

(Summary Published in the Rose Hill Reporter on July 6th, 2023)

ORDINANCE NO. 709

**AN ORDINANCE OF THE CITY OF ROSE HILL, KANSAS ADOPTING THE 2012 EDITION OF THE *INTERNATIONAL FIRE CODE (IFC)*, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, REGULATING AND GOVERNING THE SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION HAZARDS ARISING FROM THE STORAGE, HANDLING AND USE OF HAZARDOUS SUBSTANCES, MATERIALS, AND DEVICES AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF BUILDINGS AND PREMISES IN THE CITY OF ROSE HILL KANSAS; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; REPEALING CHAPTER VII, ARTICLE 1 OF THE CODE OF THE CITY OF ROSE HILL, AND REPLACING IT WITH THE INTERNATIONAL FIRE CODE AS HEREIN PROVIDED; REPEALING CHAPTER VII, ARTICLE 2 AND RESERVING IT FOR FUTURE USE; REPEALING CHAPTER IV ARTICLE 101.02 ADOPTING BY REFERENCE THE DERBY FIRE CODE; AND REPEALING ORDINANCE 707 AND ALL OTHER CONFLICTED ORDINANCES.**

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

**SECTION 1.** Chapter VII Article 1 of the Code of the City of Rose Hill, Kansas is hereby repealed and replaced with the following:

**ARTICLE 1. FIRE PREVENTION**

**7-101. *International Fire Code Incorporated.*** The 2012 Edition of the International Fire Code, including appendices as noted, is hereby incorporated by reference herein and made a part of this Chapter and shall be Article 2 of the aforementioned Chapter of the Code of the City of Rose Hill, Kansas, save and except for such sections or portions as are hereinafter or may hereafter be deleted or amended, as authorized and in the manner prescribed by the provisions of K.S.A. 12-3010.

**7-102. Deletions.**

- (a) Section 113, Fees, is hereby deleted in its entirety and a new Section 113.1 is hereby adopted below.
- (b) Section 307.4.1 & 307.4.2 relating to control burning is hereby deleted in its entirety.

**7-103. Amendments.**

The International Fire Code, 2012, incorporated by reference in new Section 7-101 herein shall be amended as follows:

**"101.1 Title" shall be amended to read as follows:**

101.1 Title. These regulations shall be known as the Fire Code of the City of Rose Hill, Kansas

hereinafter referred to as the "fire code," the "IFC" or "this code."

**"101.2.1 Appendices"** shall be amended to read as follows:

101.2.1 Appendices. The following appendices contained in the international Fire Code are adopted and incorporated by reference. All others shall not be adopted:

Appendix B – Fire Flow Requirements for Buildings

Appendix C – Fire Hydrant Locations and Distribution

Appendix D – Fire Apparatus Access Roads

Appendix E – Hazardous Categories

Appendix I – Fire Protection Systems – Noncompliant Conditions

**"102.7 Referenced Codes and Standards"** shall be amended to read as follows:

102.7.3 Electrical. Whenever used in the Fire Code, the term "ICC Electrical Code" shall be construed to mean the current City of Rose Hill Electrical Code as set forth in Chapter IV Article 1 of the Code of the City of Rose Hill.

102.7.4 Gas. Whenever used in the Fire Code, the term "International Fuel Gas Code" shall be construed to mean the current City of Rose Hill Plumbing or Fuel Gas Code as set forth in Chapter IV Article 1 of the Code of the City of Rose Hill.

102.7.5 Mechanical. Whenever used in the Fire Code, the term "International Mechanical Code" shall be construed to mean the current City of Rose Hill Mechanical Code as set forth in Chapter IV Article 1 of the Code of the City of Rose Hill.

102.7.6 Plumbing. Whenever used in the Fire Code, the term "International Plumbing Code" shall be construed to mean the current City of Rose Hill Plumbing Code as set forth in Chapter IV Article 1 of the Code of the City of Rose Hill.

102.7.7 Residential. Whenever used in the Fire Code, the term "International Residential Code" shall be construed to mean the current City of Rose Hill Residential Code as set forth in Chapter IV Article 1 of the Code of the City of Rose Hill.

102.7.8 Building Code. Whenever used in the Fire Code, the term "International Building Code" shall be construed to mean the current City of Rose Hill Building Code or Existing Building Codes as set forth in Chapter IV Article 1 of the Code of the City of Rose Hill.

102.7.9 Property Maintenance. Whenever used in the Fire Code, the term "International Property Maintenance Code" shall be construed to mean the current City of Rose Hill Property Maintenance Code as set forth in Chapter IV Article 1 of the Code of the City of Rose Hill.

102.7.10 Existing Building. Whenever used in the Fire Code, the term "International Existing Building Code" shall be construed to mean the current City of Rose Hill Existing Building Code as set forth in Chapter IV Article 1 of the Code of the City of Rose Hill.

**"108 Board of appeals" shall be amended to read as follows:**

108.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the *fire code official* relative to the application and interpretation of this code, the Governing Body of the City of Rose Hill shall have authority to review and hear the appeals of orders, decisions or determinations of the Fire Code Official. The Fire Code Official shall be appointed by the governing body. Any person, firm, or corporation who desires to appeal the decision of the fire code official shall:

- a) request a Hearing before the Governing Body within 10 days after receiving notice of the decision from the enforcing officer. Such notice of application for appeal shall be filed with the office of the city clerk.
- b) Upon Receipt of such Notice of Appeal, the city clerk shall notify in writing the governing body of such appeal.
- c) The Governing Body shall, within 30 Days of Receipt of Notice of Appeal, determine a date for the hearing and notice of the Date for the Hearing shall be sent to the appellant at least 10 days before the hearing.

**"109.4 Violation Penalties" shall be amended to read as follows:**

**109.4 Violation penalties.** Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the *approved construction documents* or directive of the *fire code official*, or of a permit or certificate used under provisions of this code, shall be guilty of a **misdemeanor**, punishable by a fine of not more than **\$2,500.00** dollars or by imprisonment not exceeding **one year**, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**"113 Fees" shall be amended to read as follows:**

113.1 Fees. Fire permit fees shall be established by Resolution of the Governing Body of the City of Rose Hill pursuant to Section 1-902. These fees may be subject to review and revision as deemed necessary, and shall be revised from time to time by Resolution of the Governing Body.

**"307" Open Burning, Recreational Fires and portable outdoor fireplaces shall be amended to read as follows:**

307.4 Location. The location for open burning shall not be less than 50 ft (15 240mm) from any structure, combustible assembly or property line, and provisions shall be made to prevent the fire from spreading to within 50 ft (15 240mm) of any structure, combustible assembly or property line.

307.4.3 portable outdoor fireplaces is hereby renumbered to 307.4.1

**"311 Vacant Premises" shall be amended to read as follows:**

311.1.1 Abandoned premises. Buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by un-authorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered abandoned, declared unsafe and abated by demolition or rehabilitation in accordance with current City of Rose Hill codes.

**"506 key boxes" shall be amended to read as follows:**

506.1 Where required. Where access to or within a structure, property or an area is restricted because of secured openings or gates, where immediate access is necessary for lifesaving or firefighting purposes, the *fire code official* is authorized to require a key box be installed in an *approved* location. The key box shall be the "KNOX-BOX" brand keyed with the Butler County Fire District #3, Master access key provided by "KNOX-BOX". The key box shall contain those facility keys, access codes, or media cards to gain necessary access as required by the code official.

Facilities shall include, but not be limited to;

1. commercial or multifamily residential structures protected by a NFPA 13, or 13R fire sprinkler system.
2. commercial structures protected by an off-site monitored fire alarm system.
3. multi-tenant commercial occupancies without above fire protections features, where common building services exist (power, HVAC, attic or basement space) or where fire walls do not separate the occupancies.

**"609 Commercial Kitchen Hoods" shall be amended to read as follows:**

609.2 Where required. A Type I hood shall be installed at or above all commercial cooking appliances and domestic cooking appliances used for commercial purposes that produce grease vapors.

**"903 Automatic Sprinkler Systems" shall be amended to read as follows:**

903.2.8 Group R. Exception: Automatic sprinkler systems are not required when K.S.A.12-16,219 applies.

903.3.7 Fire department connections. The location of the fire department connections shall be approved by the code official. The maximum distance shall be 150 feet (45720 mm) from a fire hydrant. The required hydrant shall be no closer than 40 feet (12192 mm) to the structure.

**"904.11.6 Operations and Maintenance" shall be amended to read as follows:**

904.11.6.4 Inspection and cleaning. The entire exhaust system, including hoods, grease-removal devices, fans, ducts and other appurtenances shall be inspected in accordance with this section. Inspections shall be recorded on an inspection card permanently attached to the system, and the record shall state the time and date of inspection. Upon inspection, if found to be contaminated with deposits from grease-laden vapors, the entire exhaust system shall be cleaned in accordance with this section, Table 904.11.6.4 and NFP A 96 by a qualified kitchen exhaust system cleaner.

The cleaning shall meet the following requirements:

1. Hoods, grease removal devices, fans, ducts, and other appurtenances shall be cleaned to bare metal prior to surfaces becoming heavily contaminated with grease or oily sludge.
2. At the start of the cleaning process, electrical switches that could be activated accidentally shall be locked out.
3. Components of the fire suppression system shall not be rendered inoperable during the cleaning process.
4. Flammable solvents or other flammable cleaning aids shall not be used.
5. Cleaning chemicals shall not be applied on fusible links or other detection devices or the automatic extinguishing system.
6. After the exhaust system is cleaned to bare metal, it shall not be coated with powder or other substance.
7. All access panels (doors) and cover plates shall be replaced.
8. Dampers and diffusers shall be positioned for proper airflow.
9. When cleaning procedures are completed, all electrical switches and system components shall be returned to an operable state.
10. Cleanings shall be recorded on a card permanently attached to the system, and the record shall state the extent, time and date of cleaning, and name of the individual and company that cleaned the system.
11. Cleaners shall inspect the entire exhaust system following a cleaning.

**Table 904.11.6 - Exhaust system cleaning schedule.**

**Exhaust System Cleaning Schedule**

<b>Type or volume of cooking frequency</b>	<b>Frequency</b>
Systems serving solid fuel cooking operations.	Monthly
Systems serving high-volume cooking operations such as 24-hour cooking, charbroiling, or wok cooking.	Quarterly
Systems serving moderate-volume cooking operations.	Semi-annually
Systems serving low-volume cooking operations, such as churches, day camps, seasonal businesses, or senior centers.	Annually

**"2301.1 Scope" shall be amended to read as follows:**

2301.1 Scope. Residential installations, automotive motor fuel-dispensing facilities, marine motor fuel-dispensing facilities, fleet vehicle motor fuel-dispensing facilities, aircraft motor vehicle fuel-dispensing facilities and repair garages shall be in accordance with this chapter and Chapter IV Article 1 of the Code of the City of Rose Hill. Such operations shall include both those that are accessible to the public and private operations."

**"3103.8 Access, Location & and Parking" shall be amended to read as follows:**

3103.8.3 Parking. Approved parking locations shall be provided & maintained in such a manner so as not to impede access to or egress from the temporary membrane structure or its supportive components. The volume of the parking area shall meet the current number of parking spaces per sq. footage of floor space as required by Chapter VII Section 310 or Chapter XIV Article 2 of the Code of the City of Rose Hill.



**"3405.1 Individual piles" shall be amended to read as follows:**

3405.1 Tire storage shall be restricted to individual piles not exceeding 3,750 square feet (343.74 m<sup>2</sup>) of continuous area. Piles shall not exceed 37,500 cubic feet (1061.88 m<sup>3</sup>) in volume or 10 feet (3048 mm) in height."

**"5004 Storage" shall be amended to read as follows:**

5004.14 Unattended Parking. No operator of a commercial delivery vehicle such as a box van, bob tail, truck trailer or tank truck containing products classified by federal, state or local regulatory agencies as hazardous materials, including but not limited to explosives and blasting agents, compressed gases, flammable and combustible liquids, flammable solids, oxidizers, organic peroxides, pyrophoric material, unstable reactive materials, water reactive materials, cryogenic fluids, highly toxic and toxic materials, radioactive materials, corrosives, health and biomedical hazards and irritating materials, shall park or leave such vehicle unattended on any street, highway, avenue or alley within five hundred feet (500') of any residential area, apartment or hotel complex or educational, hospital or health care facility at any time, or at any other place that would, in the opinion of the chief, present a life or property hazard exceptions: This shall not prohibit parking or absence of the operator: (1) in connection with loading or unloading, (2) for meals during the day or night if the street is well lighted at the place of parking, and (3) for the purpose of securing assistance in case of emergency.

**"5601 General" shall be amended to read as follows:**

5601.2.4 Financial responsibility. Before a permit is issued by Section 5601.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of \$500,000.00 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.

**"5609 Temporary Storage of Consumer Fireworks" shall be amended to read as follows:**

5609.2 Temporary storage & retail sale of Consumer Fireworks (1.4G) Regulations regarding the temporary storage, retail sale & discharge of consumer fireworks (1.4G) shall be governed by the Code of the City of Rose Hill, Chapter XII, Article 3 (Fireworks), 7-301 *et. seq.* and Chapter XI, Article 1 (Uniform Public Offense Code).

**SECTION 2.** This Ordinance shall be included in the Code of the City of Rose Hill, Kansas. Not less than one (1) copy of the *International Fire Code* incorporated by reference in Section 7-101 shall be filed with the City Clerk. Such copy shall be marked or stamped "Official Copy as Incorporated by Ordinance No. 709 " with all sections or portions thereof intended to be omitted clearly marked to show any such omissions and all provisions changing or adding to the incorporated provisions shall be clearly marked or inserted. Such copy shall have attached a copy of this article and shall be open to inspection and available to the public during all reasonable business hours.

**SECTION 3.** Ordinance 707 is hereby repealed. Chapter IV Article 101.02 is hereby repealed and the section number reserved for future use. All prior Ordinances of the City of Rose Hill, Kansas, in conflict with the foregoing are hereby repealed to the extent that such conflicts exist.

**SECTION 4.** Chapter VII Article 2 is hereby repealed and the Article number is reserved for future use.

**SECTION 5.** If any section, sub-section, sentence, clause or phrase of this Ordinance or of the Code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance or Code.

**SECTION 6.** Work being performed under a permit issued prior to the effective date of this Ordinance may continue under the Code(s) in effect at the time the permit was issued. Such work must be completed within one year after the effective date of this Ordinance, unless approval is given for an extension. If the permit is abandoned or expires, a new permit must be applied for to complete the work and all remaining work must comply with this Code.

**SECTION 7. Effective Date.** This Ordinance shall take effect and be in full force from and after its adoption by the governing body of the City, approval by the Mayor, and publication once in the official city newspaper of a summary certified by the City Attorney as legally accurate and sufficient pursuant to K.S.A. 12-3007.

**PASSED, ADOPTED AND APPROVED on this 3<sup>rd</sup> day of July, 2023**

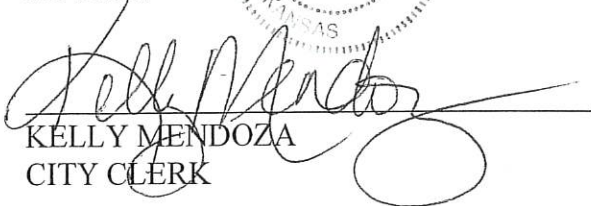
**CITY OF ROSE HILL, KANSAS**

  
GARY WEAVER, MAYOR

SEAL OF THE CITY

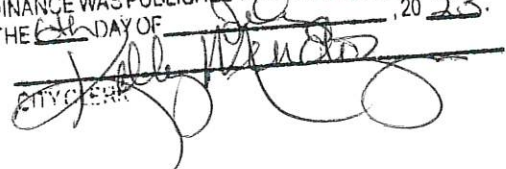


ATTEST:

  
KELLY MENDOZA  
CITY CLERK

APPROVED AS TO FORM:

  
RICHARD A. SAMANIEGO  
ROSE HILL 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 3<sup>rd</sup> DAY OF July, 2023; THAT THE RECORD OF THE FINAL VOTE ON ITS PASSAGE IS FOUND ON PAGE 2 OF THE MINUTES; A CERTIFIED SUMMARY OF THE ORDINANCE WAS PUBLISHED IN THE Rose Hill Reporter ON THE 6<sup>th</sup> DAY OF July, 2023.  
  
CITY CLERK