

**ORDINANCE NO. 640**

**AN ORDINANCE AMENDING CHAPTER IV, SECTION 101(b)(5) OF THE ROSE HILL MUNICIPAL CODE; PROVIDING FOR THE ADOPTION BY REFERENCE OF THE DERBY RESIDENTIAL CODE, THE WICHITA FOUNDATION, BASEMENT AND SLAB-ON-GRADE STANDARDS FOR ONE AND TWO FAMILY DWELLINGS, AND THE CITY OF WICHITA STANDARD FOR RESIDENTIAL WOOD FRAMED DECKS, AS HEREIN AMENDED, ALL PERTAINING TO THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, AND USE OR MAINTENANCE OF CERTAIN RESIDENTIAL STRUCTURES IN ROSE HILL; AND REPEALING ORIGINAL CHAPTER IV, SECTION 101(b)(5) OF THE ROSE HILL MUNICIPAL CODE AND FURTHER REPEALING ALL CONFLICTING ORDINANCES OR PARTS THEREOF**

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

**Section 1.** Chapter IV, Section 101(b)(5) – International Residential Code (2000 Edition) as published by the International Code Council, Inc., of the Rose Hill Municipal Code is hereby amended to read as follows:

**“Chapter IV, Section 101(b)(5) – Residential Code”**

**Sections:**

**4-101(b)(5)(A) - Adoption of Residential Code by reference.**

**4-101(b)(5)(B) – Adoption of Wichita Foundation, Basement and Slab-on-Grade Standards for One and Two Family Dwellings.**

**4-101(b)(5)(C) - Adoption of City of Wichita Standard for Residential Wood Framed Decks.**

**4-101(b)(5)(D) - Amendments to the City of Wichita Standard for Residential Wood Framed Decks.**

**4-101(b)(5)(A) - Adoption of Residential Code by reference.**

A. It is hereby adopted and incorporated by reference for the purpose of regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, and use or maintenance of certain residential structures within the corporate limits of the City of Rose Hill, Kansas, that certain standard code known as the “Derby Residential Code”, as

adopted by Ordinance No. 2259 of the City of Derby, Kansas, and contained in Chapter 15.44 of the Derby Municipal Code, as amended, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified, amended, or changed; provided, that all references therein to the City of Derby shall be deemed amended to refer to the City of Rose Hill, said code being adopted and incorporated as fully as if set out herein at length, such incorporation by reference being authorized pursuant to K.S.A. 12-3009 through 12-3012, inclusive, as amended.

B. It is hereby adopted and incorporated by reference for the purpose of amending the Derby Residential Code, in the form of omissions, amendments, modifications, changes, and deletions thereto, that certain Ordinance No. 2259 of the City of Derby, Kansas, as adopted by the Derby City Council on December 8, 2015, and published on December 16, 2015, in the official city newspaper, such incorporation being authorized by K.S.A. 12-3009 through 12-3012, inclusive, as amended.

C. One or more copies of said code shall be marked or stamped "Official Copy," with all deleted or amended sections or portions thereof clearly marked, and to which shall be attached a copy of this ordinance. Such copy or copies shall be open and available for public inspection at all reasonable hours in the office of the city clerk.

**4-101(b)(5)(B) - Adoption of Wichita Foundation, Basement and Slab-on-Grade Standards for One and Two Family Dwellings.**

The model code titled *Wichita Foundation, Basement and Slab-on-Grade Standards for One and Two Family Dwellings* (August 30, 2011) is hereby incorporated herein and adopted by reference with this ordinance of the City of Rose Hill, Kansas, except as specific provisions thereof are hereby amended or repealed; provided, that all references therein to the City of Wichita shall be deemed amended to refer to the City of Rose Hill. One or more copies of said model code shall be marked or stamped "Official Copy," with all deleted or amended sections or portions thereof clearly marked, and to which shall be attached a copy of this ordinance. Such copy or copies shall be filed with the City Clerk and shall be open and available for public inspection at all reasonable hours.

**4-101(b)(5)(C) - Adoption of City of Wichita Standard for Residential Wood Framed Decks.**

The *City of Wichita Standard for Residential Wood Framed Decks* (the "Wichita Standard"), dated November 1, 2010, inclusive of the *Prescriptive Residential Wood Deck Construction Guide* (AWC DCA6-09) incorporated therein by reference and such amendments to AWC DCA6-09 as are incorporated in the Wichita Standard, is hereby incorporated herein and adopted by reference with this ordinance of the City of Rose Hill, Kansas, except as specific provisions thereof are hereby amended or repealed; provided, that all references therein to the City of Wichita shall be deemed amended to refer to the City of Rose Hill. One or more copies of the Wichita Standard shall be marked or stamped "Official Copy," with all deleted or amended sections or portions thereof clearly marked, and to which shall be attached a copy of this ordinance. Such copy or copies

shall be filed with the City Clerk and shall be open and available for public inspection at all reasonable hours.

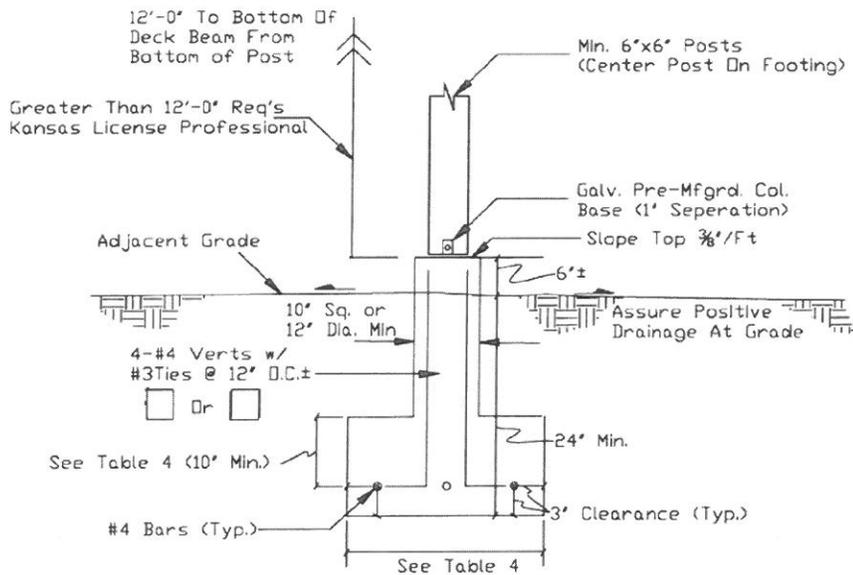
**4-101(b)(5)(D) - Amendments to the City of Wichita Standard for Residential Wood Framed Decks.**

The City of Wichita Standard for Residential Wood Framed Decks, adopted by reference in Section 4-101(b)(5)(C) of this Code, is hereby amended as hereinafter set forth:

- A. Figure 12 on page 4 of the City of Wichita Standard for Residential Wood Framed Decks is replaced with Figure 12 below:

Figure 12  
City of Derby Deck, Footing & Post Standard

Posts may be buried or anchored in concrete if treated with preservative to International Code Council (ICC) approved standards for in ground contact, all others shall be placed above ground on concrete footings or plers; and shall be attached by approved post base anchors or other method designed and sealed by a Kansas licensed professional. The top of the footing shall extend above finished grade by a minimum of 6 inches.



Note: Footing May Be Incorporated Into Concrete Slab With A Minimum 1' Separation Between Bottom of Post And Slab.

\* Complete deck standards document is available for review at the office of the Building Trades Official, Derby City Hall, 611 N Mulberry, Suite 300, Derby, Kansas 67037

**Section 2. Invalidity of a Part**

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 3. Repeal**

The original of Chapter and Section of the Rose Hill Municipal Code is hereby repealed. All other provisions of the Municipal Code of the City of Rose Hill, 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.

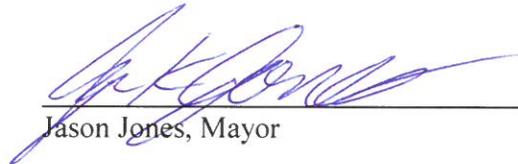
**Section 4. Effective Date**

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.

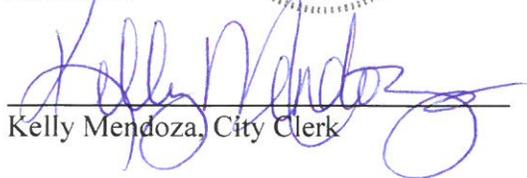
**PASSED** by the City Council on the 16<sup>th</sup> day of February, 2016, and

**SIGNED** by the Mayor.



  
\_\_\_\_\_  
Jason Jones, Mayor

ATTEST:

  
\_\_\_\_\_  
Kelly Mendoza, City Clerk

Approved as to form:

  
\_\_\_\_\_  
Andrew Marino, City Attorney