

**ORDINANCE NO. 681**

**AN ORDINANCE AMENDING CHAPTER 4-101 OF THE ROSE HILL MUNICIPAL CODE, INCORPORATING BY REFERENECE CERTAIN STANDARD CODES AS AMENDED BY THE CITY OF DERBY RELATING TO THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITIONS TO, AND USE OR MAINTENANCE OF BUILDINGS, PLUMBING SYSTEMS, MECHANICAL SYSTEMS, FUEL gas SYSTEMS AND APPLIANCES, ELECTIONAL; AND FIRE PREVENTION WITHIN THE CITY OF ROSEHILL; AMENDING AND REPEALING SECTIONS 4-101 OF THE ROSE HILL MUNICIPAL CODE AND PROVIDING SUBSTITUTE PROVISIONS THEREFOR.**

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

**Section 1.** Section 4-101 of the Rose Hill Municipal Code is hereby amended to read as follows:

**4-101. Building Codes adopted**

There is hereby adopted and incorporated by reference, for the purpose of establishing rules and regulations for the construction, alteration, addition to, removal, demolition, maintenance, equipment use, and occupancy of buildings and structures the following model codes, appendices, and amendments thereto. Such codes being made as a part of the ordinances and code of the City of Rose Hill as if the same had been set out in full herein. All codes herein are adopted in the manner prescribed by K.S.A. 12-3009 through 12-3012.

No fewer than three copies of the adopted codes shall be marked or stamped "Official Copy as Incorporated by the City of Rose Hill," and shall be filed with the city clerk to be open to inspection and available to the public at all reasonable hours of business. Any person firm, or corporation violating any provision of such codes shall be punished as provided in section 1-116 of this code.

**4-101.01. Adoption by Reference of Derby Building Code**

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 structures within the corporate limits of the City of Rose Hill, Kansas, that certain standard code known as the "Derby Building Code", as adopted by Ordinance No. 2413 of the City of Derby, Kansas, and contained in Chapter 15.12 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.

4-101.02 Adoption by reference of Derby Fire Code

It is hereby adopted and incorporated by reference for the purpose of prevention and suppression of fire within the corporate limits of the City of Rose Hill, Kansas, that certain standard code known as the “Derby Fire Code”, as adopted by Ordinance No. 2419 of the City of Derby, Kansas, and contained in Chapter 8.16 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.

4-101.03 Adoption by Reference of Derby Mechanical Code

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 all mechanical systems, appliances, and devices within the corporate limits of the City of Rose Hill, Kansas, that certain standard code known as the “Derby, Kansas Mechanical Code”, as adopted by Ordinance No. 2416 of the City of Derby, Kansas, and contained in Chapter 15.24 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.

4-101.04 Adoption by reference of Derby Plumbing Code

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 all plumbing systems within the corporate limits of the City of Rose Hill, Kansas, that certain standard code known as the Derby, Kansas Plumbing Code, as adopted by Ordinance No. 2414 of the City of Derby, Kansas, and contained in Chapter 15.16 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.

4-101.05 Adoption by Reference of Derby Residential Code.

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. 2417 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.

4-101.06 Adoption by reference 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.

4-101.07 Adoption by reference of the City of Wichita Standard for Residential Wood Framed Decks.

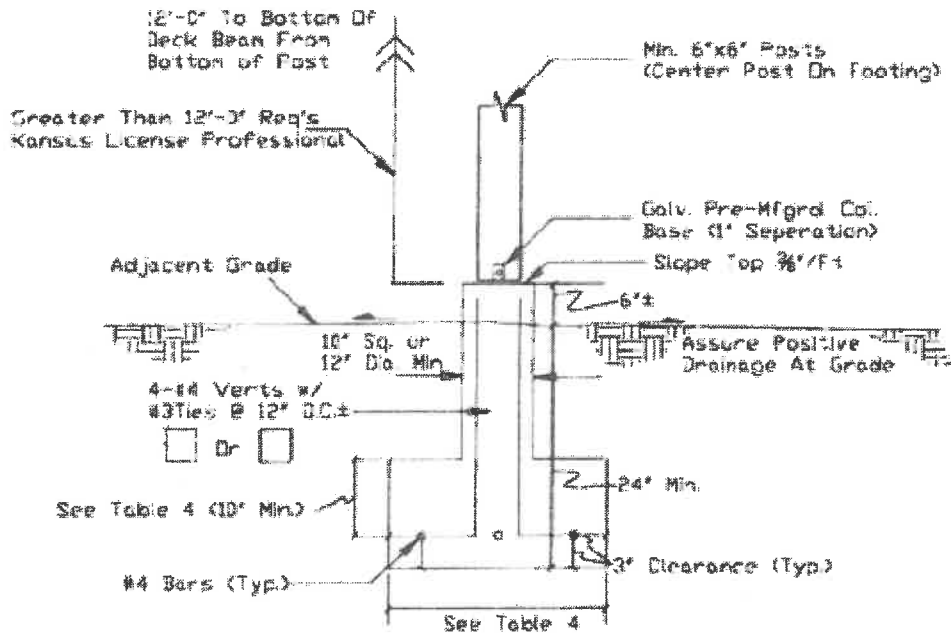
(A) The City of Wichita Standard for Residential Wood Framed Decks (the "Wichita Standard"), dated November 1, 2010 and revised December 22, 2011, inclusive of the Prescriptive Residential Wood Deck Construction Guide (AWC DCA6-09) incorporated therein by reference and such amendments to AWC DCA6-09 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.

(B) Amendments to the City of Wichita Standard for Residential Wood Framed Decks:

- 1) 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.
- 2) 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 piers; 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

4-101.08 Adoption by Reference of Derby Fuel Gas Code

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 all fuel gas systems and gas-fired appliances within the corporate limits of the City of Rose Hill, Kansas, that certain standard code known as the "Derby, Kansas Fuel Gas Code", as adopted by Ordinance No. 2418 of the City of Derby, Kansas, and contained in Chapter 15.48 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.

4-101.09 International Energy Conservation Code (2000 Edition) as published by the International Code Council, Inc.

4-101.10 International Property Maintenance Code (2000 Edition) as published by the International Code Council, Inc.

4-101.11 Uniform Administrative Code (1997 Edition) as published by the International Conference of Buildings Officials.

4-101.12 Adoption of Electrical Code by reference.

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 all electric wiring, appliances, or devices for light, heat or power within the corporate limits of the City of Rose Hill, Kansas, that certain standard code known as the "Derby Electrical Code", as adopted by Ordinance No. 2415 of the City of Derby, Kansas, and contained in Chapter 15.20 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.

**Section 3. Repeal**

Original section 4-101 of the Rose Hill Municipal Code is hereby repealed. All other provisions of the Municipal Code of the City of Derby, 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.

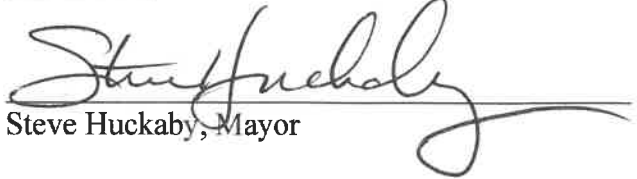
**Section 4. Severability**

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.

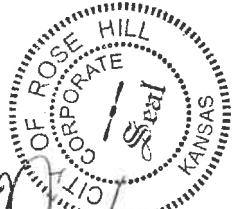
**Section 5. Effective Date**


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 this 1st day of June, 2020 and **SIGNED** by the Mayor.


  
Steve Huckaby, Mayor

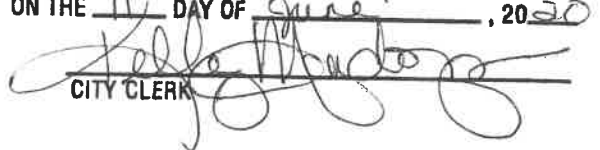
ATTEST:



  
Kelly Mendoza, City Clerk

Approved as to form:

  
Richard A. Samaniego, City Attorney

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL ORDINANCE; THAT SAID ORDINANCE WAS PASSED ON THE 1st DAY OF June, 2020; THAT THE RECORD OF THE FINAL VOTE ON ITS PASSAGE IS FOUND ON PAGE 3 OF THE MINUTES; THAT IT WAS PUBLISHED IN THE Rose Hill Reporter ON THE 11 DAY OF June, 2020  
  
CITY CLERK