15 of the Shawnee Municipal Code. Each day that a violation continues shall be deemed a separate offense.

- F. Amend Section 307.4.3 Portable outdoor fireplaces, of the IFC, to read as follows:

307.4.3 Portable outdoor fireplaces. Portable outdoor fireplaces shall not be operated or stored within 15 feet (3048 mm) of a structure or combustible material.

EXCEPTION:

1. Portable outdoor fireplaces used at one and two family dwellings.

- G. Amend Section 308.1.4 Open flame cooking devices, of the IFC, to read as follows:

308.1.4 Open-flame cooking devices. Charcoal burners and other open-flame cooking devices shall not be operated or located on combustible balconies or within 10 feet (3048 mm) of combustible construction.

EXCEPTIONS:

1. One- and two-family *dwellings*. Heat detectors shall not be required in detached garages.
2. Where buildings, balconies and decks are protected by an *automatic sprinkler system*.
3. LP-gas cooking devices having LP-gas container with a water capacity not greater than 2 1/2 pounds [nominal 1 pound (0.454 kg) LP- gas capacity].

- H. Amend by omitting Section 503.3 Marking, of the IFC, and amend by adding in lieu thereof a new Section 503.3 Marking, which reads:

Section 503.3 Marking. Where required by the fire code official, approved signs and painted curb, or pavement if a curb is absent, shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and

legible condition at all times and be replaced or repaired when necessary to provide adequate visibility. The curb, or pavement if a curb is absent, shall be painted red with white 3 inch letters indicating "NO PARKING - FIRE LANE". Lettering shall occur every 25 feet of the fire lane. Signs used to indicate fire lanes shall meet the requirements of section D103.6 of the 2018 International Fire Code.

- I. Amend by omitting Section 503.6 Security gates of the IFC, and amend by adding in lieu thereof a new Section 503.6 Security gates, which reads:

503.6 Security Gates. The installation of security gates across a fire apparatus access road shall first be approved by the fire code official in writing prior to installation. Where security gates are installed, they shall have an approved means of emergency operation with a manual secondary means of emergency operation in the event of failure of the primary emergency operation. The security gates and emergency operations shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed, and installed to comply with the requirements of ASTM F2200.

- J. Amend by omitting Section 507.5.1.1 Hydrant for standpipe systems of the IFC, and amend by adding in lieu thereof a new Section 507.5.1.1 Hydrant for fire sprinkler and standpipe systems, which reads: Buildings equipped with a fire sprinkler or standpipe systems, that are installed in accordance with Section 903 or 905, shall have a fire hydrant within 100 feet of the fire department connections.

- K. Amend Section 507.5.2 Inspection, testing and maintenance, of the IFC to read as follows:

507.5.2 Inspection, testing and maintenance. Fire hydrant systems shall be subject to periodic tests as required by the fire code official. Fire hydrant systems shall be maintained in an operative condition at all times and shall be repaired where defective. Additions, repairs, alterations and servicing shall comply with approved standards.

507.5.2.1 Line and hydrant tests. Private hydrants and supply piping shall be tested as specified in NFPA 24. Hydrants shall comply with the AWWA standards adopted by the Johnson County Water District and maintained to AWWA-M17.

507.5.2.2 Hydrants – color. All fire hydrants shall be painted and highly visible. Private fire hydrants shall be painted red in color.

- L. Amend by omitting Section 912.3 Fire hose threads of the IFC, by adding a new Section 912.3 Fire department connection, which reads:

Section 912.3 Fire hose threads. The fire department connection shall be fitted with a four-inch (4") Storz quick coupling connector.

- M. Amend by omitting Section 1023.9 Stairway identification signs of the IFC, by adding a new Section 1023.9 Stairway identification signs, which reads:

Section 1023.9 Stairway identification signs. A sign shall be provided at each floor landing in an interior exit stairway and ramp connecting more than three stories designating the floor level, the terminus of the top and bottom of the interior exit stairway and ramp and the identification of the stairway or ramp. The signage shall state the story of, and the direction to, the exit discharge and the availability of roof access from the interior exit stairway and ramp for the fire department. The sign shall be located 5 feet (1524 mm) above the floor landing in a position that is readily visible when the doors are in the open and closed positions. In addition to the stairway identification sign, a floor-level sign in visual characters, raised characters and braille complying with ICC A117.1 shall be located at each floor-level landing adjacent to the door leading from the interior exit stairway and ramp into the corridor to identify the floor level. In addition, the signs shall be color coded, or have colored borders that are identified as follows: red shall be used for the primary exit enclosure with roof access, yellow for the secondary stairwell, blue for the third stairwell, white for the fourth, and green for the fifth.

- N. Omit Chapter 11, of the IFC, except Sections 1103.8 through 1103.9.
- O. Amend Section 5601.2 Permit required, of the IFC, to read as follows:

5601.2 Permit required. A permit application shall be made to the Shawnee Fire Marshal's Office who shall issue the same only if the Fire Chief or his or her designated representative shall after inspection approve issuance of the permit. There shall be a fee of one-hundred dollars (\$100.00) for making such application. Permits shall expire 30 days after date of issuance.

Permits shall be obtained:

1. To manufacture, possess, store, sell, display, or otherwise dispose of explosive materials.
2. To use explosive materials
3. To operate a terminal for handling explosive materials.

5601.2.1 Residential uses. No person shall keep or store, nor shall any permit be issued to keep or store, any *explosives* at any place of habitation, or within 100 feet (30 480 mm) thereof.

**EXCEPTION:**

Storage of smokeless propellant, black powder and small arms primers for personal use and not for resale in accordance with Section 5606.

5601.2.2 Sale and retail display. No person shall construct a retail display nor offer for sale explosives, explosive materials or fireworks upon highways, sidewalks, public property or in Group A or E occupancies.

5601.2.3 Permit restrictions. The fire code official is authorized to limit the quantity of explosives, explosive materials or fireworks permitted at a given location. No person possessing a permit for storage of explosives at any place, shall keep or store an amount greater than authorized in such permit. Only the kind of explosive specified in such a permit shall be kept or stored.

5601.2.4 Financial responsibility. Before a permit is issued, as required by Section 5601.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of \$1,000,000 or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The fire code official is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.

5601.2.4.1 Blasting. Before approval to do blasting is issued, the applicant for approval shall file a bond or submit a certificate of insurance in such form, amount and coverage as determined by the legal department of the jurisdiction to be adequate in each case to indemnify the jurisdiction against any and all damages arising from permitted blasting.

5601.2.4.2 Fireworks display. The permit holder shall furnish a bond or certificate of insurance in an amount deemed adequate by the fire code official for the payment of all potential damages to a person or persons or to property by reason of the permitted display, and arising from any acts of the permit holder, the agent, employees or subcontractors.

5601.2.4.2.1 Permit-Fee-Public Displays – Fireworks. When any person makes application for a permit of supervised public displays of fireworks pursuant to Section 5601.2.4.2 of the International Fire Code 2018 Edition, the applicant shall at the time of filing the application therefore pay to the City Clerk an application fee of fifteen dollars (\$15.00). The application fee shall be refunded upon request by the applicant in the event the application for such is withdrawn or denied prior to an investigation being made as provided under section of such code; however, no refund shall be made for any reason after the Fire Chief or his or her designated representative has made the required investigation.

P. Amend Section 5601.4 Permit required, of the IFC, to read as follows:

5601.4 Qualifications. Persons in charge of magazines, blasting, fireworks display or pyrotechnic special effect operations shall not be under the influence of alcohol or drugs which impair sensory or motor skills, shall be at least 21 years of age and shall demonstrate knowledge of all safety precautions related to the storage, handling or use of explosives, explosive materials or fireworks, possess a valid Blasters Certificate issued by the State of Kansas Fire Marshal's Office, ATF&E Notice of Clearance, and valid photo identification.

- Q. Amend by omitting Section 5607.4 Restricted hours, of the IFC, and amend by adding in lieu thereof a new Section 5607.4 Hours of operation, which reads:

Section 5607.4 Hours of operation. Blasting operation shall be conducted Monday through Friday only between the hours of 8:30 A.M. and 4:30 P.M.

**EXCEPTION:**

When other times are approved in writing in advance by the Fire Chief or his/her designated representative.

- R. Amend Section 5607 Blasting of the IFC, by adding a new Section 5607.16 Pre-blast survey, which reads:

Section 5607.16 Pre-blast survey and notification. At least 15 days before initiation of blasting, the surveyor shall notify, in writing, all residents or owners of dwellings or other structures located within 500 feet (152,400 mm) of the blasting area of the location and date of the proposed blasting and the intent to conduct a pre-blast survey. The Fire Marshal may identify alternate re-blast survey distances.

The surveyor shall promptly conduct a pre-blast survey of the dwelling or structures and promptly prepare a written report of the survey. An updated survey of any additions, modifications, or renovations shall be performed by the surveyor if requested by the contractor or the Fire Marshal.

The surveyor shall determine the condition of the dwelling or structure and shall document any existing damage and other physical factors that could reasonably be affected by the blasting. The surveyor shall examine the interior as well as the exterior structure and shall document any damage by means of digital photographic or digital video methods. Structures such as pipelines, cables, transmission lines, cisterns, wells, and other water systems warrant special attention; however, the assessment of these structures may be limited to surface conditions and other readily available data.

The written report of the survey shall be signed by the person who conducted the survey. Copies of the report shall be promptly provided to the contractor and made available to the Fire Marshal. All surveys shall be completed by the surveyor before the initiation of blasting. All surveys shall be conducted by a disinterested third party, regularly engaged in performing pre-blast surveys.

The contractor shall notify the owners of all gas, water, and petroleum pipe lines in any area where blasting will be utilized. A representative of the pipeline shall be allowed to be present to observe preparations and blasting.

- S. Amend Section 5607 Blasting of the IFC, by adding a new Section 5607.17 Ground vibration, which reads:

Section 5607.17 Ground vibration. Regardless of the distance to nearby facilities, buildings or other structures, the blasting operations shall be carried out in such a

manner that they will not cause flyrock damage from airblast overpressure or ground vibration. The contractor or operator shall conduct seismic monitoring of all blasts. The seismic recording site shall be located at the nearest structure or building within 500 feet (152,400 mm) of the blast site.

The maximum peak particle velocity at any such recording site shall not exceed one inch per second in any of three mutually perpendicular directions

- T. Amend Section 5607 Blasting of the IFC, by adding a new Section 5607.18 Distance from structures, which reads:

Section 5607.18 Distance from structures. There shall be no blasting within 100 feet (30,480 mm) of any structure or building

- U. Amend Section 5607 Blasting of the IFC, by adding a new Section 5607.19 Blasting records, which reads:

Section 5607.19 Blasting records. The contractor shall retain a record of all blasts for at least 3 years. Upon request, copies of these records shall be made available to the Fire Marshal and to the public for inspection. Such records shall contain the following data:

1. Name of contractor conducting the blast.
2. Location, date, and time of blast.
3. Name, signature, and certificate number of blaster conducting the blast.
4. Identification, direction, and distance, in feet. From the nearest blast hole to the nearest dwelling, public building, school, church, community or institutional building outside the permit area, except those described herein.
5. Weather conditions, including those which may cause possible adverse blasting effects.
6. Type of material blasted.
7. Sketches of the blast pattern including number of holes, burden, spacing, decks, and delay pattern.
8. Diameter and depth of holes.
9. Types of explosives used.
10. Total weight of explosives detonated in an 8-millisecond period.
11. Initiation System.
12. Type and length of stemming.
13. Mats or other protections used.

Seismographic and airblast records shall include:

1. Type of instrument, sensitivity, and calibration signal, or certification of annual calibration.
2. Exact location of instrument and the date, time and distance from the blast.
3. Name of person and firm taking the reading.
4. Name of the person and firm analyzing the seismographic record.
5. The vibration and/or airblast level recorded.

- V. Amend Section 5704 Storage of the IFC, by adding a new Section 5704.2.01 Above ground storage, which reads:

Section 5704.2.01 Above ground storage The storage of Class I and Class II liquids in outside aboveground tanks shall be prohibited within the city limits of the City of Shawnee, Kansas except in a designated P.I. (Planned Industrial) district and then only upon approval of a site development plan, pursuant to Title 17 of the Shawnee Municipal Code, and in compliance with said Chapter insofar as the same may be relevant to the proposed stationary aboveground tank.

- W. Amend by omitting Section 5706.4.5 Storage, of the IFC, and amend by adding in lieu thereof a new Section 5706.4.5 Storage, which reads:

5706.4.5 Storage. The storage of Class I, Class II ,and Class III liquids in bulk plants shall be prohibited within the city limits of the City of Shawnee, Kansas except in a designated P.I. (Planned Industrial) district, and then only upon approval of a site development plan pursuant to Title 17 of the Shawnee Municipal Code, and in compliance with said Chapter insofar as the same may be relevant to the proposed bulk plant. Storage in bulk plants shall be in accordance with the International Fire Code 2018 Edition, Chapter 57.

Section 15.32.030 Copies on File. There shall be not less than one (1) copy of the code adopted by reference in Section 15.32.020 kept on file in the office of the City Clerk, to which shall be attached a copy of the incorporating ordinance, and which shall be marked or stamped, "Official Copy" as Incorporated by Ordinance No. 3264, with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and filed with the City Clerk and open to inspection and available to the public at all reasonable hours. The Fire Department, Municipal Judges and all administrative departments of the City charged with the enforcement of the incorporating ordinance shall be supplied, at the cost of the City, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.

**PARAGRAPH 2. REPEALED** - The previously existing Chapter 15.32 of the Shawnee Municipal code in effect prior to the effective date of this Ordinance, is hereby repealed.

**PARAGRAPH 3. SEVERABILITY** - That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City of Shawnee, Kansas hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**PARAGRAPH 4. SAVINGS CLAUSE** - Neither the adoption of this Ordinance nor the repeal or amendment of any section or portion thereof shall in any manner affect the prosecution for violation of this Ordinance or the International Fire Code adopted,



which violation were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee or penalty at said effective date and unpaid under such Ordinance or provision, nor be construed as affecting any of the provisions of such Ordinances or provisions relating to the collection of any such license, fee or penalty, or the penal provisions applicable to the violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any Ordinance, and all rights and obligations there under shall continue in full force and effect.


**PARAGRAPH 5. EFFECTIVE DATE** - This ordinance shall take effect and be in force on July 1st 2019, after passage and publication as required by law.

**PASSED** by the Governing Body this 25th day of March, 2019.

**APPROVED AND SIGNED** by the Mayor this 25th day of March, 2019.

**CITY OF SHAWNEE, KANSAS**

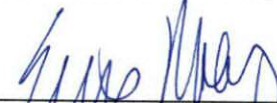


By:   
Michelle Distler, Mayor

ATTEST:

By:   
Stephanie Zaldivar, Interim City Clerk

APPROVED AS TO FORM:

By:   
M. Ellis Rainey II, City Attorney

# The Legal Record

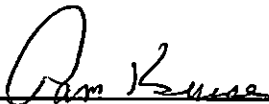
P.O. Box 273  
Olathe, KS 66051-0273  
(913) 780-5790

CITY OF SHAWNEE - CITY CLERK  
11110 JOHNSON DR  
SHAWNEE KS 66203-2750

## Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;  
Pam Kruse, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Billing Clerk for The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than one year prior to the first publication of the notice attached, and has been entered at the post office as Periodicals Class mail matter. That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

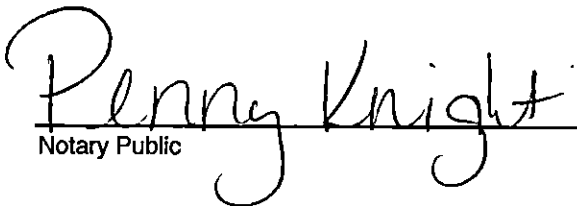
ORDINANCE #3264 SUMMARY  
4/2/19



Pam Kruse, Legal Notices Billing Clerk

Subscribed and sworn to before me on this date:

April 2, 2019



Notary Public

**PENNY KNIGHT**  
Notary Public-State of Kansas  
My Appt. Expires Dec. 31, 2021

ORDINANCE NO. 3264  
First published in The Legal Record, Tuesday, April 2, 2019.  
CITY OF SHAWNEE  
Summary of Ordinance No. 3264

On the 25 day of March, 2019, the Governing Body of the City of Shawnee, Kansas passed Ordinance No. 3264, an Ordinance amending Chapter 15.32 of the Shawnee Municipal Code, incorporating by reference the International Fire Code 2018 edition, with additions, to regulate conditions hazardous to life and property from fire, explosion, handling or use of hazard.

Dated: March 26, 2019  
/s/ M. Ellis Rainey, II, City Attorney  
4/2

L79308

Publication Fees: \$8.47