



COMMUNITY DEVELOPMENT COMMITTEE

WEDNESDAY, NOVEMBER 2, 2022 at 6:30 p.m.

POWELL COMMUNITY CENTER

6200 MARTWAY ST

Meeting In Person and Virtually via Zoom

This meeting will be held in person at the time and date shown above. In consideration of the COVID-19 social distancing recommendations, this meeting will also be available virtually via Zoom (<https://zoom.us/join>). Information will be posted, prior to the meeting, on how to join at <https://www.missionks.org/calendar.aspx>. Please contact the Administrative Offices, 913-676-8350, with any questions or concerns.

PUBLIC COMMENTS

PUBLIC PRESENTATIONS / INFORMATIONAL ONLY

1. Milhaus Development Presentation – Laura Smith/Devon Coffey

Devon Coffey with Milhaus Development will make a preliminary presentation on a proposal for a 228-unit multi-family project proposed in two buildings, located east and south of the Powell Community Center.

2. Johnson County Wastewater Mission Facility Updates – Brian Scott/Patrick Denning

Johnson County Wastewater (JCW) has undertaken a number of significant improvements to their facilities in the past few years in order to provide greater operational efficiency and/or to bring their facilities into compliance with water quality regulations. They are about to embark on improvements to both the Turkey Creek pumpstation on Foxridge and an entire reconstruction of the Nelson Treatment Facility located in Mission at 4800 Nall. Patrick Denning with JCW will provide an overview of these projects and answer any questions that the Committee may have.

ACTION ITEMS

3. Acceptance of the October 12, 2022 Community Development Committee Minutes - Robyn Fulks ([page 5](#))

Draft minutes of the October 12, 2022 Community Development Committee meeting are included for review and acceptance.

4. Johnson County Wastewater (JCW) Nelson Treatment Plant Improvements and Interlocal Agreement – Brian Scott ([page 13](#))

The improvements to the Turkey Creek pumpstation and the Nelson Treatment Facility presented under “Informational Items” will require the cooperation of the City and JCW to effectively complete these projects in a timely manner and with the least amount of disruption to the community. In order to accomplish this, JCW is requesting that the City consider an Interlocal Agreement with Johnson County that will provide an outline for making and documenting decisions associated with the projects.

5. 2018 ICC Building Code Adoption – Brian Scott/Jim Brown ([page 21](#))

Every three years the International Code Council (ICC) issues a set of building codes that provides minimum life / safety requirements for the construction and maintenance of residential and commercial structures. Cities in the Kansas City metro area have historically reviewed and adopted these codes every other set that is issued (every six years). The most recent codes adopted by cities in the metro area are the 2018 ICC codes. Mission is still working from the 2012 codes. Staff is recommending adoption of the 2018 codes and will facilitate a discussion about timing and process for future code updates.

6. PCC Skylights Rebid – Penn Almoney ([page 210](#))

The skylights in the PCC natatorium are original to the facility and have surpassed their estimated useful life (10-20 years). Oxidation, UV, heat, and moisture necessitate replacement of the skylights along with ceiling/roof seals. As a result of increased manufacturing costs and supply chain issues, this project could not be completed earlier in the year as originally planned. Staff has solicited another round of bids for the project and has determined that the proposal from Tigris Specialty Construction has been determined to be the most responsive bid. Staff recommends approval of a contract with Tigris Specialty Construction in an amount not to exceed \$44,830 to be paid from Parks + Recreation Sales Tax funds.

7. PCC Locker Room Flooring – Penn Almoney ([page 213](#))

The 2022 Parks + Recreation CIP included plans to resurface the Powell Community Center locker room floors which are original tile installed in 1999. Staff received three bids and is recommending contracting with APEX Concrete Coatings for epoxy flooring in an amount not to exceed \$20,328. Funds will be provided from the Parks + Recreation Sales Tax Fund.

8. On-Call Engineering Contract Extension – Celia Duran ([page 216](#))

Olsson and GBA currently provide various on-call engineering services for the City of Mission through a Master Services Agreement that was approved in January 2019. The Agreement will expire on December 31, 2022 and Staff recommends extending the agreement through the end of next year, which will allow each firm to continue the work they have been providing on various projects and will give Staff more time to prepare

for and implement the extensive qualifications process that has been used in the past to select firms for on-call services.

9. CARS Agreement for the Foxridge Drive (51st Street to Lamar Avenue) 2023 CARS Project. -- Celia Duran ([page 219](#))

The City of Mission's proposed CARS project for 2023 is the Foxridge Drive (51st Street to Lamar Avenue) Street Rehabilitation Project. The proposed improvements include a full depth pavement reconstruction, sidewalk and retaining walls, stormwater improvements, traffic signal buyout and replacement, streetlights, and a polymer overlay on the Lamar Ave. Bridge. The Interlocal Agreement specifies the County's participation in the project for a total cost not to exceed \$1,649,000 and commits the City's funds to the project. Approval of the interlocal agreement is the final step with the County to accept CARs funds for this project.

10. PPS Agreement with SMAC for Rock Creek Channel– Celia Duran ([page 229](#))

Johnson County Stormwater Management Program (SMP) completed a Watershed Master Plan – Phase 1 (WMP) for Watershed 1 (WO1) in March 2022. The Rock Creek channel from Lamar Ave. to Maple St. was identified as a focus area based on flood and water quality risk. The City Council approved preparation of a Preliminary Project Study (PPS) with Olsson in the amount not to exceed \$196,150 in September 2022. The Interlocal Agreement the County's participation in this project (75% of the total cost of the PPS or \$147,112.50) and commits the City's funds to the project.

DISCUSSION ITEMS

11. Proposed Amendment to Chapter 400, Article V of the Mission Municipal Code Pertaining to Drinking Establishments in the MS-1 Zoning District – Brian Scott ([page 235](#))

Clubs and drinking establishments are permitted uses within the "MS-1" zoning district, however there is conflicting language as to whether a special use permit for such uses is required. The proposed amendments to the "MS-1" would permit clubs and drinking establishments without a special use permit unless they are located within 200 feet of residentially (R-1 through R-6) zoned districts. It would also remove the requirement that at least 30% of gross sales be derived from the sale of food, which was recently repealed countywide.

12. Street Light Extension Policy – Celia Duran ([page 259](#))

There are currently 1,011 streetlights within Mission. Except for streetlights installed with capital projects like Johnson Drive and Foxridge Phase I, the majority of the existing streetlights were purchased from Evergy (formerly Kansas City Power & Light) in 2013. As a general rule, the current inventory of streetlights are appropriately spaced to provide adequate lighting coverage throughout the City. Over the years, City staff has not received many requests for additional streetlights; however, recently there have been some requests from citizens to add additional streetlights and Staff has observed

some areas that may require additional lighting. Therefore, Staff has provided procedures that will be followed when there is a request for additional streetlights.

13. Snow Plan – Brent Morton ([page 262](#))

Snow removal is an essential service provided by the City to keep services functioning and the traveling public safe. Each year the Public Works Department reviews the snow plan including routes, priorities and procedures. There are no recommended changes to the Snow Plan for the 2022-2023 winter season.

OTHER

14. Department Updates - Laura Smith

Ben Chociej, Chairperson
Lea Loudon, Vice-Chairperson
Mission City Hall, 6090 Woodson St
913.676.8350



MISSION BEVERLY APARTMENTS



ABOUT MILHAUS

Founded 2010 in Indianapolis

Rapid Growth & Market Expansion:

- 2014 Oklahoma & Ohio
- 2106 KC & Pennsylvania
- 2017 Florida
- 2021 Arizona & Texas
- 2022 Colorado



LOCAL PROJECTS

1. MARCATO
2. GALLERIE & ICON AT GALLERIE
3. ARTISTRY
4. URBANE
5. ARRELLO
6. VIA
7. SWITCH
8. OXLLEY
9. ONE NORTH
10. JAMESTOWN



Urban In-fill

The majority of our projects are located in urban areas where most desire to live. From millennials to empty nester baby boomers, more and more Americans are choosing to live near amenities, night life, sport and entertainment districts.

TEAM MILHAUS-KC



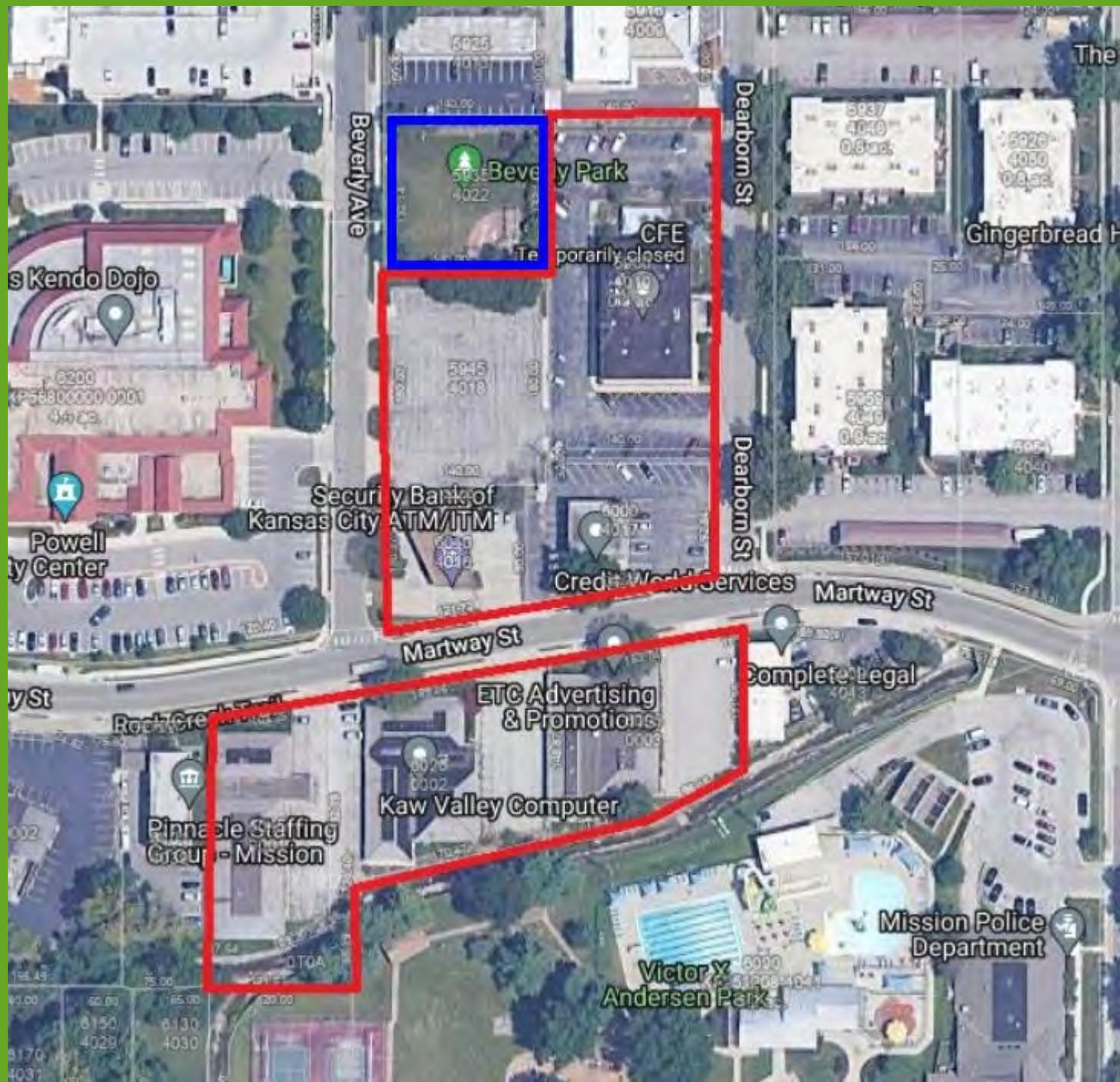
JOHN MCGURK
VP of Development

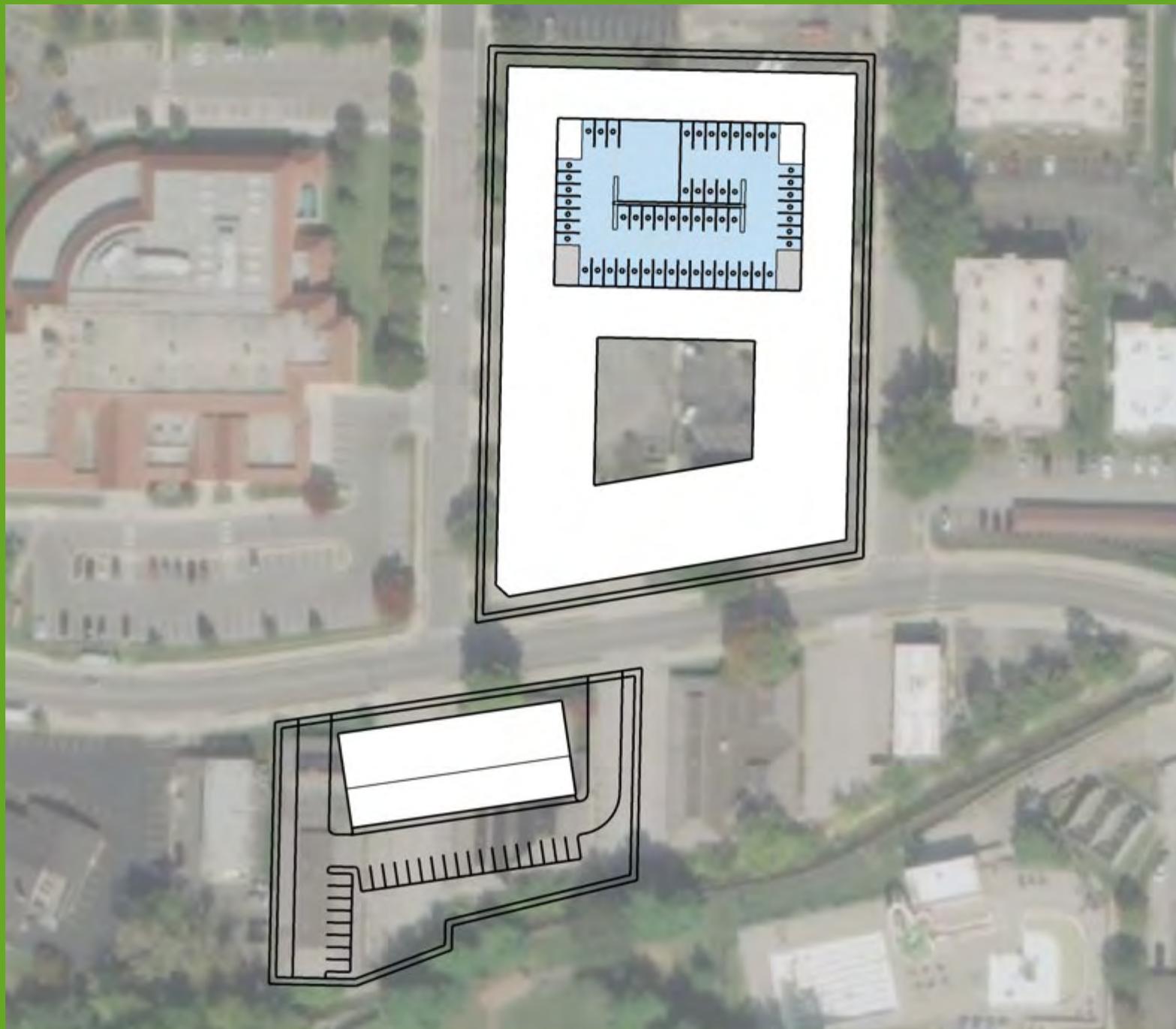


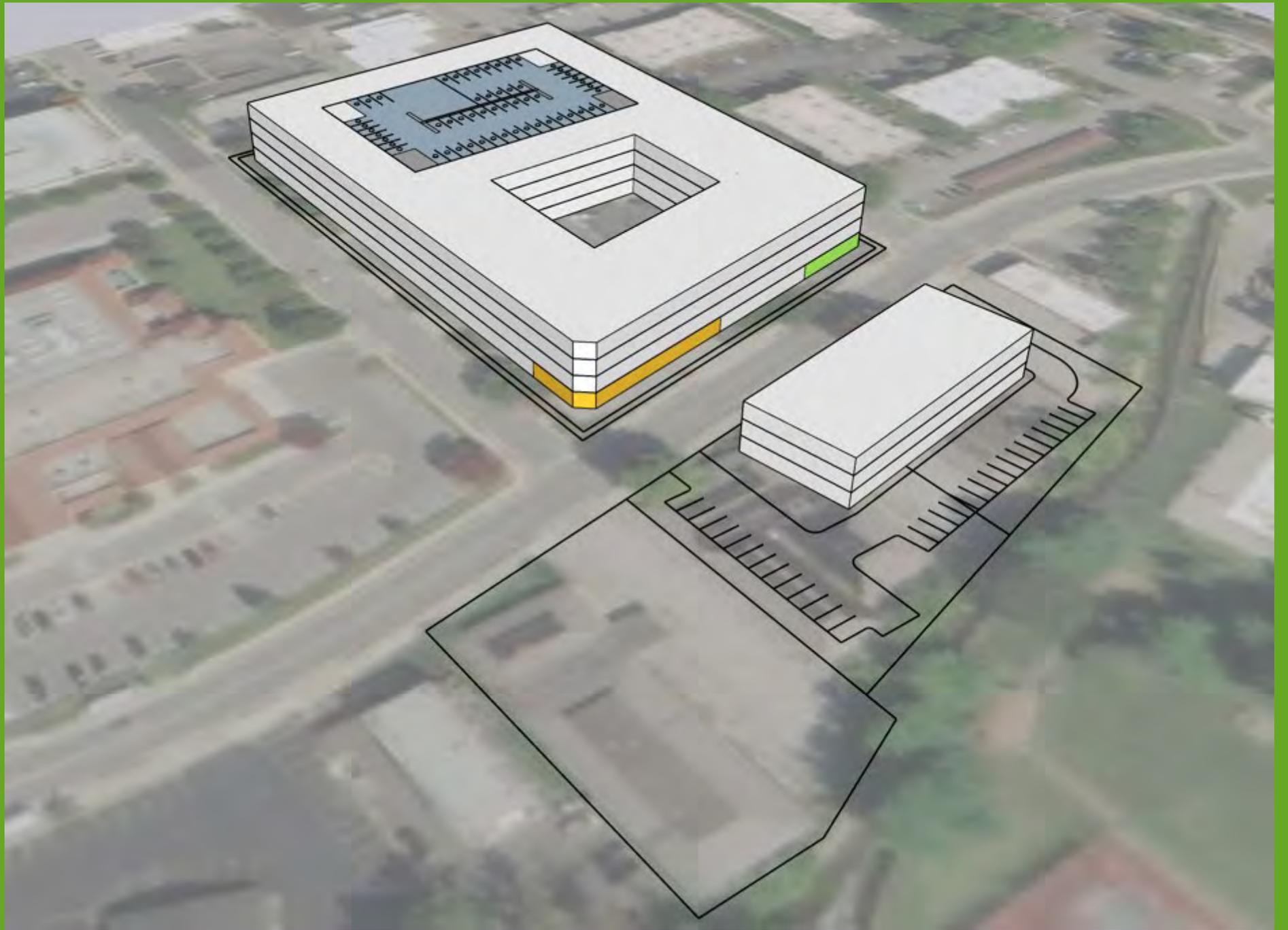
DEVON COFFEY
Development Director



JOE GIWA
Development Coordinator









QUESTIONS?



City of Mission	Item Number:	3.
ACTION ITEM SUMMARY	Date:	November 2, 2022
Administration	From:	Robyn Fulks

Action items require a vote to recommend the item to the full City Council for further action.

RE: October 12, 2022 Community Development Committee minutes.

RECOMMENDATION: Review and accept the October 12, 2022 minutes of the Community Development Committee.

DETAILS: Minutes of the October 12, 2022 Community Development Committee meeting are presented for review and acceptance. At the committee meeting, if there are no objections or recommended corrections, the minutes will be considered accepted as presented.

Draft minutes are linked to the City Council agenda packet so that the public may review the discussion from the committee meeting in advance of the Council action on any particular item.

CFAA CONSIDERATIONS/IMPACTS: N/A

Related Statute/City Ordinance:	NA
Line Item Code/Description:	NA
Available Budget:	NA



MINUTES OF THE MISSION COMMUNITY DEVELOPMENT COMMITTEE
October 12, 2022

The Mission Community Development Committee met at the Powell Community Center and virtually via ZOOM on Wednesday, October 12, 2022. The following Committee members were present: Ken Davis, Trent Boultinghouse, Mary Ryherd, Lea Loudon, Kristin Inman, Mayor Flora and Ben ChocieJ. Hillary Thomas and Debbie Kring were absent. Councilmember ChocieJ called the meeting to order at 6:30 p.m.

The following staff were present: City Administrator Laura Smith, Deputy City Administrator Brian Scott, Assistant City Administrator Emily Randel, City Clerk Robyn Fulks, Public Works Director Celia Duran, Public Works Superintendent Brent Morton, Parks and Recreation Director Penn Almoney and Chief Dan Madden.

Public Comments

Councilmember ChocieJ reminded the public they can participate via the chat feature on Zoom. All comments would be visible to the group.

There were no public comments.

Public Presentations/Informational Items

MFAC/MSC Wrap-up Presentation

Parks and Recreation Director Penn Almoney introduced Jenna Dickman, Aquatics Facilities Manager, and Jenny Smith, Recreation Program Supervisor, to make presentations to the Council highlighting the summer season at the Mission Family Aquatic Center and Mission Summer Camp.

Ms. Dickman highlighted operational changes for the 2022 season which included opening at full capacity, not requiring reservations, offering the Super Pool Pass again, added special events and fitness programs, and an expanded rental program. She also reviewed expenses from the summer, which showed an increase in personnel costs due to paying higher lifeguard wages at \$12.50 per hour vs. \$10.00 per hour previously, plus higher costs for chemicals which increased 300%, and supplies and water/sewer/trash costs which doubled. Cost recovery for the 2022 MFAC season was 51%. An overview of both resident and non-resident visits for the summer showed an increase in visits in both categories. Ms. Dickman also highlighted the new pool vacuum, new lap lanes, repairs to the UV system to keep pools cleaner, a timer system for the splash pad, hosting the Mission Marlins practices and pool meets, one rain out day for the season, assisted saves by staff that were all completed safely with no rescues needed, and that her staff really stepped up to help fill vacancies to keep the pool open. She also reported that 16 seasonal lifeguards have come on as part-time employees at the indoor pool. In 2023, Ms. Dickman plans to work hard on recruitment of staff for the season, expanding fitness offerings and bringing back previous programs such as toddler time and tan and float. Facility improvements for the 2023 season will include a painted lap and leisure pool, maintenance of the orange slide, table umbrella replacements, shade structure replacements and a pump and filter replacement. Finally, Ms. Dickman shared some of her favorite staff photos from the summer.



Councilmember Davis commented that he liked the early swim period for lap swimmers, and many others did too.

Ms. Smith shared her presentation, highlighting that the camp is licensed with KDHE, ran nine weeks this summer from June 6 – August 5, hired 18 total part time seasonal staff, welcomed 1073 campers at a maximum of 120 campers per week, and camp fees this year increased by \$6.00. She also anticipates increasing rates again next year. Ms. Smith gave a breakdown of revenues, including a 178% cost recovery for the camp. Expenses did increase this year, but the Childcare Aware of Kansas grant that the camp secured helped offset those. The breakdown of expenses includes an increase of staff wages from \$8.00 per hour to \$12.00 per hour.

Mission Summer Camp was awarded the Childcare Aware Grant, which pays up to \$18,000 per month. Staff shortages were limited and the staff on hand did a great job of stepping up and working long hours to make the camp a success. Six staff members were retained from the summer staff and are now working part-time in the community center, which will be great when it's time to transition back to summer camp next season. COVID protocols were successful to keep campers and staff safe. Camp scholarships were awarded to four families using the Johnson County HUD standards. Patrons and members of the community center were encouraged to donate to the camp scholarship fund, and she found they liked being able to do so. Finally, Ms. Smith shared some of her favorite photos of campers from the summer.

Councilmember Inman asked Ms. Smith how the Childcare Aware Grant opportunity came about.

Ms. Smith responded that she was at a meeting at the community center with some other local parks and recreation professionals who asked her if she had applied. After some conversation with Mr. Almoney, they decided to apply and were awarded the grant.

Mission Vale Rezoning (W. 58th Terrace and Nall Ave.)

Deputy City Administrator Brian Scott stated he would be presenting three items this evening pertaining to the Mission Vale Townhome Development. The first is a rezoning of the property at the southeast corner of 58th Street and Nall Avenue, encompassing five parcels, two of which face Nall Avenue and three which face W. 58th Street. The parcels facing Nall Avenue are zoned "PBP" (Planned Business Park), and the three on W. 58th Terrace are currently zoned "MS-2" (Main Street 2). The first step was to rezone all of the properties to "DND" (Downtown Neighborhood District). A public hearing was held for the rezoning with no public comment and was approved by the Planning Commission 9-0.

Mission Vale Preliminary Development Plan (W. 58th Terrace and Nall Ave.)

Mr. Scott then reviewed the preliminary development plan for the Mission Vale Townhome Development. He showed an illustration of the design of the project. Current zoning regulations allow for no more than six townhomes in a row, so the original development plan was slightly reworked to conform to the zoning regulations. The units are two stories, two-bedroom and two-bath with a one or two car garage. Zoning requires enough off-street parking for two cars per unit. Most parking is in the garage with some on-street and behind the units. The units at the end

nearest W. 58th Terrace have driveways. A public hearing was held for the preliminary development plan with no public comment and was approved by the Planning Commission 9-0.

5819 Nall Townhomes Preliminary Plat (W. 58th Terrace and Nall Ave.)

Mr. Scott introduced the final item for the Mission Vale project this evening, a preliminary plat with no dedication of right of way. Sidewalk is being installed on Birch, W. 58th Terrace and Nall. There is one single family home between the development and the WingStand restaurant on Nall, which the Developer was unsuccessful in his efforts to purchase. Staff and the Developer are in discussions to extend the sidewalk being built as part of the development all the way down Nall Avenue to the WingStand building on Nall Avenue. A public hearing was held for the preliminary plat with no public comment and was approved by the Planning Commission 9-0.

SMSD Horizons High School Preliminary and Final Plat (5900 Lamar)

Mr. Scott also presented the application for a preliminary and final plat at Horizons High School. The school is undergoing interior renovations and during that process, Staff encouraged the school district to plat the property. The district is also donating a section of sidewalk as a right of way along Johnson Drive. The platting process proved to be somewhat challenging as the district has no records of the property, including a deed. Two half lots are on the northwest corner of the property, in addition to the large parcel where the school sits. The plat provides an opportunity to clean up boundaries and make the donation of right of way on Johnson Drive, which will help with future road improvement projects. A public hearing was held for the preliminary and final plat with no public comment and was approved by the Planning Commission 9-0.

Mission Preserve Final Plat (51st Street and Riggs Ave.)

Mr. Scott's final item was for a final plat for the Mission Preserve project located at 51st Street and Riggs Avenue. This project is a 132-unit multi-family residential development on a 9-acre undeveloped lot. The lot was purchased by Stride Development. A preliminary development plan was approved by the City Council last winter. The project is primarily for residents 55 years and older. The final development plan was submitted to the Planning Commission and has been considered and approved. There is a small dedication of right of way in the northeast corner where Riggs crosses the property. Staff asked the Developer to donate that to the City which he will do. There is also a very tip of the property that crosses into a neighbor's yard. Later during the process that small area will go through a dedication process to be given to the property owner. The final plat was approved by the Planning Commission 8-1.

Councilmember Thomas asked why the one Planning Commissioner objected to the final plat.

Mr. Scott answered that he believes the Commissioner did not like the development.

Action Items

Acceptance of the September 7, 2022 Community Development Committee Minutes

Minutes of the September 7, 2022 Community Development Committee were provided to the Committee.

Councilmember Davis recommended this item be forwarded to the City Council for approval. All on the committee agreed, and this item will be on the consent agenda.

Amendment of Joint Use Agreement for Waterworks Park

Parks and Recreation Director Penn Almoney presented to the Committee an amended Joint Use Agreement for Waterworks Park with WaterOne as the City prepares to move forward with park improvements. The City originally entered into the agreement in November of 1982.

WaterOne was included in stakeholder group for the conceptual redesign at the site as it was important to get their input on the proposed redesign and to make sure they were able to voice any concerns. With their guidance, walking path and trailways have been shifted further away from water lines to allow them more room to dig and make repairs to the underground fixtures if a main break occurs on the site. WaterOne has supported all conceptual designs and has weighed in that the partnership between the two entities works for them.

WaterOne had one consideration, which was to include them in any conversations about changes to the conceptual layouts of the redesign.

Director Almoney noted that Payne and Jones has reviewed the agreement, worked with WaterOne's counsel and they find the agreement to be reasonable. Additions to the agreement include sharing improvement plans and revisions, temporary occupation by WaterOne and restricted access to the park if the need arises and contribution by the City to the cost to mitigate or repair damage should it occur. City Staff will meet with WaterOne to discuss further Section Five, to see about shoring up confusion in this section as requested by Mayor Flora. Additionally, the agreement adds that both parties acknowledge there are points where the trails cross over underground streams, a reference to cost estimates for conceptual design improvements to serve as a benchmark to see real improvements are being made, general liability coverages and releases that can be reviewed and modified annually. Staff recommends approval pending any changes that may happen during a follow-up meeting with WaterOne scheduled for next week.

Councilmember Boultinghouse recommended this item be forwarded to the City Council for approval. All on the committee agreed, and this item will be on the regular agenda.

City Administrator Laura Smith asked Mayor Flora to elaborate some on what items were in need of further discussion with respect to section five of the updated Joint Use Agreement.

Mayor Flora explained that Section 5, a new section, and a key piece of the agreement, is vague with regards to the parties working together to determine mitigation cost allocation. The agreement

also states the City will contribute to the costs as requested by WaterOne, which is not clear enough and does not protect the City. She also wants to see the dollar amount listed in the agreement for the conceptual redesign be updated to the current amount projected for the project.

Mr. Almoney agreed those are reasonable asks.

Councilmember Loudon asked to clarify that the design of the park, specifically the new equipment and infrastructure, will not be on top of any of WaterOne's underground facilities that could need to be accessed in the future.

Mr. Almoney responded that is correct. The City was very cognizant of not placing equipment or building infrastructure outside of trails and paths that could be compromised in the future due to the needs of WaterOne to dig at the site. All major structures are all pulled away and centralized from the water mains. Two sections of trail will be the only things close to the mains, and those sections were designed at a 90-degree angle to further minimize disruptions.

Pavement Condition Update Contract

Public Works Director Celia Duran introduced a pavement condition update contract with GEI Consultants, Inc. and GE Blueplan. Stantec collected this data in 2017, and in 2020 prior to the streets sales tax, Stantec was hired to re-analyze the data to see how deep asphalt is on the street to develop criteria and a cost estimate for street treatment. That data allowed the City to prioritize a list of streets that are in most need of repair. Industry standards indicate that the data should be collected once every five years according to Ms. Duran, and since 2017 was the last time the data was collected it is time to renew. Staff recommends retaining GEI Consultants, Inc. to collect the data using the same format as before while updating streets and costs. Ms. Duran further explained that in 2017 during the last data collection the City had many chip-sealed streets. Sometimes the chip seal can cover street conditions, so making sure that prioritizing includes the best data. The data is good to have. Staff specifically recommends the team at GEI Consultants, Inc and GM Blueplan as the project manager who was with Stantec during the 2017 update heads it up and is familiar with the City's streets and needs. Ms. Duran is hopeful that the work will be completed by December of 2022.

Councilmember Chocie asked if there would need to be coring data again, or if this is just a survey of what can be seen?

Ms. Duran confirmed that this evaluation will not include core sampling.

Councilmember Davis recommended this item be forwarded to the City Council for approval. All on the committee agreed, and this item will be on the consent agenda.

Maintenance Agreement Rushton Elementary and Maintenance Agreement 58/Nall

Brian Scott presented a proposed maintenance agreement between the City and Unified School District 512 at the site of Rushton Elementary School, and a similar proposed maintenance agreement between the City and the Developer at the 58/Nall project site. Mr. Scott first explained the agreement at the 58/Nall site. A final development plan was approved for this project in August.

Part of that plan and to meet parking requirements was for the developer to build 8 on street parking spots on Nall. The City asked the Developer to enter into a maintenance agreement to be responsible for the parking stalls and sidewalk in the right of way.

Similarly at the Rushton Elementary School site, the District requested to add an additional eight spaces to the ten already in existence along 52nd Street. The District will be responsible for maintaining those 18 parking stalls.

Councilmember Davis recommended that both items be forwarded to the City Council for approval. All on the committee agreed, and these items will be on the consent agenda.

Discussion Items

There are no discussion items on the agenda.

OTHER

Department Updates

Public Works Director Celia Duran returned to give project updates to the Committee. She reported that the Rock Creek Channel project has been completed, the Johnson Drive project is substantially completed. Staff has walked the streets and created a punch list of minor items to be fixed such as re-sodding, concrete clean up and parking stall blasting in curb. Once those items are fixed, they will do a final walk through. Similarly, on the street project Staff walked the street today and that project is substantially completed as well. There are a couple of areas in Countryside near driveways where sod needs to be fixed and cleaned up. The sod will be watered for 21 days by the sod company, inspected by Staff and then turned over to homeowners. A few areas the sod isn't looking as good and may need to be replaced. She reported that the City's ADA consultant has been walking the sidewalks with Ms. Duran to determine areas that are non-ADA compliant for resolution. Many sidewalks are from the 1950s and need to be updated.

Parks and Recreation Director Penn Almoney updated the Committee about the work being done on Mohawk Park construction project. Soil has been turned for the sanitary infrastructure. The contractor dug two feet down and found no water, which is an interesting fact. The contractor watered the site to help with ease in digging and to make sure the correct medium is in place. The southern parking lot has also been cut in at the site. The parking lot should be installed in the next month.

Councilmember Davis asked if there was a loss of mature trees at Mohawk Park.

Mr. Almoney answered that yes, unfortunately that did happen. He acknowledged that they do not ever want to affect trees, but for this project two trees were lost. They will be replaced along with the addition of many more younger and more resilient species.

Mayor Flora asked for clarification on the final design documents to find out if the sidewalk on the northeastern edge will connect to the trail.



Mr. Almoney answered that is correct, in conceptual designs it did not but it will now connect. That will happen in Phase II.

Mr. Almoney also reported that he met with Public Works Staff and folks from the City of Overland Park to ensure ADA compliance with the sidewalks and crosswalks at 67th and Lamar. He also shared that for the Spooky Walk event, there will be shuttle parking north and west of Broadmoor Park to alleviate parking issues at Streamway Park.

Councilmember Chociey asked about signage about parking and the shuttle option during the event, and Mr. Almoney assured the Committee that there will be ample signage.

Councilmember Boultinghouse commented that he appreciates the signage already out at Streamway Park for the event as he saw it today.

Assistant City Administrator Emily Randel updated the Committee that the greenhouse gas inventory RFP is live with a deadline for responses of November 8. A mixed team will review. Additionally, internal discussions have started to work through the 18 recommendations from the climate taskforce to define next steps. Those will be shared upon completion of the review.

Councilmember Chociey stated his excitement for that work, and he knows the taskforce members are as well.

Meeting Close

There being no further business to come before the Committee, the meeting of the Community Development Committee adjourned at 7:15 p.m.

Respectfully submitted,

Robyn L. Fulks, City Clerk

City of Mission	Item Number:	4.
ACTION ITEM SUMMARY	Date:	November 2, 2022
Community Development	From:	Brian Scott

Action items require a vote to recommend the item to the full City Council for further action.

RE: Interlocal Agreement Between the City of Mission and Johnson County for the Purpose of Streamlining and Documenting Decision Making

RECOMMENDATION: Approve the Interlocal Agreement between the City and Johnson County Wastewater (JCW) governing decision making relative to upgrades to JCW facilities located in the City of Mission.

DETAILS: The Nelson Wastewater Treatment Facility is located in the very northeast corner of Mission at 4800 Nall Avenue. The facility was first constructed in the 1940's and has been in use ever since, expanding in operational scale as the area has grown. The facility treats wastewater generated within the Turkey Creek and Mission Main basins which includes all or portions of Lenexa, Shawnee, Merriam, Overland Park, Mission, Roeland Park, Fairway, and Prairie Village. The plant is nearing the end of its operational life and is no longer compliant with wastewater treatment standards.

Johnson County Wastewater (JCW), which provides wastewater treatment services for most of Johnson County, undertook several studies to determine the best options for either updating or replacing this facility and other facilities within its collection system that are facing similar issues. It was determined that the best option was to replace both the Tomahawk treatment facility located in Leawood and the Nelson treatment facility in Mission, as well as make improvements to several other smaller facilities throughout the collection system.

Reconstruction of the Tomahawk Wastewater Treatment Facility at Mission Road and I-435 was completed last year. Improvements to a pumpstation at Nall Avenue and 75th Street were completed this summer along with improvements at the Rock Creek pumpstation (behind the former Mission Bowl building). Design work for improvements at the other Rock Creek pumpstation (at Roe and Shawnee Mission Parkway), Turkey Creek pumpstation (on Foxridge), and the Nelson treatment facility have been underway for the past couple of years. JCW is now ready to implement improvements to the Turkey Creek pumpstation and the Nelson treatment facility.

Turkey Creek Pumpstation

The most significant improvement to the Turkey Creek pumpstation will be the

Related Statute/City Ordinance:	Chapter 400 of Mission Municipal Code (Land Use)
Line Item Code/Description:	NA
Available Budget:	NA

City of Mission	Item Number:	4.
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Community Development	From:	Brian Scott

Action items require a vote to recommend the item to the full City Council for further action.

construction of a new force main from the pumpstation to the Nelson Treatment plant. As the name implies, a force main is a large pipe buried deep in the ground that allows for wastewater to be pumped from the Turkey Creek location uphill to the Nelson facility for treatment. This main will essentially follow the Foxridge right-of-way, which means portions of the roadway will have to be removed to allow for construction of the main. JCW has been working with City staff for the past year to design and coordinate this work. It is expected that the work will begin by the end of this year and be completed by mid-year 2023. This work is being done now so that the City can be in a position to begin the Foxridge Phase II project in the spring of 2023.

Nelson Wastewater Treatment Facility

Improvements to the Nelson Wastewater Treatment facility are expected to begin in early 2023 and be completed by 2029. Improvements will entail constructing new components of the treatment process (basins, clarifiers, buildings, piping, etc.) in the very northeast corner of the facility complex, and then decommissioning and removing the old components once the new components are up and running. This will allow the facility to remain operational during the reconstruction process.

A new administrative office will be built in the southeast portion of the facility complex closer to Nall Avenue. Construction of other offices and operational facilities within the complex will also occur.

JCW has submitted a preliminary development plan, preliminary plat, and an application for a special use permit to the City for review. These items will be presented to the Planning Commission for their consideration at the November 28th Planning Commission meeting.

The overall operation of the plant and the treatment components are beyond the scope of the City's ability to regulate. Rather, the preliminary development plan will focus on the general location of the treatment components on the site, location of administrative office and other operational buildings on the site, overall access to the site, stormwater management, design and materials of the buildings, and screening of the overall complex. Staff has been working with JCW and their design professionals throughout the summer on these items and believes that the preliminary development plan is in a

Related Statute/City Ordinance:	Chapter 400 of Mission Municipal Code (Land Use)
Line Item Code/Description:	NA
Available Budget:	NA

City of Mission	Item Number:	4.
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Community Development	From:	Brian Scott

Action items require a vote to recommend the item to the full City Council for further action.

good position to be approved by the Planning Commission and the City Council.

The preliminary plat will clean-up boundaries, dedicate easements, and remove references to prior plats that were adopted for the property.

Both the Turkey Creek force main and the Nelson treatment facility reconstruction will be large scale construction projects within our community that will require a great deal of coordination between the City and the County to ensure that the work is completed in a timely manner with the least amount of disruption. The Interlocal Agreement will help to facilitate that by providing a frame for mutual cooperation on these projects.

Patrick Denning with JCW will provide a presentation to the Community Development Committee describing in more detail the improvements to Turkey Creek pumpstation and Nelson treatment facility and the timeline and process for completing these projects. He will be available to answer any questions from members of the committee.

CFAA CONSIDERATIONS/IMPACTS: N/A

Attachments:

- Interlocal Agreement

Related Statute/City Ordinance:	Chapter 400 of Mission Municipal Code (Land Use)
Line Item Code/Description:	NA
Available Budget:	NA

NELSON WWTF IMPROVEMENTS INTERGOVERNMENTAL AGREEMENT

This Agreement is made and entered into as of the ____ day of _____, 2022, by and between the City of Mission, Kansas, a municipal body organized and existing under the laws of the State of Kansas, (“Mission”) and the Board of County Commissioners of Johnson County, Kansas, as the governing body of the Consolidated Main Sewer District, a quasi-municipal corporation of the State of Kansas (“Johnson County”).

RECITALS

- A. Mission and Johnson County are both political subdivisions of the State of Kansas and are authorized to enter into agreements with one another pursuant to K.S.A. 12-2908 *et seq.*, for the promotion of intergovernmental cooperation.
- B. Johnson County has determined an immediate need for additions and rehabilitation to its wastewater facilities in Mission, Kansas, to meet the sewer service needs of its current and future customers. Johnson County and the Kansas Department of Health and Environment have entered into Consent Order 19-E-5 BOW, to allow Johnson County the time necessary to construct the required improvements to meet future water quality requirements. The project includes the Nelson Wastewater Treatment Facility (WWTF) generally located at 4800 Nall, the Turkey Creek Pump Station, located at 6700 Foxridge Drive, the Rock Creek Pump Station, located at 5701 Roe Avenue, and the conveyance facilities required to convey flow from the pump stations to the WWTF (collectively, these are referred to as the “Nelson WWTF Improvements”).
- C. While the project is primarily located in Mission, the project is of benefit to residents inside and outside of the City of Mission and will be funded by the ratepayers of the Johnson County Wastewater Consolidated Main Sewer District, upon project approval by the Board of County Commissioners of Johnson County.
- D. Mission and Johnson County have engaged in numerous discussions related to the Nelson WWTF Improvements and have identified opportunities for municipal cooperation with respect to the Nelson WWTF Improvements.
- E. Mission and Johnson County desire to enter into this agreement to memorialize their municipal cooperation related to the planned Nelson WWTF Improvements and related matters.
- F. Johnson County desires to cooperate and consult with Mission concerning the planning, design and construction of the Nelson WWTF Improvements.
- G. Mission desires to support improvement of Johnson County’s wastewater system for

the benefit of its citizens by cooperating with Johnson County.

- H. Mission and Johnson County have consulted on the Nelson WWTF Improvements and have reached an agreement that will allow Mission to play a role in the wastewater improvement project while Johnson County has agreed to provide submittals to the Mission City Planners for their review and comment.
- I. Johnson County recognizes the interests of Mission in this matter; however, the County asserts its immunity from the Mission's codes and regulations because the project serves an important governmental interest and does not adversely impact Mission's interests. *Herman v. Board of County Commissioners*, 246 Kan. 152, 785 P. 2d 1003 (1990). Therefore, the County will not formally make application for approval for the Nelson WWTF Improvements.
- J. Both Mission and Johnson County assert they are performing essential functions of local government in exercising their respective duties and authorities. Each party reserves its legal rights, and none are waived or extinguished by this Agreement

NOW, THEREFORE, in consideration of the premises, provisions, conditions and covenants of this Agreement, the parties agree as follows:

AGREEMENT

Section 1: Purpose

The parties hereto enter into this Agreement primarily for the purpose of establishing a method for Mission and Johnson County to cooperate in connection with the construction and maintenance of the Nelson WWTF Improvements.

Section 2: Cooperative Support of Mutual Responsibilities

Both Mission and Johnson County have the authority and responsibility to ensure and protect the public health, safety and welfare of its residents and the public at large, and both desire the Nelson WWTF Improvements to benefit not only Mission, but the entire Johnson County community without unreasonably affecting surrounding properties, traffic patterns, or public infrastructure within Mission. In order to give courteous and respectful consideration to the concerns of each, the parties agree it would be mutually advantageous to establish a framework to allow Mission to provide comments and have input on the Nelson WWTF Improvements regardless of whether the County is immune from Mission's oversight, regulation, and review.

Section 3: Cooperative Review and Consultation on Nelson WWTF Improvements

Johnson County will consult with Mission about its plans for the Nelson WWTF Improvements, including the Rock Creek Pump Station, Turkey Creek Pump Station, and the conveyance facilities required to convey flow from the pump stations to the WWTF, to be constructed in the city. Such consultation may take one of the following forms:

- A. Johnson County will cooperate in Mission's review processes for the construction and maintenance of the Nelson WWTF Improvements so Mission may make

recommendations regarding the same. Such review processes may include the submittal of applications and plans for zoning approvals, building permits, right-of-way permits, and other processes Mission has in place to regulate construction activity in the city. Mission's review process will not be unreasonably delayed, and the granting of approvals will not be unreasonably withheld or overly burdensome. However, Mission acknowledges Johnson County asserts the construction of the Nelson WWTF Improvements are not contingent upon the approval of Mission.

- B. Johnson County will cooperate with Mission to resolve issues that may arise during the construction process that have a negative impact on surrounding properties, traffic patterns, or public infrastructure.
- C. Johnson County will cooperate with Mission in providing general information about the Nelson WWTF Improvements to include updates on a project website, presentations at Mission Governing Body Meetings, public meetings and open houses, and responding to public comment or questions and issues raised by Mission's Governing Body or Staff.

Section 4: Documentation of Agreed Upon Processes and Decisions

Both parties acknowledge the Nelson WWTF Improvements is a significant undertaking that requires a strong public partnership between Johnson County, Mission, and other public entities. The parties also acknowledge: 1) the Nelson WWTF Improvements is a complicated project that will require unique approaches to problem solving outside of what may be considered standard practices or policies; 2) time is of the essence in completing the Nelson WWTF Improvements; 3) cost constraints are a consideration; and 4) decisions will need to be made and processes established that require documentation for the benefit of each party.

Therefore, all Mission stipulations, recommendations, or suggestions agreeable to Johnson County, acting through its County Manager, and approved by the Governing Body of the City of Mission acting through its City Administrator, will be incorporated through one or more addendums to this Agreement.

The parties further agree Johnson County may make minor changes to its plans and may make such changes without Mission's approval or delay to its construction timetable via addendum. Notice of any minor changes will be provided to Mission. If Mission determines the change is not minor, it may opt to present the change to the Mission Governing Body for input. Such agreement that results from the input will be recorded as an addendum to this Agreement.

Section 5: Compliance with Local Regulations

Although Johnson County asserts it is not subject to Mission's zoning and subdivision regulations, including its building and related codes, Johnson County agrees it will not intentionally violate, and will make a good faith effort to comply with the spirit and intent of, the generally applicable codes and regulations of the City so long as doing so does not materially interfere with the safety, security, construction, operation, maintenance and repair of the Nelson WWTF Improvements.

Section 6: Notification

All communications from Mission to Johnson County regarding this Agreement shall be directed specifically to:

Chief Engineer
Johnson County Wastewater
11811 S. Sunset
Drive Suite
2500
Olathe, Kansas 66061

All communications from Johnson County to Mission regarding this Agreement shall be directed specifically to:

Laura Smith, City Administrator
City of Mission
6090 Woodson
Mission, Kansas 66202

Section 7: Duration of Agreement

This Agreement shall remain in full force and effect for a period of time equivalent to the time required to construct and maintain the Nelson WWTF Improvements.

IN WITNESS WHEREOF, Mission and Johnson County hereto have caused this Agreement to be executed on behalf of their respective governing bodies the day and year first above written.

CITY OF MISSION, KANSAS

By: _____
Solana Flora, Mayor

Attest:

Robyn L. Fulks, City Clerk

Approved as to form:

David Martin, City Attorney
Payne & Jones, Chartered
11000 King Street
Overland Park, KS 66210

**BOARD OF COUNTY COMMISSIONERS OF
JOHNSON COUNTY, KANSAS**

By: _____
Ed Eilert, Chairman

Attest:

Lynda Sader, Deputy County Clerk

Approved as to form:

Ryan Haga, Assistant County Counselor

City of Mission	Item Number:	5.
ACTION ITEM SUMMARY	Date:	November 2, 2022
Community Development	From:	Brian Scott / Jim Brown

Action items require a vote to recommend the item to the full City Council for further action.

RE: Adoption of the 2018 Edition of the International Codes for Building Construction and the 2017 Edition of the National Electrical Code

RECOMMENDATION: Staff recommends that the City Council adopt the following set of building codes for the City of Mission

- 2018 International Building Code (IBC)
- 2018 International Fire Code (IFC)
- 2018 International Residential Code (IRC)
- 2018 International Plumbing Code (IPC)
- 2018 International Mechanical Code (IMC)
- 2018 International Fuel Gas Code (IFGC)
- 2018 International Energy Conservation Code (IECC)
- 2018 International Property Maintenance Code (IPMC)
- 2017 National Electrical Code (NEC- NFPA70)

DETAILS: The International Code Council represents a diverse family of codes, providing minimum life/safety requirements for the construction and maintenance of both commercial and residential buildings. The various disciplines in the construction industry are governed by separate codes which specifically address that discipline. However, the codes work together to ensure that a requirement in one discipline area does not conflict with a requirement in another discipline area. For that reason, codes are introduced as a complete set.

The International Code Council continuously reviews and implements revised codes on a three (3) year cycle. Changes to codes are presented to and input is received from various stakeholders on a national level including the Home Builders Association, architects, design professionals and numerous product vendors and testing agencies. These changes and input from various stakeholders are presented to voting members of the ICC through a series of code hearings and are typically finalized at the ICC Annual Convention with input and votes from the thousands of code officials from the United States and the international community (in person and on-line voting).

Once adopted, ICC issues the codes as a complete set for adoption by local governments. Local governments (be it states, counties, or cities) will adopt the codes with amendments that are particular to regional building practices or adopted policies. The long-standing practice in the Kansas City metro area has been that cities will adopt the same set of building codes with the same, agreed upon amendments. This allows for uniformity across jurisdictions, so design professionals and builders are not having to interpret changes from one jurisdiction to the next. It also reduces the opportunity for favoritism if one city is more lenient than another.

Related Statute/City Ordinance:	Chapter 500 of the Municipal Codes of the City of Mission
Line Item Code/Description:	N/A
Available Budget:	N/A

City of Mission	Item Number:	5.
ACTION ITEM SUMMARY	Date:	November 2, 2022
Community Development	From:	Brian Scott / Jim Brown

Action items require a vote to recommend the item to the full City Council for further action.

At the local level, a three-year code adoption cycle has been determined as being too aggressive for most jurisdictions to accommodate, due to limited staff and resources; and the time that it takes to review the codes, develop amendments, and receive legal review. Therefore, it is a common practice in the Kansas City metro area for jurisdictions to proceed with a code adoption process every six (6) years. The current set of codes that has been adopted across the region is the 2018 ICC codes.

In May of 2018, building officials from around the metro area formed a code adoption committee tasked with preparation of a metro wide 2018 code adoption packet. This committee was well represented by building officials and fire department officials from across the greater Kansas City Metro to include; Olathe, KS; Overland Park, KS; Lenexa, KS, Shawnee, KS, Belton, MO; Grandview, MO; Independence, MO; Lees Summit, MO; Gladstone, MO; Kansas City, MO; Kearney, MO; and Raytown, MO.

The committee met on several occasions from May through December of 2018 to compare current and proposed amendments from the different jurisdictions. These amendments were discussed, analyzed and condensed into the final action item entitled 2018 KC Metro Code Adoption.

The body of work was presented to the following stakeholders, construction professionals and design professionals to include; Home Builders Association (HBA), Business Owners and Managers Association (BOMA), Mid-America Regional Council (MARC), Association of General Contractors (AGA) and the American Institute of Architects (AIA) to obtain feedback and discussion on the proposed code changes.

Once comments and input were received a final set of the 2018 ICC codes, with the agreed upon amendments, was approved by the committee and individual communities began adopting the codes accordingly. Mission has not yet adopted this set of codes. Almost all the construction documents that are received and reviewed by the City, however, are being prepared to the 2018 ICC codes.

The 2018 ICC codes were presented to the City Council two years ago, in September of 2020 for adoption. At that time, there was general discussion among design professionals, construction industry leaders, code officials, sustainability advocates, and elected officials about the newly released 2021 Energy Conservation Code. Council requested that staff research this further. And adoption of the 2018 ICC Codes was delayed.

The initial 2021 Energy Conservation Code that was adopted and released by the ICC in 2020 was deemed by many in the construction industry as being “too far ahead” for

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Line Item Code/Description:	N/A
Available Budget:	N/A

City of Mission	Item Number:	5.
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general construction standards. The code was ultimately repealed by ICC and replaced with a new code that was more in line with energy conservation practices that were being adopted throughout the industry. Kansas City Missouri just recently adopted the modified 2021 Energy Conservation Code. No other city in the metro has done so, nor are any contemplating it at this time. As stated previously, the codes are designed to work together. There is some hesitancy to adopt one code that is not aligned with the others. Continuing the 6-year code cycle, the next set of codes to be evaluated and adopted on a regional level would be the 2024 ICC codes, which is due out next fall.

Staff is continuing to research and explore the action taken by KCMO and will continue discussions with the Council regarding goals related to the Energy Conservation Code. As we continue that evaluation, it is important to get the current standards brought up to the 2018 version.

Attached to this action item staff report are the proposed Code Adoption Ordinances which reflect the consensus of the 2018 code adoption packet as recommended by the metro wide code adoption committee. Although the codes are adopted as a “set,” each must be incorporated via a separate ordinance. The relevant codes from this effort which are adopted by the City of Mission, Kansas include the following:

- International Building Code (IBC):**
- International Fire Code (IFC)**
- International Residential Code (IRC)**
- International Plumbing Code (IPC)**
- International Mechanical Code (IMC)**
- International Fuel Gas Code (IFGC)**
- International Energy Conservation Code (IECC)**
- International Property Maintenance Code (IPMC)**
- National Electric Code (NEC)**

It should be noted that all the Codes above pertain to commercial development projects with the exception of the IRC. The IRC is a standalone Code that pertains only to one- and two-family dwellings and incorporates all disciplines within the body of the code.

The Codes regulate building construction only. Site development, utilities, streets, zoning, etc., are governed by subdivision regulations and other sections of the Mission Municipal Code and certain sections of the International Fire Code (IFC).

If this item is approved by the City Council during the regularly scheduled meeting on November 16th, staff recommends the new Codes become effective March 1st, 2023.

Related Statute/City Ordinance:	Chapter 500 of the Municipal Codes of the City of Mission
Line Item Code/Description:	N/A
Available Budget:	N/A

City of Mission	Item Number:	5.
ACTION ITEM SUMMARY	Date:	November 2, 2022
Community Development	From:	Brian Scott / Jim Brown

Action items require a vote to recommend the item to the full City Council for further action.

This will allow for time to notify the building community and coincides with the beginning of the building season for 2023.

Staff will also begin the process of establishing a Board of Code Appeals in order to hear and decide appeals of decisions or determinations made by the building official relative to the interpretation and application of the code.

CFAA CONSIDERATIONS/IMPACTS: The adoption of current codes helps to assure a safe-built, accessible and energy efficient environment for all residents and business owners in the city.

Related Statute/City Ordinance:	Chapter 500 of the Municipal Codes of the City of Mission
Line Item Code/Description:	N/A
Available Budget:	N/A

AN ORDINANCE ADOPTING THE 2018 INTERNATIONAL BUILDING CODE BY AMENDING EXISTING CHAPTER 500, ARTICLE II OF THE MISSION MUNICIPAL CODE, ENTITLED ADOPTION OF THE INTERNATIONAL BUILDING CODE 2018 EDITION.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, KANSAS:

SECTION 1. That the Mission Municipal Code is hereby amended by repealing the previously existing Chapter 500 Article II and providing in lieu thereof the following:

Chapter 500 Model or Standard Code Adoptions
Article II International Building Code

Section 500.030 Adoption.

- (a) There is hereby adopted the International Building Code 2018, to include Appendices C, F, G, H, I, and J, published by the International Code Council, for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the City of Mission, providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such International Building Code, 2018 edition, on file in the office of the building official are hereby referred to as the IBC, adopted and made a part hereof as if fully set out in this chapter, subject only to the express amendments and deletions provided herein.

- (b) Wherever the word "jurisdiction" is used in the International Building Code, adopted hereby, said term shall mean the City of Mission.

Section 500.031 Violation.

Any person violating any provision of such code shall be punished as provided in Section 100.100 of the Mission City Code.

Section 500.032 Definitions

The term "*approved certified sprinkler system*" shall mean one that has been designed by an engineer who is licensed in the State of Kansas, and installed by a contractor licensed to do so by the Johnson County Contractor Licensing Program, and approved by the Building Code Official.

Section 500.033 Omissions

- 1. Section 101.4.7 Existing Buildings
- 2. Section 103.2 Appointment
- 3. Section 113 Board of Appeals

Section 500.034 **Amendments and Additions**

a) Amend Section 101.4.3 of the IBC to read as follows:

101.4.3 Plumbing - The provisions of the International Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the Johnson County Environmental Department shall apply to private sewage disposal systems.

b) Amend the IBC by adding a new Section 101.4.7 to read as follows:

101.4.7 Existing Building - The provisions of the International Building Code, International Fire Code, International Plumbing Code, International Mechanical Code, International Fuel Gas Code, International Residential Code, International Energy Conservation Code and NFPA 70 (NEC) shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings. Alterations to any building or structure shall comply with the requirements of the code for new construction. Alterations shall be such that the existing building or structure is no less complying with the provisions of this code than the existing building or structure was prior to the alteration.

Buildings and structures, and parts thereof, shall be maintained in a safe and sanitary condition. Devices or safeguards which are required by this code shall be maintained in conformance with the code edition under which installed. The owner or owner's designated agent shall be responsible for the maintenance of the buildings and structures. To determine compliance with this subsection, the Building Official shall have the authority to require a building or structure to be re-inspected. The requirements of this section shall not provide the basis for removal or abrogation of the fire protection and safety systems and devices in existing structures.

The provisions of this code related to the construction, repair, alteration, restoration and movement of structures, and changes of occupancy shall not be mandatory for historic buildings where such buildings are determined by the Building Official to not constitute a distinct life safety hazard.

No change shall be made in the use or occupancy of any building that would place the building in a different division of the same group of occupancies or in a different group of occupancies, unless such building is made to comply with the requirements of this code for such division or group of occupancies. Subject to the approval of the Building Official, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for the purpose in other groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use. A certificate of occupancy shall be issued where it has been determined that the requirements for the new occupancy classification have been met.

c) Amend the IBC by adding a new Section 101.4.8 to read as follows:

101.4.8 Electrical. The provisions of the NFPA 70 National Electrical Code, 2017 Edition, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

d) Amend the IBC by omitting Section 103 Department of Building Safety in its entirety.

e) Amend Section 104.3 of the IBC to read as follows:

104.3 Notices, Orders and Work Hours - The Building Official shall issue necessary notices or orders to ensure compliance with this code. Construction work on residential, commercial and industrial projects involving earth-moving equipment, trucking, concrete work, exterior carpentry and masonry, exterior plumbing, exterior painting, exterior electrical work shall be permitted during the following hours only:

Monday through Friday - 7:00 A.M. to 6:00 P.M.

Saturday - 8:00 A.M. to 6:00 P.M.

Sunday - All Work Prohibited

Exceptions:

- 1) Repair and remodeling work performed by the owner or occupant of one- and two-family residential buildings.
- 2) Repair work performed on an emergency basis.
- 3) An extended construction work hours permit approved by the Community Development Department.

Penalty:

Violation of the provisions of this Article shall be punishable by a fine not to exceed five hundred dollars (\$500.00) per violation and/or revocation of the building permit.

f) Amend Section 105.3 of the IBC by adding items 8 through 12 to read as follows:

105.3 Application for Permit.

A permit shall not be issued until evidence is presented to the Building Code Official certifying the availability of satisfactory potable water. Applicants within areas under the jurisdiction of a duly constituted water district shall submit a connection permit or notice of intent to supply water service from the water district.

- 1) A permit for construction shall not be issued until evidence is presented to the Building Code Official verifying the availability of satisfactory hydrant locations. Applicants for areas under the jurisdiction of a duly constituted water district shall submit a statement from the district verifying that the proposed fire protection system conforms to Article 10 of this Code.
- 2) No building permit for any structure or building to be located within a legally created sewer district in the City in which sanitary sewage will, or may, originate shall be issued until the applicant, or the applicant's agent, has previously applied for and received from the sewer district an outside sanitary sewer construction and

connection permit as required by the rules and regulations of the Johnson County Wastewater District.

- 3) Include a right-of-way permit application from the City.
- 4) Include proof that the permit applicant has a valid contractor license, in the appropriate class with Johnson County Contractor Licensing.

g) Amend the IBC by adding a new Section 105.3.1.1 to read as follows:

105.3.1.1 Denial of Permits - The Building Official is authorized to deny a permit to any applicant not meeting the provisions of this code on any open permits. The Building Official may also stop construction on any permit if the contractor fails to maintain oversight of a project or fails to maintain insurance as required by the Johnson County Contractor Licensing Regulations.

h) Amend the IBC by adding a new Section 105.3.3 to read as follows:

105.3.3 Moving Buildings or Structures - A permit for a foundation, or a new single-family or a remodel permit shall be secured prior to the issuance of a permit to move a building or structure. The foundation shall be constructed prior to the building or structure being moved. All applications for permits to move buildings or structures shall include the following information:

1. The dimensions of the building or structure as to length, width, and height at its highest point when loaded for moving.
2. A letter verifying that all utilities have been disconnected, i.e. gas, electric, water, sewer. A verbal or electronic communication from the utility company is acceptable in lieu of a letter.
3. A letter or electronic communication from any utility company having overhead lines along the proposed route indicating that they have approved the route.
4. Letters from the Police Department and the Public Works Department approving the date, time and route of the move.
5. A letter indicating the day and hour when the move is to start; the length of time required for the move; and the number and type of escort vehicles.
6. A map showing the route of the move.
7. A copy of the State highway move permit, if applicable.
8. Copies of written notices to the owners of adjacent lots along the route who may be affected by utility disconnects. The letter will give the date and time of the move.
9. Written permission from the private property owner to trim any trees on private property necessary to provide clearance for the move along the proposed route.
10. Written permission to trim trees in the public right-of-way necessary to provide clearance for the move along the proposed route.
11. Sewer permit from Johnson County Wastewater District.
12. Letter from the appropriate water district certifying the availability of the water supply.
13. Verification from the water district of a satisfactory fire hydrant location.
14. Verification that the building or structure meets current adopted codes and standards.

15. A plot plan showing the property or lot where the building or structure is to be moved. A legal description of the property shall be included.

i) Amend Section 105.5 of the IBC to read as follows:

105.5 Expiration - Every permit issued by the Building Code Official under the provisions of this code shall expire by limitation and become null and void if:

- 1) The building or work authorized by such permit is not commenced within 180 days from the date of such permit; or
- 2) The building or work authorized by such permit has not progressed to the point of the next required inspection within 90 days of either the issuance of the permit, or from the date of the last inspection.

Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that the untimely progress has not exceeded one year. In order to renew action on a permit that has expired for a period exceeding one year, the permittee shall pay a new full permit fee.

The Building Code Official is authorized to grant, in writing, one or more extensions of time. The extension shall be requested in writing and justifiable cause demonstrated.

j) Amend the IBC by adding a new Section 105.8 to read as follows:

105.8 Responsibility - The permit applicant of record shall complete, and be responsible for, all work for which the building permit was issued, in full compliance with applicable laws and ordinances. The permit applicant of record shall complete, and be responsible for, all sidewalks, drive approaches, grading, erosion control, installation of landscaping, and culvert drains in the right-of-way abutting the property described by the building permit. The construction of sidewalks, drive approaches and other public improvements shall comply with all technical specifications adopted by the City and as directed by the Public Works Director or his/her representative.

k) Amend Section 109.2 of the IBC to read as follows:

109.2 Schedule of Permit Fees - On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority. The fee for each building permit shall be as set forth by resolution of the City Council. When permit fees are required, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.1, an additional plan review fee may be charged. Applications shall be considered inactive and/or abandoned thereby becoming null and void by expiration of the following:

- 1) The building or work authorized by such permit is not commenced within 180 days from the date of such permit, or
- 2) The building or work authorized by such permit has not progressed to the point of the next required inspection within 90 days of either the issuance of the permit, or from the date of the last inspection.

Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that the untimely progress has not exceeded one year. In order to renew action on a permit that has expired for a period exceeding one year, the permittee shall pay a new full permit fee. The Building Code Official is authorized to grant, in writing, one (1) extension of time, for a period not to exceed 180 days. The extension shall be requested in writing and justifiable cause demonstrated.

l) Amend Section 109.4 of the IBC to read as follows:

109.4 Work Commencing Before Permit Issuance - Work commencing before permit issuance. Any person or company that commences any work on a building, structure electrical, gas, plumbing or mechanical system before obtaining the necessary permits shall be subject to a fee double the original permit fee as established by the City of Mission.

m) Amend Section 109.6 of the IBC to read as follows:

109.6 Refunds - The Building Official is authorized to refund a permit fee which was erroneously paid or collected. The Building Official may authorize refunding of not more than eighty percent (80%) of the permit fee paid when no work has been done under the permit issued. The Building Official may authorize refunding of not more than eighty percent (80%) of the plan review paid when no plan review work has been performed. The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee, not later than one-hundred eighty (180) days after the date of fee payment.

n) Amend Section 111.3 of the IBC to read as follows:

111.3 Temporary Certificates of Occupancy - The Building Official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The Building Official shall set a time period during which the temporary certificate of occupancy is valid. A 60- day temporary certificate may be issued for interior items and a 90-day temporary certificate may be issued for exterior items upon request from the owner or contractor, subject to the approval of the Building Code Official. Additional time may be granted by the Building Code Official upon written request and for a fee of \$100.00. Contemporaneously with the issuance of a Temporary Certificate of Occupancy, the

Building Code Official shall provide a list of deficiencies, if any, that require correction to any building or portion thereof. The failure of the permit holder to correct the deficiencies, to the satisfaction of the Building Code Official, prior to the expiration of the Temporary Certificate of Occupancy, shall be an unlawful act.

o) Amend Section 113 of the IBC to read as follows:

Section 113 Board of Appeals - The Board of Appeals shall mean the Board of Code Review as established in Chapter 500, Article XI-A of the Mission Municipal Code and shall hear and decide appeals of orders, decisions, or determinations made by the building code official relative to the application and interpretation of this code.

p) Amend Section 114.3 of the IBC to read as follows:

114.3 Prosecution of Violation - Any person failing to comply with a notice of violation or order shall be deemed guilty of an unlawful act. If the notice of violation is not complied with, the Building Code Official may request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

q) Amend Section 114.4 of the IBC to read as follows:

114.4 Violation Penalties - Violation of any provision of this code shall be an unlawful act. Each separate day or any portion thereof, during which any violation of this code occurs or continues, shall also be deemed to constitute a separate offense, and shall be punishable as provided in Municipal Code Section 100.100.

r) Amend Section 115 of the IBC by as follows:

115 Stop Work Orders - In addition to Sections 115.1, 115.2 and 115.3, no building permit or permits will be issued to any person engaged in doing or causing such work to be done by such persons in the City of Mission until any and all stop work orders or any other restrictions have been cancelled or have been lifted by the Building Official.

s) Amend Section 305.2 of the IBC to read as follows:

305.2 Group E, Day Care Facilities - This group includes buildings and structures and portions thereof occupied by more than five (5) children older the 2 ½ years of age who receive educational, supervision, or personal care services for fewer than 24 hours per day.

Exception:

Daycare that is an accessory use for the dwelling unit principal residents, when conducted in compliance with applicable state and local regulations, shall comply with applicable requirements of the International residential Code.

t) Amend the IBC by omitting Section 305.2.3 Five or Fewer Children in a Dwelling Unit in its entirety.

u) Amend the IBC by omitting Section 310.4.1 Care Facilities within a Dwelling in its entirety.

v) Amend Section 903.3.1.2.1 of the IBC as follows:

Section 903.3.1.2.1 Balconies and decks - Sprinkler protection shall be provided for exterior balconies, decks, and ground floor patios of dwelling units and sleeping units. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch to 6 inches below the structural members and a maximum distance of 14 inches below the deck of the exterior balconies and decks that are constructed of open wood joist construction.

w) Amend Section 904.3.5 of the IBC as follows:

Section 904.3.5 Monitoring - Where a building fire alarm system is installed, automatic fire-extinguishing systems, to include kitchen hood suppression systems, shall be monitored by the building fire alarm system in accordance with NFPA 72.

x) Amend Section 906.1 of the IBC as follows:

Section 906.1 - Where required. Portable fire extinguishers shall be installed in all of the following locations:

1. In new and existing Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies;
2. In all new and existing laundry rooms.

y) Amend Section 912.4 of the IBC as follows:

912.4 Access. Immediate access to fire department connections shall be no less than 3 feet in width, maintained at all times and without obstruction by fences, bushes, trees, walls or any other fixed or movable object. Access to fire department connections shall be approved by the fire code official.

z) Amend Section 1015.2 of the IBC as follows:

Section 1015.2 Where required. Provide the additional text: Guards are required at retaining walls over 30 inches above grade when walking surfaces are within 10 feet of the high side of the retaining wall.

aa) Amend the IBC by omitting Chapter 11 and adding in lieu thereof the following:

Chapter 11- Accessibility. The architect/design professional is responsible for all ADA design elements and requirements in accordance with ICC A117.1-2017 Standard for Accessible and Usable Buildings and Facilities or the 2010 ADA Standards for Accessible Design (at a minimum). Modifications to existing buildings or sites, and construction of new buildings shall comply with all applicable Federal and State laws governing ADA access and usability. The architect/design professional shall provide certification that the entire scope of the construction documents and the finished construction project shall be in full compliance with all applicable ADA regulations.

bb) Amend Section 1202.1 of the IBC to read as follows:

1202.1 General. - Buildings shall be provided with natural ventilation in accordance with Section 1203.5, or mechanical ventilation in accordance with the International Mechanical Code.

cc) Amend Section 1612.3 of the IBC to read as follows:

1612.3 Establishment of Flood Hazard Areas - To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for Johnson County, Kansas and Incorporated Areas", dated July 17, 1997, as amended or revised with the accompanying current Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this Section.

dd) Amend Section 2901.1 of the IBC to read as follows:

2901.1 Scope - The provisions of the International Plumbing Code shall govern the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing equipment and systems. Toilet and bathing rooms shall be constructed in accordance with Section 1209 of the International Building Code.

ee) Amend Section 3307 of the IBC to read as follows:

3307 Protection of Adjoining Property - Adjoining public and private property shall be protected from damage during construction, remodeling and demolition work. Protection shall be provided for footings, foundations, party walls, chimneys, skylights, and roofs. Provisions shall be made to control water runoff and erosion during construction or demolition activities. The person making or causing an excavation to be made shall provide written notice to the owners of adjoining buildings advising them that the excavation is to be made and that the adjoining buildings should be protected.

Said notification shall be delivered not less than 10 days prior to the scheduled starting date of the excavation. A copy of the notice shall be delivered to the Building Official prior to the commencing of excavation. All construction sites shall be maintained in a good, clean, and safe condition, including, but not limited to, the following minimum requirements:

1. Construction materials shall be stored, maintained and secured so as to prevent safety risk or danger. Accumulated construction debris shall be hauled away and disposed of at an approved landfill. Dumpsters shall be emptied or removed when full and may be used only for construction debris. Construction materials shall not be stored in a public right-of-way.
2. All mud, dirt, or debris deposited on any street, crosswalk, sidewalk, or other public property as a result of excavation, construction, or demolition shall be immediately broom cleaned to the extent possible and disposed of in an acceptable manner.
3. It shall be unlawful to intentionally place, deposit, or otherwise dispose of construction debris in any public or private sewer.
4. Airborne particles shall be controlled at the property at all times during work by means of a water truck and/or spraying equipment, or other water sources capable of spraying and thoroughly saturating all portions of the structure and surrounding property affected by the work. Spraying shall be undertaken at all times necessary to thoroughly control the creation and migration of airborne particles, including, without limitation, dust, from the subject property.
5. No person shall operate or cause to be operated any radio, media player, telecommunications device or other such object at such a volume, or in any other manner that would cause a nuisance or disturbance to any person.
6. Every contractor shall be responsible for all actions of their employees, agents, and subcontractors under this Subsection, and shall be responsible for all violations of the provisions of this Subsection committed by such employees, agents, or subcontractors.

SECTION 2. That existing Chapter 500 Article II of the Mission Municipal Code is hereby repealed in its entirety:

SECTION 3. That the new Chapter 500 Article II as presented, of the Mission Municipal Code, is hereby adopted.

SECTION 4. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. That this ordinance shall be in full force and effect sixty (60) days from and after its passage and publication in the official City Newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY of the City of Mission, Kansas,
this 16th day of November 2022.

APPROVED BY THE MAYOR of the City of Mission, Kansas, this 16th day of November,
2022.

Solana P. Flora, Mayor

ATTEST:

Robyn Fulks, City Clerk

APPROVED AS TO FORM:

David K. Martin, City Attorney

AN ORDINANCE ADOPTING THE 2018 INTERNATIONAL FIRE CODE BY AMENDING EXISTING CHAPTER 500, ARTICLE X OF THE MISSION MUNICIPAL CODE, ENTITLED ADOPTION OF THE INTERNATIONAL FIRE CODE 2018 EDITION.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, KANSAS:

SECTION 1. That the Mission Municipal Code is hereby amended by repealing the previously existing Chapter 500 Article X and providing in lieu thereof the following:

**Chapter 500 Model or Standard Code Adoptions
Article X International Fire Code**

Section 500.108 Adoption

- (a) There is hereby adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion that certain code known as the International Fire Code, published by the International Code Council, Inc., including Appendices A, B, C, D, H and I, being particular the 2018 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which code not less than one copy has been and is now filed in the office of the building official and the same are hereby adopted and incorporated as if fully set out at length herein. This code is hereafter referred to as the "IFC" or "fire code".
- (b) Wherever the word "jurisdiction" is used in the International Fire Code, adopted hereby, said term shall mean the City of Mission.

Section 500.109 Violation

Any person violating any provision of such code shall be punished as provided in Section 100.100 of the Mission City Code.

Section 500.110 Definitions

For the purposes of the International Fire Code, 2018 edition, as adopted, the following words and phrases shall have the following meanings:

- a) The "fire chief" shall mean the Fire Chief of Consolidated Fire District #2.
- b) The "fire code official" shall be appointed by the Fire Chief of Consolidated Fire District #2.

Section 500.111 Deletions.

The following provisions of the International Fire Code, as adopted, shall be deleted and not applicable under this code:

- a) Section 108 Board of Appeals.
- b) The Board of Appeals shall mean the Board of Code Review as established in Chapter 500, Article XI-A of the Mission Municipal Code and shall hear and decide appeals of orders, decisions, or determinations made by the building code official relative to the application and interpretation of this code.

Section 500.112 Amendments and Additions

a) Amend Section 101.1 of the IFC to read as follows:

101.1 Title: These regulations shall be known as the Fire Code of Mission, Kansas, hereinafter referred to the “IFC” or “this code”

b) Amend Section 102, Applicability, of the IFC by adding a new Section 102.13 to read as follows:

102.13 Home Daycares - Home Daycares that meet the requirement 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 Section 104.11.2 of the IFC to read as follows:

104.11.2 Obstructing Operations - No person shall obstruct the operations of the fire district in connection with extinguishment or control of any fire, or actions relative to other emergencies, or disobey any lawful command of the Fire Chief or Fire Code Official of the fire district who may be in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the fire district. Any person who obstructs the operations of the fire district in connection with extinguishing any fire, or other emergency, or disobeys any lawful command of the applicable Fire Chief or Fire Code Official of the fire district who may be in charge at such a scene, or any part thereof, or any police officer assisting the fire district, shall be guilty of an unlawful act.

d) Amend Section 105.1 of the IFC to read as follows:

105.1 General - Permits shall be in accordance with Section 105. Where permits are required elsewhere in this code, the Fire Code Official shall be permitted to waive the requirements for issuance of a permit provided public safety and welfare is maintained. Operational permits are specifically required for the following:

1. Explosives. (105.6.14)
2. Pyrotechnic special effects material. (105.6.40)

e) Amend Section 105.6.14 of the IFC to read as follows:

105.6.14 Explosives, Fireworks and Blasting - An operational permit is required for the manufacture, storage, handling, sale or use of any quantity of explosives, explosive material, fireworks, or pyrotechnic special effects within the scope of this code, or Chapter 505, Article IV, Blasting Regulations of the Mission Municipal Code.

f) Amend Section 105.6.40 of the IFC to read as follows:

105.6.40 Pyrotechnic Special Effects Materials - An operational permit is required for use and handling of pyrotechnic special effects material.

g) Amend Section 106.2 of the IFC to read as follows:

106.2 Schedule of permit fees - On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

The fee for each fire alarm, fire sprinkler, building and other permits shall be as set forth by Consolidated Fire District #2. When permit fees are required, a plan review fee shall be paid at the time of submitting the submittal documents for plan review.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.1, an additional plan review fee may be charged.

Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Fire Code Official. The Fire Code Official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

h) Amend Section 106.5 of the IFC to read as follows:

106.6 Refunds - The Fire Code Official is authorized to refund a permit fee which was erroneously paid or collected. The Fire Code Official may authorize refunding of not more than eighty percent (80%) of the permit fee paid when no work has been done under the permit issued. The Fire Code Official may authorize refunding of not more than eighty percent (80%) of the plan review paid when no plan review work has been performed.

i) Amend Section 109 of the IFC as follows:

109 Board of appeals - The Board of Appeals shall mean the Board of Code Review as established in Chapter 500, Article XI-A of the Mission Municipal Code and shall hear and decide appeals of orders, decisions, or determinations made by the building code official relative to the application and interpretation of this code.

j) Amend Section 110.4 of the IFC as follows:

110.4 Violation Penalties - It shall be unlawful for any person, firm or corporation to violate any of the provisions of this code or fail to comply therewith, or to violate or fail to comply with any order made thereunder, or to build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder. Violation of any provision of this code shall be subject to penalties as prescribed by law. Each separate day or any portion thereof, during which any violation of this code occurs or continues, shall be deemed to constitute a separate offense, and shall be punishable as herein provided. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

k) Amend Section 112.4 of the IFC as follows:

112.4 Failure to Comply - Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

Violation of any provision of this code shall be an unlawful act. Each separate day or any portion thereof, during which any violation of this code occurs or continues, shall be deemed to constitute a separate offense, and shall be punishable as herein provided.

l) Amend Section 310.7 of the IFC by adding Section 310.7.1 to read as follows:

310.7.1 Smoking receptacles required. Owners of commercial and multi-family properties, where smoking is permitted, shall be responsible for providing approved receptacles for discarding smoking material in locations approved by the Fire Code Official.

m) Amend Table 315.7.6(1) of the IFC to read as follows:

Table 315.7.6(1) Under the heading "Wood Pallet Separation Distance"- "51-200 Pallets" the 5 foot separation distance reflected in the table is in error and should be revised to read 15 feet.

n) Amend Section 503.4 of the IFC to read as follows:

503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner including the parking of vehicles. The Fire Code Official is authorized to have towed, at the owner's expense, any vehicle obstructing the fire apparatus access road. The minimum widths and clearances established in Sections 503.2.1 and 503.2.2 shall be maintained at all times.

o) Amend Section 503.6 of the IFC to read as follows:

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 UL325. Gates intended for automatic operation shall be designed, constructed, and installed to comply with the requirements of ASTM F2200.

p) Amend Section 505.1 of the IFC to read as follows:

Exceptions:

1. If more than one entry door is installed on a facade, only one door needs to be marked (entry doors defined as overhead or cargo doors and normal passage doors).
2. Further exceptions shall be permitted by the Fire Code Official.

505.1.2 Additional identification. - Where identification of additional exits would be of benefit to emergency response personnel, a sequential numbering system may be required by the Fire Code Official whereby the interior and exterior surfaces of each exit is marked in an approved manner.

q) Amend Section 506.1 of the IFC to read as follows:

506.1 Where Required - Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for lifesaving or fire-fighting purposes, a key box shall be installed in an approved location as required by the Fire Chief or designated Fire Code Official. The key box shall be an approved type listed in accordance with UL 1037, and shall contain keys or access cards to gain necessary access as required by the Fire Chief or designated Fire Code Official.

r) Amend Section 506.2 of the IFC to read as follows:

506.2 Key Box Maintenance - The operator of the building shall immediately notify the Fire Code Official of Consolidated Fire District #2 and provide the new key when a lock is changed or re-keyed. The key to such lock shall be secured in the key box. The key box shall be maintained in working order by the operator/owner/occupant of the building.

s) Amend the IFC by adding Section 507.1.1 to read as follows:

507.1.1 Water Distribution System Failures - Water districts serving areas within the City shall notify the Emergency Communications Center of any failure in their water distribution system; hydrant repair, main breaks, pump failures, or other interruptions of water supply that may affect water supply for fire control purposes.

t) Amend Section 507.5.1.1 of the IFC to read as follows:

507.5.1.1 Hydrant for Fire Sprinkler and Standpipe Systems - Buildings equipped with a fire sprinkler or standpipe system that is installed in accordance with Section 903 or 905 shall have a fire hydrant within 100 feet of the fire department connections.

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 AWWA standards adopted by the Johnson County Water District and maintained to AWWA-M17 standard.

507.5.2.1 Hydrants- Color - All fire hydrants shall be painted and highly visible. Private fire hydrants shall be painted red.

u) Amend Section 901.6 of the IFC to read as follows:

901.6 Inspection, Testing and Maintenance - Fire detection, alarm and extinguishing systems shall be maintained in an operative condition at all times, and shall be replaced or repaired where defective. Non-required fire protection systems and equipment shall be inspected, tested and maintained, or removed. The inspection, testing and maintenance of fire protection systems and equipment shall be performed by a fire protection engineer who is licensed in the State of Kansas, or a contractor with National Institute for Certification in Engineering Technologies (NICET), Level II technicians in the applicable discipline (automatic sprinkler systems, fire alarm systems or inspection and testing of water-based system), licensed to do so by the Kansas State Fire Marshal, and approved by the Fire Code Official.

v) Amend Section 903.3.1.2.1 of the IFC to read as follows:

903.3.1.2.1 Balconies and decks - Sprinkler protection shall be provided for exterior balconies, decks, and ground floor patios of dwelling units and sleeping units. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch to 6 inches below the structural members and a maximum distance of 14 inches below the deck of the exterior balconies and decks that are constructed of open wood joist construction.

w) Amend Section 903.4.2 of the IFC to read as follows:

903.4.2 Alarms - An approved audio/visual device shall be connected to each automatic sprinkler system. Such sprinkler system water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building directly above the fire department connection or in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

x) Amend Section 912.3 of the IFC to read as follows:

912.3 Fire Hose Threads - The fire department connection shall be fitted with a five (5) inch Storz quick coupling connector.

y) Amend Section 1023.9 of the IFC to read as follows:

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 five (5) feet above the floor landing in a position that is readily visible when the doors are in the open and closed position. 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.

The signs shall be color coded, or have colored borders that are identified as follows: red shall be used for the primary exit enclosure, blue for the third stairwell, white for the fourth, and green for the fifth.

z) Amend Chapter 11 of the IFC to read as follows:

Chapter 11- Construction Requirements for Existing Buildings.
Omit Chapter 11 of the IFC except for Sections 1103.8 through 1103.9.

aa) Amend Section 5601.2 of the IFC to read as follows:

5601.2 Permit Required - A permit application shall be made to the Consolidated Fire District #2 office who shall issue the same only if the Fire Chief or his or her designated Fire Code Official shall after inspection approve the 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 for the following:

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 one-hundred (100) feet thereof.

Exceptions:

The 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 or offer for sale explosives, explosive materials or fireworks upon highways, sidewalks, public property or in Group A or Group 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 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 one-million dollars (\$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 perform 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. An operational permit is required for the manufacture, storage, handling, sale or use of any quantity of explosives, explosive material, fireworks, or pyrotechnic special effects within the scope of this code, or Chapter 505, Article IV, Blasting Regulations of the Mission Municipal Code.

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.

bb) Amend Section 5601.4 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 Blaster's Certificate issued

by the State of Kansas Fire Marshal's Office, ATF&E Notice of Clearance, and valid photo identification.

cc) Amend Section 5607.4 of the IFC to read as follows:

5607.4 Hours of Operation - Blasting operations shall be conducted Monday through Friday only, between the hours of 8:30 a.m. and 4:30 p.m.

Exceptions:

- 1) When other times are approved in writing in advance by the Fire Chief or his/her designated Fire Code Official.

dd) Amend the IFC by adding a new Section 5607.16 to read as follows:

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 five-hundred (500) feet of the blasting area of the location and date of the proposed blasting and the intent to conduct a pre-blast survey. The Fire Code Official may identify alternate re-blast survey distances.

The surveyor shall promptly conduct a pre-blast survey of the dwelling(s) or structure(s) 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 Code Official.

The surveyor shall determine the condition of the dwelling(s) or structure(s) 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 Code Official. All surveys shall be completed by the surveyor before the initiation of blasting. All surveys shall be conducted by an independent third party, regularly engaged in performing pre-blast surveys.

The contractor shall notify the owners of all gas, water, sanitary and petroleum pipelines in an area where blasting will be utilized. A representative of the pipeline(s) shall be allowed to be present to observe preparations and blasting.

ee) Amend the IFC by adding a new Section 5607.17 to read as follows:

5607.17 Ground Vibration - Regardless to the distance of nearby facilities, building 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 five-hundred (500) feet 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.

ff) Amend the IFC by adding a new Section 5607.18 to read as follows:

5607.18 Distance from Structures - There shall be no blasting within one-hundred (100) feet of any structure or building.

gg) Amend the IFC by adding a new Section 5607.19 to read as follows:

5607.19 Blasting Records - The contractor shall retain a record of all blasts for at least three (3) years. Upon request, copies of these records shall be made available to the Fire Code Official 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 patterns.
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 the person or firm taking the reading.
4. Name of the person and firm analyzing the seismographic record.
5. The vibration and/or airblast level recorded.

hh) Amend the IFC by adding a new Section 5704.2.01 to read as follows:

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 Mission, Kansas except in a designated M-1 & M-P district insofar as the same may be relevant to the proposed stationary aboveground tank.

SECTION 2. That existing Chapter 500 Article II of the Mission Municipal Code is hereby repealed in its entirety:

SECTION 3. That the new Chapter 500 Article II as presented, of the Mission Municipal Code, is hereby adopted.

SECTION 4. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. That this ordinance shall be in full force and effect sixty (60) days from and after its passage and publication in the official City Newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY of the City of Mission, Kansas, this 16th day of November 2022.

APPROVED BY THE MAYOR of the City of Mission, Kansas, this 16th day of November, 2022.

Solana Flora, Mayor

ATTEST:

Robyn Fulks, City Clerk

APPROVED AS TO FORM:

David K. Martin, City Attorney

AN ORDINANCE ADOPTING THE 2018 INTERNATIONAL RESIDENTIAL CODE BY AMENDING EXISTING CHAPTER 500, ARTICLE III OF THE MISSION MUNICIPAL CODE, ENTITLED ADOPTION OF THE INTERNATIONAL RESIDENTIAL CODE 2018 EDITION.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, KANSAS:

SECTION 1. That the Mission Municipal Code is hereby amended by repealing the previously existing Chapter 500 Article III and providing in lieu thereof the following:

**Chapter 500 Model or Standard Code Adoptions
Article III International Residential Code**

Section 500-040 Adoption.

- (a) There is hereby adopted the International Residential Code 2018, to include Appendices E, H, J, K, and P, published by the International Code Council, for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the City of Mission, providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such International Residential Code, 2018 edition, on file in the office of the building official are hereby referred to as the IRC, adopted and made a part hereof as if fully set out in this chapter, subject only to the express amendments and deletions provided herein.
- (b) Wherever the word "jurisdiction" is used in the International Building Code, adopted hereby, said term shall mean the City of Mission.

Section 500-041 Violation.

Any person violation any provision of such code shall be punished as provided in Section 100.100 of the Mission City Code.

Section 500-042 Definitions.

For the purposes of the International Residential Code, 2018 Edition, as adopted, the following words and phrases shall have the following meanings:

The term "*approved certified sprinkler system*" shall mean one that has been designed by an engineer who is licensed in the State of Kansas, and installed by a contractor licensed to do so by the Kansas State Fire Marshal, and approved by the Building Code Official.

Section 500.043 Omissions.

The following provisions of the International Residential Code, as adopted, shall be omitted and not applicable under this code unless amended:

- a) Section R112 Board of Appeals.
- b) Section R303.4 Mechanical Ventilation

- c) Section R309.5 Fire Sprinklers.
- d) Section R313 Automatic Fire Sprinkler Systems
- e) Section R314.2.2 Alterations, Repairs and Additions
- f) Section R402.1 Wood Foundations
- g) Section R404.1.1 Design Required
- h) Section R404.4 Retaining Walls
- i) Section R405.1 Concrete or Masonry Foundations
- j) Section R502.6.2 Joist Framing
- k) Section R703.2 Water-Resistive Barrier
- l) Section N1101.5 Information on Construction Documents
- m) Section N1101.13 Compliance
- n) Table N1102.1.2 Insulation and Fenestration Requirements by Component
- o) Section N1102.4.1.2 Testing
- p) Section N1102.4.4 Rooms Containing Fuel Burning Appliances
- q) Section N1103.3.2.1 Sealed Air Handler
- r) Section N1103.3.3 Duct Testing
- s) Section N1103.3.5 Building Cavities
- t) Section N1104 Electrical Power and Lighting Systems
- u) Section N1106.2 Mandatory Requirements
- v) Table N1106.4 Maximum Energy Rating Index

Section 500-044 Amendments.

The following amendments shall be made:

- a) Amend the IRC by omitting Sections R103 through R114 and adding a new Section R103 to read as follows:

R103.1 Administrative Provisions. The administrative provisions of the 2018 International Building Code, Chapter 1 and as amended in the Mission Municipal Code, along with Sections R101 and R102 of the IRC shall govern all matters within the scope of this code.

- b) Amend Section R108.2 of the IRC to read as follows:

Section R108.2 Schedule of Permit Fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as set forth by resolution of the City Council. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items, an additional plan review fee shall be charged. Applications shall be considered inactive and/or abandoned thereby becoming null and void by expiration of the following:

1. The building or work authorized by such permit is not commenced within 180 days from the date of such permit, or
2. The building or work authorized by such permit has not progressed to the point of the next required inspection within 90 days of either the issuance of the permit, or from the date of the last inspection.

Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that the untimely progress has not exceeded one year.

In order to renew action on a permit that has expired for a period exceeding one year, the permittee shall pay a new full permit fee. The Building Code Official is authorized to grant, in writing, one (1) extension of time, for a period not to exceed 180 days. The extension shall be requested in writing and justifiable cause demonstrated.

- c) Amend Section R113.4 of the IRC to read as follows:

Section R113.4 Violation Penalties. At the end of the paragraph add the following language: Violation of any provision of this code shall be an unlawful act. Each separate day or any portion thereof, during which any violation of this code occurs or continues, shall also be deemed to constitute a separate offense, and shall be punishable as provided in Municipal Code Section 100.100.

- d) Amend Table R301.2 (1) of the IRC to read as follows:

Table R301.2 (1); The following values shall be inserted into the table:

Ground snow load (psf): 20;

Wind design speed (mph):115;

Topographical effects: No;

Windborne debris zone: No;

Special wind region: No;

Seismic Design Category: A;

Weathering: Severe;

Frost Line Depth: 36 inches;

Termite: Moderate to Heavy;

Winter Design Temp: 6 degrees F;

Ice Barrier required – Yes;

Air freezing Index – 1000;

Mean Annual Temp: 54.7 degrees F.

Flood Hazard: Current FIRM

- e) Amend the IRC by adding a new Section 303.4 to read as follows:

R303.4 Mechanical Ventilation. Where the air infiltration rate of a dwelling unit is less than three (3) air changes per hour when tested with a blower door at a pressure of 0.2 inch w.c.(50 Pa) in accordance with Section N 1102.4.1.2, the dwelling unit shall be provided with whole-house ventilation in accordance with Section M1507.3.

- f) Amend the IRC by adding a new Section R306.5 to read as follows:

R306.5 New single-family dwellings toilet facilities. Toilet facilities shall be provided within 500 feet (measured from the property line adjacent to the street for platted subdivisions along the public way) for all new single-family dwellings starting from the time of the first footing inspection until facilities are available in the dwelling. If the facilities are not located on the job site, the location of the required facilities shall be posted on the job site or other certification provided to the Building Code Official to verify the availability of toilet facilities. The facilities on the site shall be removed prior to issuance of a Temporary Certificate of Occupancy.

g) Amend the IRC by adding a new Section R306.6 to read as follows:

R306.6 New single-family dwellings construction site maintenance. All construction sites shall be maintained in a good, clean, and safe condition, including, but not limited to, the following minimum requirements:

- A) Construction materials shall be stored, maintained and secured so as to prevent safety risk or danger. Accumulated construction debris shall be hauled away and disposed of at an approved landfill. Dumpsters shall be emptied or removed when full and may be used only for construction debris. Construction materials shall not be stored in a public right-of-way.
- B) All mud, dirt, or debris deposited on any street, crosswalk, sidewalk, or other public property as a result of excavation, construction, or demolition shall be immediately broom cleaned to the extent possible and disposed of in an acceptable manner.
- C) It shall be unlawful to intentionally place, deposit, or otherwise dispose of construction debris in any public or private sewer.
- D) Airborne particles shall be controlled on the property at all times during work by means of a water truck and/or spraying equipment, or other water sources capable of spraying and thoroughly saturating all portions of the structure and surrounding property affected by the work. Spraying shall be undertaken at all times necessary to thoroughly control the creation and migration of airborne particles, including, without limitation, dust, from the subject property.
- E) No person shall operate or cause to be operated any radio, media player, telecommunications device or other such object at such a volume or in any other manner that would cause a nuisance or disturbance to any person.
- F) Every contractor shall be responsible for all actions of their employees, agents, and subcontractors under this Subsection, and shall be responsible for all violations of the provisions of this Subsection committed by such employees, agents, or subcontractors.

h) Amend the IRC by adding a new Section R309.6 to read as follows:

R309.6 Residential driveways. Residential concrete and asphalt driveway slabs shall be a minimum of 4-inches thick. The driveway shall have a constant slope so as to avoid ponding of water. The slope shall be away from the house or building or drain by means approved by the City.

i) Amend the IRC by adding a new Section R313 to read as follows:

R313 Automatic Fire Sprinkler Systems.

R313.1 General. An automatic fire sprinkler system shall be provided throughout all structures that contain four (4) or more townhouses.

R313.2 Design and Installation. Automatic sprinkler systems required by this code shall be designed and installed in accordance with Section P2904 or NFPA 13D.

j) Amend the IRC by adding a new Section R314.2.2 to read as follows:

R314.2.2 Alterations, Repairs and Additions. Where alterations, repairs or additions requiring a permit occur, the individual dwelling unit shall be equipped with smoke alarms and carbon monoxide alarms as required for new dwellings.

Exceptions:

1. Work involving the exterior surfaces of dwellings, such as the replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck, are exempt from the requirements of this section.
2. Installation, alteration or repairs of plumbing, mechanical or electrical systems are exempt from the requirements of this section.

k) Amend the IRC by adding a new Section R314.8 to read as follows:

R314.8 Heat Detectors. Any integral or attached garage to the principal dwelling shall be provided with a single heat detector. Heat detectors shall be hard wired and interconnected with the household smoke alarm system, such that the activation of the heat detector will activate all the audible alarms of the required household smoke alarm system. The heat detector is not required to incorporate audible alarm notification nor is any audible notification device required in the garage. The heat detector shall be listed for the ambient environment and installed per the manufacturer's installation instructions.

Exceptions:

1. Work involving the exterior surfaces of dwellings, such as the replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck, are exempt from the requirements of this section.
2. Installation, alteration or repairs of plumbing, mechanical or electrical systems are exempt from the requirements of this section.

l) Amend Section 401.3 to read as follows:

R401.3 Drainage. Surface drainage from lots shall be diverted to a storm sewer conveyance or other point of collection as approved by the Public Works Director. The surface drainage shall not create a hazard or nuisance onto adjacent properties, sidewalks, driveways or streets. Lots shall be graded to drain water away from foundation walls. The grade shall fall a minimum of six (6) inches within the first ten (10) feet.

Where lot lines, walls, slopes, or other physical barriers prohibit six (6) inches of fall within ten (10) feet, drains or swales shall be constructed to ensure drainage away from the structure. The grade shall not alter any existing drainage course or re-route excessive surface drainage onto adjacent properties.

Downspouts shall not discharge closer than five (5) feet to any side property line, nor closer than ten (10) feet to any front or rear property line. In most cases, these setbacks will allow the discharge water from downspouts to percolate naturally through the soil on private property without adversely affecting or altering drainage onto adjacent properties.

These requirements are not intended to address seasonal extreme weather events and discharges associated with same. The Director of Public Works retains the authority to waive or modify elements or conditions of this policy when it is determined that unique conditions exist and such waiver or modification would be in the best interest to the City and/or adjacent properties.

m) Amend the IRC by adding a new Section R401.4.3 to read as follows:

R401.4.3 Soils report required. Foundation designs for new dwellings using the standards referenced in Subsection R404.1.2 shall submit a report from a registered design professional specifying the properties of the soil based on Table 405.1 prior the inspection of footings, if deemed necessary by the Building Code Official.

n) Amend the IRC by adding a new Section R401.4.4 to read as follows:

R401.4.4 Johnson County Residential Foundation Guideline. Foundation designs for one- and two-family dwellings may use the approved standard design provided in the Johnson County Residential Foundation Guidelines in lieu of the prescriptive requirements of the 2018 International Residential Code as approved by the Building Code Official.

o) Amend the IRC by adding a new Section R402.1 to read as follows:

R402.1 Wood Foundations. Wood foundation systems are not allowed. All other references in this code to wood foundation systems are null and void.

p) Amend the IRC by adding a new Section R403.1.1.1 to read as follows:

R403.1.1.1 Continuous footing reinforcement. Continuous footings for basement foundation walls shall have minimum reinforcement consisting of not less than two No. 4 bars, uniformly spaced, located a minimum 3 inches (3") clear from the bottom of the footing.

q) Amend the IRC by adding a new Section R403.1.1.2 to read as follows:

R403.1.1.2 Column pads. Column pads shall be a minimum of 24 inches by 24 inches

and 8 inches deep (24" x 24" x 8"). Reinforcement shall consist of a minimum of three No. 4 bars each way, uniformly spaced.

r) Amend the IRC by adding a new Section R404.1.1 to read as follows:

R404.1.1 Design required. A design in accordance with accepted engineering practice shall be provided for concrete or masonry foundation walls when any of the conditions listed below exist:

- 1) Walls are subject to hydrostatic pressure from ground water.
- 2) Walls supporting more than 48 inches (48") of unbalanced backfill that do not have permanent lateral support at the top and bottom.
- 3) Sites containing CH, MH, OL, or OH soils as identified in Table R405.1.
- 4) Foundation walls nine feet (9 ft.) or greater in height, measured from the top of the wall to the bottom of the slab.
- 5) Lots identified on the subdivision grading plan as having more than six feet (6ft.) of fill or having a finished slope steeper than 4 horizontal to 1 vertical before grading.
- 6) Footings and foundations with existing fill soils below the footing level.
- 7) Sloping lots steeper than 4 to 1 before grading.
- 8) Lots where some footings will bear on soil and others will bear on a different soil type, including rock.
- 9) Areas where problems have historically occurred.
- 10) Stepped footing and foundation walls.
- 11) Concrete floor slabs supported on more than twenty four inches (24 in.) of clean sand or gravel fill or eight inches (8 in.) of earth fill.

s) Amend the IRC by adding a new Section R404.4 to read as follows:

R404.4 Retaining Walls. Retaining walls that are not laterally supported at the top and that retain in excess of forty eight inches (48") of unbalanced fill shall be designed by a professional engineer to ensure stability against overturning, sliding, excessive foundation pressure and water uplift. Retaining walls shall be designed for a safety factor of 1.5 times against lateral sliding and overturning.

t) Amend the IRC by adding a new Section R405.1 to read as follows:

R405.1 Concrete or Masonry Foundations. Drains shall be provided around all concrete or masonry foundations that retain earth and enclose habitable or usable spaces located below grade. Drainage tiles, gravel or crushed stone drains, perforated pipe or other approved systems or material shall be installed at or below the area to be protected and shall discharge by gravity or mechanical means into an approved drainage system. Gravel or crushed stone drains shall extend at least one foot (1ft) beyond the outside edge of the footing and six inches (6") above the top of the footing and be covered with an approved filter membrane material. The top of open joints of drain tiles shall be protected with strips of building paper. Perforated drains shall be surrounded with an approved filter membrane or the filter membrane shall cover the washed gravel or crushed rock covering

the drain. Drainage tiles or perforated pipe shall be placed on a minimum of two inches (2in) of washed gravel or crushed rock at least one sieve size larger than the tile joint opening or perforation and covered with not less than six inches (6") of the same material.

Exceptions:

1. A drainage system is not required when the foundation is installed on well drained ground or sand-gravel mixture soils according to the Unified Soil Classification System, Group I Soils, as detailed in Table R405.1.
2. A filter membrane is not required where perforated drains are covered with a minimum of eighteen inches (18in) of washed gravel or crushed rock.
3. For gravel or crushed stone drains a filter membrane is not required when the gravel or crushed stone extends at least eighteen inches (18") above the top of the footing.

u) Amend the IRC by adding a new Section R502.6.2 to read as follows:

R502.6.2 Joist Framing. Joist framing into the side of a wood girder shall be supported by approved framing anchors or on a ledger strip not less than nominal two inches by 2 inches (2" x 2"). Where joists run parallel to foundation walls, solid blocking fo a minimum of three (3) joist spaces shall be provided at a maximum of three feet (3') on center to transfer lateral loads on the wall to the floor diaphragm. Each piece of blocking shall be securely nailed to joists, sill plate and flooring with not less than three (3) eight penny nails at each connection. Where applicable, a standard design approved by the City and shown on the approved plans may be used in lieu of this requirement.

v) Amend the IRC by adding a new Section R506.3 to read as follows:

R506.2.5 Basement floor slab isolation. Basement floor slabs shall be isolated from column pads, interior columns and interior bearing walls to facilitate differential movement. Interior columns and bearing walls shall be supported on a separate interior footing, not on top of the floor slab. Non-bearing walls supported on basement floor slabs shall be provided with a minimum one inch (1") expansion joint to facilitate differential movement between the floor slab and the floor framing above. Two layers of fifteen (15) pound asphalt- impregnated felt will be considered adequate to act as a bond-breaker between the basement floor slab, columns, column footings and interior bearing walls.

w) Amend the IRC by adding a new Section R602.6.1 to read as follows:

R602.6.1 Drilling and Notching of Top Plate. When piping or ductwork is placed in or partly in an exterior wall or interior load-bearing wall, necessitating cutting, drilling or notching of the top plate by more than 50 percent of its width, a galvanized metal tie not less than 0.054 inch thick (1.37 mm) (16 ga) and 1½ inches (38 mm) wide shall be fastened across and to the plate not less than four 10d (0.148 inch diameter) nails having a minimum length of 1½ inches (38 mm) at each side or equivalent. The metal tie must extend a minimum of 6 inches past the opening. See Figure R602.6.1.

x) Amend the IRC by adding a new Section R703.2 to read as follows:

R703.2 Water Resistive Barrier. One (1) layer of 15 pound felt, free from holes, tears or breaks, complying with ASTM D226 for Type 1 felt or other approved water resistive barrier shall be applied over studs or sheathing of all exterior walls. Such felt or material shall be applied horizontally, with the upper layer overlapping the lower layer not less than two (2) inches. Where joints occur such felt or material shall be lapped not less than six (6) inches. The felt or other approved material shall be continuous to the top of walls and terminated at penetrations and building appendages in a manner to meet the requirements of exterior wall envelope as described in Section R703.1.

Exceptions:

Omission of the water-resistive barrier is permitted in the following situations:

1. In detached accessory buildings.

y) Amend the IRC by omitting Section N1101.5 (R103.2) Information on Construction Documents.

z) Amend the IRC by adding a new Section N1101.33 (R401.2) to read as follows:

N1101.13 (R401.2) Compliance. Projects may comply with one of the following:

1. Sections N1104.14 through N1104.
2. Section N1105 and the provisions of Sections N1101.14 through N1104 indicated as mandatory.
3. The energy rating index (ERI) approach in Section N1106.

The permit applicant of record must elect which compliance option will be followed at the time the permit application is made.

As an alternative to the provisions of Chapter 11 of this code, structures validated by an energy rater accredited by the Residential Energy Services Network (RESNET) to meet a HERS rating score of 80 or less shall be deemed to meet this code. A preliminary HERS Certificate with 'Draft' watermark or a copy of a REM/rate compliance report with 'Draft' watermark must be submitted with building permit plans. The 'Draft' HERS certificate or report shall identify the project address, and include the HERS raters name and contact information.

The HERS rater is required to perform a blower door test, duct blaster test, pre-drywall inspection and final inspection as part of the standard HERS Index rating process. The final HERS Index score must be posted on the Certificate required by Section N1101.14 (R401.3). The final HERS certificate which indicates the dwelling unit achieved a compliant HERS score must be submitted to the City before issuance of the Certificate of Occupancy. The final HERS Certificate shall identify the project address and include the HERS raters name and contact information.

aa) Amend the IRC by adding a new Table N1102.1.2 (R402.1.2) to read as follows:

Table N1102.1.2 (R402.1.2) Insulation and Fenestration Requirements by Component (a)

Climate Zone	Fenestration U-factor (b)	Skylight U-factor (b)	Glazed Fenestration SHGC (b)	Ceiling R-value	Wood frame wall R-value	Mass wall R-value (e)	Floor R-value (c)	Basement wall R-value (c)	Slab R-value & depth (d)	Crawl space wall R-value (c)
4	0.32	0.55	0.40	49	13	8/13	19	10/13	NR	10/13

(a) R- values are minimums. U-factors and SHGC are maximums.

(b) The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.

(c) “10/13” means R-10 continuous insulation on the interior or exterior of the home or R-13 cavity insulation on the interior of the basement walls.

(d) NR shall mean “no requirement”.

(e) The second R-value applies when more than half the insulation is on the interior of the mass wall.

bb) Amend the IRC by adding a new Section N1102.4.1.2 (R402.1.2) to read as follows:

N1102.4.1.2 (R402.1.2) Testing (Mandatory). The building or dwelling unit shall be tested and verified as having an air leakage rate of not exceeding 5 air changes per hour. Testing shall be conducted with a blower door at a pressure of 0.2 inches w.g. (50 Pascals). Where required by the Building Official, testing shall be conducted by an approved third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the Building Official. Testing shall be performed at any time after creation of all penetrations of the building thermal envelope.

During testing:

- 1) Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed, beyond the intended weather stripping or other infiltration control measures;
- 2) Dampers including exhaust, intake, makeup air, backdraft and flue dampers shall be closed, but not sealed beyond intended infiltration control measures;
- 3) Interior doors, if installed at the time of the test, shall be open;
- 4) Exterior doors for continuous ventilation systems and heat recovery ventilators shall be closed and sealed;
- 5) Heating and cooling systems, if installed at the time of the test, shall be turned off; and
- 6) Supply and return registers, if installed at the time of the test, shall be fully open.

cc) Amend the IRC by omitting Section N1102.4.4 (R402.4.4) Rooms Containing Fuel Burning Appliances.

dd) Amend the IRC by omitting Section N1103.3.2.1 (R403.3.2.1) Sealed Air Handler.

ee) Amend the IRC by adding a new Section N1103.3.3 (R403.3.3) to read as follows: *N1103.3.3 (R403.3.3) Duct Testing (Mandatory)*. Where required by the Building Official, duct tightness shall be verified by either of the following:

1. Post construction test: Total leakage shall be less than or equal to 4 cfm per 100 square feet of conditioned floor area when tested at a pressure differential of 0.1 inches w.g. (25Pa) across the entire system, including the manufacturer's air handler enclosure. All register boots shall be taped or otherwise sealed during the test.
2. Rough-in test: Total leakage shall be less than or equal to 4 cfm per 100 square feet of conditioned floor area when tested at a pressure differential of 0.1 w.g. (25 Pa) across the system, including the manufacturer's air handler enclosure. All registers shall be taped or otherwise sealed during the test. If the air handler is not installed at the time of the test, total leakage shall be less than or equal to 3 cfm per 100 square feet of conditioned floor area.

Exceptions:

- 1) The total leakage test is not required for ducts and air handlers located entirely within the building thermal envelope.
- 2) On the post construction test, it is permissible to test for "leakage to the outdoors" versus "total leakage. Leakage to the outdoors shall be less than or equal to 8 cfm per 100 square feet of conditioned floor area.

ff) Amend the IRC by omitting Section N1103.3.5 (R403.3.5 Building Cavities.

gg) Amend the IRC by omitting Section N1103.3.5 (R403.3.5) Building Cavities.

hh) Amend the IRC by omitting Section N1104 Electrical Power and Lighting Systems.

ii) Amend the IRC by adding a new Section N1106.2 (R406.2 to read as follows:

N1106.2 (R406.2) Mandatory Requirements. Compliance with this section requires that the provisions identified in Section 1101.13 through N1104 indicated as "mandatory" be met. The building thermal envelope shall be greater than or equal to the levels of efficiency and Solar Heat Gain Coefficients in Table N1102.1.2 (R402.1.2) and N 1102.1.4 (R402.1.4).

Exceptions:

1. Supply and return ducts not completely inside the building thermal envelope shall be insulated to an R-value of not less than R-6.
2. Section N1103.5.1 (R403.5.1) shall not be "mandatory".

jj) Amend the IRC by adding a new Table N1106.4 (R406.4) to read as follows:

N1106.4 (R406.4) Maximum Energy Rating Index

Climate Zone	Energy Rating Index
4	80

Where on-site renewable energy is included for compliance using the ERI analysis of Section N1106.4, the building shall meet the mandatory requirements of Section N1106.2 and the building thermal envelope shall be greater than or equal to the levels of efficiency and SHGC in Table N1102.1.2 or Table N1102.1.4.

kk) Amend Section G2414.5.3 of the IRC to read as follows:

G2414.5.3 Copper or copper-alloy tubing. Copper tubing shall comply with Standard Type K or L of ASTM B88 or ASTM B280. Copper and brass tubing shall not be utilized to distribute natural gas, nor shall it be utilized to distribute any other fuel gas within a building or structure.

ll) Amend Section G2417.4.1 of the IRC to read as follows:

G2417.4.1 Test pressure. The test pressure to be used shall not be less than one and one half times the proposed maximum working pressure, but in no case less than 10 psig regardless of design pressure. For welded piping and for piping carrying gas at pressure in excess of 14 inches water column, the test pressure shall not be less than 60 psig.

mm) Amend Section P2603.5 of the IRC to read as follows:

P2603.5 Freezing. Water, soil, or waste pipe shall not be installed outside of a building, in exterior walls, in attics or crawl spaces, or in any other place subject to freezing temperature unless adequate provision is made to protect it from freezing by insulation or heat or both. Water service pipe shall be installed not less than 42 inches in depth below grade.

nn) Amend Section P2503.2 of the IRC to read as follows:

P2503.2 Concealment. A plumbing or drainage system, or part thereof, shall not be covered, concealed or put into use until it has been inspected and approved by the Building Official, or his/her authorized representative. A plumbing or drainage system, or part thereof, shall not be covered, concealed or put into use until it has been tested by the permittee, or his/her designated representative. The Building Official may require that any test of the plumbing or drainage system be witnessed by the Building Official or his/her designated representative.

oo) Amend Section P2603.5.1 of the IRC to read as follows:

P2603.5.1 Sewer depth. Building sewers shall not be less than 12 inches below grade.

pp) Amend Section P2604.5 of the IRC to read as follows:

P2604.5 Inspection. Excavations required for the installation of the building sewer system shall be open trench work and shall be kept open until the piping has been inspected and approved to cover.

qq) Amend Section P2902.5.3 of the IRC to read as follows:

P2902.5.3 Lawn irrigation systems. The potable water supply to lawn irrigation systems shall be protected against backflow by an approved device. Backflow devices within structures shall be installed between 12 inches and 48 inches above the floor and shall be accessible.

rr) Amend Section P2902.6.2 of the IRC to read as follows:

P2902.6.2 Protection of backflow preventers. Backflow preventers shall not be located in areas subject to freezing except where they can be removed by means of unions, or are protected by heat, insulation or both. EXCEPTION: In-ground backflow preventers installed for lawn irrigation systems.

ss) Amend Section P2902.6.2 of the IRC to read as follows:

P3005.4.2 Building sewer size. The minimum size of a building sewer serving a dwelling unit shall be 4 inches.

tt) Amend Section P3008.1 of the IRC to read as follows:

P3008.1 Where required. All sewer connections require a backwater valve which shall be provided with access.

uu) Amend Section P3114.3 of the IRC to read as follows:

P3114.3 Where permitted. Individual vents, branch vents, circuit vents, and stack vents shall be permitted to terminate with a connection to an air admittance valve only when approved by the Authority Having Jurisdiction (AHJ).

vv) Amend Section P3303.2 of the IRC to read as follows:

P3303.2 Sump pump. Whenever a sump pit is installed, a sump pump and piping for discharge must also be provided. The sump pump discharge must be day-lighted and shall not be discharged into the public sewer system or onto adjacent properties.

ww) Amend Section E3601.6.2 of the IRC to read as follows:

E3601.6.2 Service disconnect location. The service disconnecting means shall be installed at a readily accessible location either outside of a building or inside nearest the point of entrance of the service conductors. When service conductors are more than 10 feet in length from the point of entry to the service panel, a separate means of disconnect shall be installed at the service cable entrance to the building or structure. Service disconnecting means shall not be installed in bathrooms. Each occupant shall have access to the disconnect servicing the dwelling unit in which they reside,

xx) Amend Section E3902.2 of the IRC to read as follows:

E3902.2 Garage, Unfinished Basements and Accessory Building Receptacles. All 125-volt, single phase, 15 or 20 ampere receptacles installed in garages and grade level portions of unfinished accessory buildings used for storage or work areas shall have ground-fault circuit-interrupter protection for personnel.

Exceptions:

1. A dedicated single receptacle for a garage door opener.
2. A dedicated single receptacle on a dedicated circuit that is specifically identified for cord and plug connected use of an appliance such as a refrigerator or freezer.
3. A dedicated single receptacle for a sump pump.
4. A dedicated receptacle supplying a permanently installed fire alarm or security alarm system.

yy) Amend the IRC by adding a new Chapter 45 to read as follows:

CHAPTER 45 SWIMMING POOLS, SPAS AND HOT TUBS

SECTION 4501-GENERAL

4501.1 General. The provisions of Chapter 505 Article IX of the Mission Municipal Code and Chapter 42 of the 2012 International Residential Code shall control the design and construction of swimming pools, spas and hot tubs installed in or on the lot of one or two family dwellings.

SECTION 4502-DEFINITIONS

Above-ground Pool. See “swimming pool.”

Barrier. A fence, wall, building wall, or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool, hot tub, or spa. The term ‘permanent’ shall mean not being able to be removed, lifted, or relocated without the use of a tool.

Hot Tub. See “swimming pool”.

In-ground Pool. See “swimming pool”.

On-ground Pool. A pool than can be disassembled for storage or transport. This includes portable pools with flexible or non-rigid walls that achieve their structural integrity by means of uniform shape, a support frame, or a combination thereof, and that can be disassembled for storage or relocation.

Residential. That which is situated on the premises of a detached one-or-two family dwelling, or a one family townhouse not more than three (3) stories in height.

Spa, Non-portable. See “swimming pool”.

Spa, Portable. A nonpermanent structure intended for recreational bathing, in which all controls, water-heating and water-circulating equipment are an integral part of the product.

Swimming Pool. Any structure intended for swimming or recreational bathing that contains water more than twenty four (24) inches deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

Swimming Pool, Indoor. A swimming pool which is totally contained within a structure and surrounded on all four sides by the walls of the enclosing structure.

Swimming Pool, Outdoor. Any swimming pool which is not an indoor pool.

SECTION 2. That existing Chapter 500 Article III of the Mission Municipal Code is hereby repealed in its entirety:

SECTION 3. That the new Chapter 500 Article III as presented of the Mission Municipal Code is hereby adopted.

SECTION 4. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. That this ordinance shall be in full force and effect sixty (60) days from and after its passage and publication in the official City Newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY of the City of Mission, Kansas, this 16th day of November, 2022.

APPROVED BY THE MAYOR of the City of Mission, Kansas, this 16th day of November, 2022.

Solana Flora, Mayor

ATTEST:

Robyn Fulk, City Clerk

APPROVED AS TO FORM:

David K. Martin, City Attorney

AN ORDINANCE ADOPTING THE 2018 INTERNATIONAL PLUMBING CODE BY AMENDING EXISTING CHAPTER 500, ARTICLE V OF THE MISSION MUNICIPAL CODE, ENTITLED ADOPTION OF THE INTERNATIONAL PLUMBING CODE 2018 EDITION

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, KANSAS:

SECTION 1. That the Mission Municipal Code is hereby amended by repealing the previously existing Chapter 500 Article V and providing in lieu thereof the following:

**Chapter 500 Model or Standard Code Adoptions
Article V International Plumbing Code**

Section 500.060 Adoption.

- (a) There is hereby adopted the International Plumbing Code 2018, published by the International Code Council, for regulating the erection, construction, enlargement, alteration, repair, and maintenance of all plumbing systems in the City of Mission, providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such International Plumbing Code, 2018 edition, on file in the office of the building official are hereby referred to as the IPC, adopted and made a part hereof as if fully set out in this chapter, subject only to the express amendments and deletions provided herein.
- (b) Wherever the word "jurisdiction" is used in the International Building Code, adopted hereby, said term shall mean the City of Mission.

Section 500.061 Violation.

Any person violating any provision of such code shall be punished as provided in Section 100.100 of the Mission City Code.

Section 500.062 Definitions.

For the purposes of the International Plumbing Code, 2018 Edition, as adopted, the following words and phrases shall have the following meanings:

- a) The term "Building Official" shall also be known as the "Code Official" or "Administrative Authority" and shall have the duty of enforcing all provisions of this code.

Section 500.063 Deletions.

The following provisions shall be deleted:

- a) *Section 103. Department of Plumbing Inspection.*
- b) *Section 312.10. Inspection and testing of backflow prevention assemblies.*
- c) *Section 312.6. Gravity sewer test.*
- d) *Section 312.7. Forced sewer test.*
- e) *Section 312.10.1. Inspections.*
- f) *Section 109 Means of Appeal.*

Section 500.064 Amendments and Additions.

a) Amend Section 101.1 of the IPC to read as follows:

Section 101.1 Title. These regulations shall be known as the International Plumbing Code of the City of Mission, hereinafter referred to as "this code" or "IPC".

b) Amend section 106.6.2 of the IPC to read as follows:

Section 106.6.2 Fee Schedule. The fees for work requiring a permit shall be paid as adopted by resolution of the City Council. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items, an additional plan review fee shall be charged. Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Code Official. The Building Code Official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

c) Amend Section 106.6.3 of the IPC to read as follows:

Section 106.6.3 Fee Refunds. The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than 80% of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 80% of the plan review fee paid when an application for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of the fee payment.

d) Amend Section 108.4 of the IPC to read as follows:

Section 108.4 Violation Penalties. It shall be unlawful for any person, firm or corporation to violate a provision of this code or who shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the Building Code Official, or of a permit or certificate issued under the provisions of this code. Violation of any provision of this code shall be an unlawful act. Each separate day or any portion thereof, during

which any violation of this code occurs or continues, shall also be deemed to constitute a separate offense, and shall be punishable as provided in Municipal Code Section 100.100.

e) Amend Section 108.5 of the IPC to read as follows:

Section 108.5 Stop Work Orders. Upon notice from the Building Code Official, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the Building Code Official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

f) Amend Section 305.4.1 of the IPC to read as follows:

Section 305.4.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall comply with the Johnson County Sanitary Code, adopted by Johnson County, Kansas. Building sewer pipe connecting to the public sewer shall comply with the regulations of the Johnson County Wastewater District.

g) Amend Section 312.3 of the IPC to read as follows:

Section 312.3 Drainage and Vent Air Test. An air test shall be made by forcing air into the system until there is a uniform gauge pressure of 5 psi (34.5kPa) or sufficient to balance a 10 inch column of mercury. This pressure shall be held for a period not less than 15 minutes. Any adjustments to the test pressure because of changes in ambient temperature or the seating of gaskets shall be made prior to the beginning of the test period.

i) Amend Section 410.4 of the IPC to read as follows:

Section 410.4 Substitution. In occupancies where drinking fountains are required, water coolers or bottled water dispensers are permitted to be substituted for the required drinking fountains.

j) Amend Section 608.15.2 of the IPC as follows:

Section 608.15.2 Protection of backflow preventers. Backflow preventers shall not be located in areas subject to freezing except where they can be removed by means of a union or are protected from freezing by heat, insulation or both. *Exception:* In-ground backflow devices for lawn-irrigation systems.

k) Amend Section 903.1 of the IPC to read as follows:

Section 903.1 Roof extension. Open vent pipes that extend through a roof shall be terminated not less than 6 inches above the roof. Where a roof is to be used for assembly or as a promenade, observation deck, sunbathing deck, or similar purposes, open vent pipes shall terminate not less than 7 feet above the roof.

l) Amend Section 918.1 of the IPC to read as follows:

Section 918.1 General. Air admittance valves are not allowed unless approved by the Authority Having Jurisdiction (AHJ). Vent systems utilizing air admittance valves shall comply with this section. Stack type air admittance valves shall conform to ASSE 1050. Individual and branch-type air admittance valves shall conform to ASSE 1051.

k) Amend Section 1103.3 of the IPC to read as follows:

Section 1103.3 Prohibited drainage. Storm water systems, to include connections of sump pumps, foundation drains, yard drains, gutters, downspouts and any other stormwater conveyance or system are prohibited from connecting to the sanitary sewer system. Storm water systems shall not be installed so as to cause a nuisance onto adjacent properties or to alter any existing drainage course.

l) Amend Section 1113.1.4 of the IPC to read as follows:

Section 1113.1.4 Piping. Discharge piping shall meet the requirements of Sections P3002.1, P3002.2, P3002.3, and P3003. Discharge piping shall include an accessible full flow check valve. Pipe and fittings shall be the same size as or larger than the pump discharge piping. Discharge shall be day-lighted so as not to cause a nuisance onto adjacent properties or alter any existing drainage course and shall not be discharged into the public sewer system.

SECTION 2. That existing Chapter 500 Article V of the Mission Municipal Code is hereby repealed in its entirety:

SECTION 3. That the new Chapter 500 Article V as presented, of the Mission Municipal Code, is hereby adopted.

SECTION 4. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. That this ordinance shall be in full force and effect sixty (60) days from and after its passage and publication in the official City Newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY of the City of Mission, Kansas, this 16th day of November 2022.

APPROVED BY THE MAYOR of the City of Mission, Kansas, this 16th day of November 2022.

Solana P. Flora, Mayor

ATTEST:

Robyn Fulks, City Clerk

APPROVED AS TO FORM:

David K. Martin, City Attorney

AN ORDINANCE ADOPTING THE 2018 INTERNATIONAL MECHANICAL CODE BY AMENDING EXISTING CHAPTER 500, ARTICLE VI OF THE MISSION MUNICIPAL CODE, ENTITLED ADOPTION OF THE INTERNATIONAL MECHANICAL CODE 2018 EDITION.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, KANSAS:

SECTION 1. That the Mission Municipal Code is hereby amended by repealing the previously existing Chapter 500 Article VI and providing in lieu thereof the following:

**Chapter 500 Model or Standard Code Adoptions
Article VI International Mechanical Code**

Section 500.108 Adoption

(a) There is hereby adopted for the purpose of prescribing regulations for the erection, construction, enlargement, alteration, repair and maintenance of all mechanical systems in the City, that certain code known as the International Mechanical Code, published by the International Code Council, Inc., being particular the 2018 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which code not less than one copy has been and is now filed in the office of the building official and the same are hereby adopted and incorporated as if fully set out at length herein. This code is hereafter referred to as the "IMC" or "mechanical code".

(b) Wherever the word "jurisdiction" is used in the International Mechanical Code, adopted hereby, said term shall mean the City of Mission.

Section 500.071 Violation

Any person violating any provision of such code shall be punished as provided in Section 100.100 of the Mission City Code.

Section 500.072 Deletions

The following provisions shall be deleted:

- a) Section 109: Means of Appeal.

Section 500.073 Additions

The following provisions shall be added:

- a) The following Subsection shall be added at the end of Section 102 of the International Mechanical Code, as adopted: *102.12 State Boiler Inspector*. Where permits are issued and portions of the work require inspection and approval of boilers and pressure vessels by the state of Kansas, those portions of the work will comply with the state requirements in lieu of compliance with the technical provisions of this code. Contact the State Boiler Inspector at the State Department of Human Resources for complete information

regarding state requirements. State approval is generally required for all boilers that require permits.

Exceptions:

1. Boilers serving individual dwelling units and their accessory structures.
2. Boilers serving apartment houses with less than five (5) families.
3. Pressure vessels that do not exceed 15 cubic feet and 250 psi.

Section 500.073 **Amendments**

The following amendments shall be made:

- a) Section 101.1 of the International Mechanical Code, as adopted, shall be amended to read: *Section 101.1 Title*. These regulations shall be known as the Mechanical Code of Mission, Kansas, hereinafter referred to as "this code".
- b) Section 106.4.3 of the International Mechanical Code, as adopted, shall be amended to read: *106.4.3 Expiration*. "Every permit issued by the Building Code Official under the provisions of this code shall expire by limitation and become null and void if:
 - i) The building or work authorized by such permit is not commenced within 180 days from the date of such permit, or
 - ii) The building or work authorized by such permit has not progressed to the point of the next required inspection within 90 days of either the issuance of the permit, or from the date of the last inspection.

Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that the untimely progress has not exceeded one year. In order to renew action on a permit that has expired for a period exceeding one year, the permittee shall pay a new full permit fee.

- c) Section 106.5.2 of the International Mechanical Code, as adopted, shall be amended to read: *106.5.2 Fee Schedule*. The fees for work requiring a permit shall be paid as adopted by resolution of the City Council. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items, an additional plan review fee shall be charged.

Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Code Official. The Building Code Official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

- d) Section 106.5.3 of the International Mechanical Code, as adopted, shall have sentences 2 and 3 amended to read:

- 2) Not more than 100% of the permit fee paid when no work has been done under a permit issued in accordance with this code.
 - 3) Not more than 100% of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.
- e) Section 108.4 of the International Mechanical Code, as adopted, shall be amended to read: *108.4 Violation Penalties*. It shall be unlawful for any person, firm or corporation to violate a provision of this code or who shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the Building Code Official, or of a permit or certificate issued under the provisions of this code.

Violation of any provision of this code shall be an unlawful act. Each separate day or any portion thereof, during which any violation of this code occurs or continues, shall also be deemed to constitute a separate offense, and shall be punishable as provided in Municipal Code Section 100.100.

- f) Section 108.5 of the International Mechanical Code, as adopted, shall be amended to read: *108.5 Stop work orders*. Upon notice from the Building Code Official, work on any mechanical system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the Building Code Official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.
- g) Section 401.2 of the International mechanical Code, as adopted, shall be amended to read:
- 401.2 Ventilation required*. Every occupied space shall be ventilated by natural means in accordance with Section 402 or by mechanical means in accordance with Section 403. Where the air infiltration rate in a dwelling unit is less than three (3) air changes per hour when tested with a blower door at a pressure of 0.2 inch water column (50 Pa) in accordance with Section R402.4.1.2 of the International Energy Conservation Code, the dwelling unit shall be ventilated by mechanical means in accordance with Section 403.

SECTION 2. That existing Chapter 500 Article VI of the Mission Municipal Code is hereby repealed in its entirety:

SECTION 3. That the new Chapter 500 Article VI as presented, of the Mission Municipal Code, is hereby adopted.

SECTION 4. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. That this ordinance shall be in full force and effect sixty (60) days from and after its passage and publication in the official City Newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY of the City of Mission, Kansas, this 16th day of November 2022.

APPROVED BY THE MAYOR of the City of Mission, Kansas, this 16th day of November 2022.

Solana Flora, Mayor

ATTEST:

Robyn Fulks, City Clerk

APPROVED AS TO FORM:

David K. Martin, City Attorney

AN ORDINANCE ADOPTING THE 2018 INTERNATIONAL FUEL GAS CODE BY AMENDING EXISTING CHAPTER 500, ARTICLE IV OF THE MISSION MUNICIPAL CODE, ENTITLED ADOPTION OF THE INTERNATIONAL FUEL GAS CODE 2018 EDITION.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, KANSAS:

SECTION 1. That the Mission Municipal Code is hereby amended by repealing the previously existing Chapter 500 Article IV and providing in lieu thereof the following:

**Chapter 500 Model or Standard Code Adoptions
Article IV International Fuel Gas Code**

Section 500.050 Adoption

(a) There is hereby adopted for the purpose of prescribing regulations governing conditions for the erection, construction, enlargement, alteration, repair and maintenance of water heaters, fuel gas piping and heating systems in the City, the code known as the International Fuel Gas Code, published by the International Code Council, Inc., being particular the 2018 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which code not less than one copy has been and is now filed in the office of the building official and the same are hereby adopted and incorporated as if fully set out at length herein. This code is hereafter referred to as the "IFGC" or "fuel gas code".

(b) Wherever the word "jurisdiction" is used in the International Fuel Gas Code, adopted hereby, said term shall mean the City of Mission.

Section 500.051 Violation

Any person violating any provision of such code shall be punished as provided in Section 100.100 of the Mission City Code.

Section 500.052 Reserved

Section 500.053 Deletions

The following provisions shall be deleted:

a) *Section 109: Means of Appeal.*

Section 500.054 Reserved

Section 500.055 Amendments

The following amendments shall be made:

a) *Section 101.1 Title.* Amend the paragraph to read: These regulations shall be known as the Fuel Gas Code of Mission, Kansas, hereinafter referred to as "IFGC" or "fuel gas code".

b) Section 106.4.3 of the International Fuel Gas Code, as adopted, shall be amended to read: *106.4.3 Expiration*: "Every permit issued by the Building Code Official under the provisions of this code shall expire by limitation and become null and void if:

1. The building or work authorized by such permit is not commenced within 180 days from the date of such permit, or
2. The building or work authorized by such permit has not progressed to the point of the next required inspection within 90 days of either the issuance of the permit, or from the date of the last inspection.

Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that the untimely progress has not exceeded one year. In order to renew action on a permit that has expired for a period exceeding one year, the permittee shall pay a new full permit fee.

c) Section 106.6.2 of the International Fuel Code, as adopted, shall be amended to read: *Section 106.6.2 Schedule of permit fees*. Amend the paragraph to read: The fees for work requiring a permit shall be paid as adopted by resolution of the City Council.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items, an additional plan review fee shall be charged.

Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Code Official. The Building Code Official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

d) Section 106.6.3 of the International Fuel Gas Code, as adopted, shall have sentences 2 and 3 amended to read: *106.6.3 Fee Refunds*.

- 1) Not more than 100% of the permit fee paid when no work has been done under a permit issued in accordance with this code.
- 2) Not more than 100% of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

e) Section 108.4 of the International Fuel Gas Code, as adopted, shall be amended to read: *108.4 Violation penalties*. It shall be unlawful for any person, firm or corporation to violate a provision of the code or who shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair fuel gas work in violation of the approved construction documents or directive of the Building Code Official, or of a permit or certificate issued under the provisions of this code. Violation of any provision of this code shall be unlawful, punishable upon conviction as provided by law.

Each separate day or any portion thereof, during which any violation of this code occurs or continues, shall also be deemed to constitute a separate offense, and shall be punishable as provided in Municipal Code Section 100.100.

f) Section 108.5 of the International Fuel Gas Code, as adopted, shall be amended to read: *108.5 Stop work orders.* Upon notice from the Building Code Official, work on any plumbing or gas system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the Building Code Official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as the person is directed to perform to remove a violation or unsafe conditions, shall be subject to penalties as prescribed by law.

SECTION 2. That existing Chapter 500 Article IV of the Mission Municipal Code is hereby repealed in its entirety:

SECTION 3. That the new Chapter 500 Article IV as presented, of the Mission Municipal Code, is hereby adopted.

SECTION 4. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. That this ordinance shall be in full force and effect from and after its passage and publication in the official City Newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY of the City of Mission, Kansas, this ____ day of _____, 2019.

**APPROVED BY THE MAYOR of the City of Mission, Kansas, this ____ day of _____,
2019**

Solana P. Flora, Mayor

ATTEST:

Robyn Fulks, City Clerk

APPROVED AS TO FORM:

David K. Martin, City Attorney

AN ORDINANCE ADOPTING THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE BY AMENDING EXISTING CHAPTER 500, ARTICLE XI OF THE MISSION MUNICIPAL CODE, ENTITLED ADOPTION OF THE INTERNATIONAL ENERGY CONSERVATION CODE 2018 EDITION.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, KANSAS:

SECTION 1. That the Mission Municipal Code is hereby amended by repealing the previously existing Chapter 500 Article XI and providing in lieu thereof the following:

**Chapter 500 Model or Standard Code Adoptions
Article XI International Energy Conservation Code**

Section 500.115 Adoption.

- (a) There is hereby adopted the International Energy Conservation Code 2018, published by the International Code Council, for regulating the energy efficiency of building envelopes and the installation of energy efficient mechanical, lighting and power systems in the City of Mission, providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such International Energy Conservation Code, 2018 edition, on file in the office of the building official are hereby referred to as the IECC, adopted and made a part hereof as if fully set out in this chapter, subject only to the express amendments and deletions provided herein.
- (b) Wherever the word "jurisdiction" is used in the International Energy Conservation Code, adopted hereby, said term shall mean the City of Mission.

Section 500.116 Violation.

Any person violating any provision of such code shall be punished as provided in Section 100.100 of the Mission City Code.

Section 500.117 Definitions.

For the purposes of the International Energy Conservation Code, 2012 Edition, as adopted, the following words and phrases shall have the following meanings:

- a) The term "code official" shall mean the Building Official.

Section 500.118 Deletions.

The following provisions of the International Energy Conservation Code, as adopted, shall be deleted and not applicable under this code:

- a) Section C109, R109 Board of Appeals.
- b) Section R402.4.4 Rooms containing fuel burning appliances.
- c) Section R403.3.3 Duct testing.
- d) Section R403.3.2.1 Sealed air handler.
- e) Section R403.3.5 Building cavities.
- f) Section R403.3.5.1.1 Circulation systems.
- g) Section R404 Electrical power and lighting systems.

- h) Section C406 Additional Efficiency Package Options.
- i) Section C408 Maintenance Information and System Commissioning

Section 500.119 Amendments and Additions.

- a) Amend Section C101.1, R101.1 of the IECC as follows:

Section C101.1, R101.1 Title: These regulations shall be known as the Energy Conservation Code of the City of Mission, hereinafter referred to as "this code or the IECC."

- b) Amend by adding a new Section C101.4.2 of the IECC as follows:

C101.4.2 Additions, Alterations, Renovations and Repairs. Additions, alterations, renovations and repairs to existing buildings, building systems or portions thereof shall perform to the provisions of this code as they relate to new construction without requiring the unaltered portions of the existing building or building system to comply with this code. Additions, alterations, renovations, or repairs shall not create an unsafe or hazardous condition or overload existing building systems. An addition shall be deemed to comply with this code if the addition alone complies or if the existing building and addition comply with this code as a single building.

Exception: The following need not comply provided the energy use of the building is not increased.

1. Storm windows installed over existing fenestration.
2. Glass only replacements in an existing sash and frame.
3. Existing ceiling, wall or floor cavities exposed during construction provided that these cavities are filled with insulation.

- c) Amend Sections C104.2 and R104.2 of the IECC as follows:

C104.2 and R104.2 Schedule of Permit Fees. The fee for each building permit shall be as set forth by resolution of the City Council. When permit fees are required, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. The plan review fees specified in this Subsection are separate fees from the permit fees specified in Sections C107.2 or R107.2 and are in addition to the permit fees. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred or amended submittal items as defined in Section C103.4 or R103.4, an additional plan review fee may be charged.

Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Code Official. The Building Code Official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

d) Amend by adding new Sections C110, R110 of the IECC as follows:

C110, R110 Violation Penalties. Violations of any provision of this code shall be an unlawful act. Each separate day or any portion thereof, during which any violation of this code occurs or continues, shall also be deemed to constitute a separate offense, and shall be punishable as provided Municipal Code Section 100.100.

C110.1, R110.1 Prosecution of violation. Any person failing to comply with a notice of violation or order shall be deemed guilty of an unlawful act. If the notice of violation is not complied with, the Building Code Official may request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

e) Amend Table C402.1.3 of the IECC as follows:

Table C402.1.3 Opaque Thermal Envelope Requirements

Roofs

Component	All other	Group R
Insulation entirely above deck	R-20 ci	R-20ci
Metal building roofs w/ R-5 thermal blocks (a,b)	R-19 + R-11 LS	R-19 + R-11 LS
Attic and other	R-38	R-38

Walls Above Grade

Component	All Other	Group R
Mass	R-9.5 ci	R-11.4 ci
Metal Building	R-13 + R-13 ci	R-13 + R-13 ci
Metal Framed	R-13 + R-7.5 ci	R-13 + R-7.5 ci
Wood Framed and Other	R-13	R-13

Walls Below Grade

Component	All other	Group R
Below Grade Wall (d)	R-7.5 ci	R-7.5 ci

Floors

Component	All other	Group R
Mass	R-10 ci	R-10.4 ci
Joist/Framing	R-30	R-30

Slab-on-Grade Floors

Component	All other	Group R
Unheated slabs	R-10 for 24 inches below	R-10 for 24 inches below
Heated slabs	R-15 for 24 inches below	R-15 for 24 inches below

Opaque Doors

Component	All other	Group R
Swinging	U-0.61	U-0.61
Roll-up or Sliding	U-0.61	U-0.61

ci= continuous insulation. LS=Liner system- a continuous membrane installed below the purlins and uninterrupted by framing members. Uncompressed, un-faced insulation rests on top of the membrane between the purlins.

- a. Assembly descriptions can be found in ANSI/ASHRAE/IESNA Appendix A.
- b. Where using R-value compliance method, a thermal space block shall be provided, otherwise use the U-factor compliance method in Table C402.1.2.
- d. Where heated slabs are below grade, below grade walls shall comply with the exterior insulation requirements for heated slabs.

f) Amend Table R402.1.2 of the IECC as follows:

Table R402.1.2 Insulation and Fenestration Requirements by Component. (a)

Climate zone: 4

Fenestration U- factor (b): 0.32

Skylight U-factor (b): 0.55

Glazed Fenestration SHGC (b): 0.40

Ceiling R-value: 49

Wood frame wall R-value: 13

Mass wall R-value (i): 8/13

Floor R-value: 19

Basement wall R-value(c): 10/13

Slab R-value and Depth: NR (d)

Crawl space R-value(c): 10/13

(a) R values are minimums. U-factors and SHGC are maximums.

(b) The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.

(c) "10/13" means R-10 continuous insulation on the interior or exterior of the home or R-13 cavity insulation on the interior of the basement walls.

(d) NR shall mean no requirement

(i) Mass walls shall be in accordance with Section N1102.2.5. The second R-value applies where more than half the insulation is on the interior of the mass wall.

g) Amend Section R402.4.1.2 of the IECC as follows:

Section R402.4.1.2 Testing. When required by the code official, the building or dwelling unit shall be tested and verified by an approved third party as having an air leakage rate of not exceeding five (5) air changes per hour. A written report of the results of the test shall be signed by the party conducting the test and provided to the code official.

Amend Section R402.4.2 as follows:

Section R402.4.2 Fireplaces. New wood-burning fireplaces shall have tight- fitting flue dampers or doors and outdoor combustion air.

Delete Section R402.4.4 Rooms containing fuel burning appliances.

Delete Section R403.3.3 Duct testing.

Delete Section R403.3.2.1 Sealed air handler.

Delete Section R403.3.5 Building cavities.

Delete Section R403.3.5.1.1 Circulation systems.

Delete Section R404 Electrical power and lighting systems.

Amend Table R406.4 as follows:

Table R406.4 Energy Rating Index. Climate zone 4: Energy rating index: 70

SECTION 2. That existing Chapter 500 Article XI of the Mission Municipal Code is hereby repealed in its entirety:

SECTION 3. That the new Chapter 500 Article XI as presented, of the Mission Municipal Code, is hereby adopted.

SECTION 4. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. That this ordinance shall be in full force and effect sixty (60) days from and after its passage and publication in the official City Newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY of the City of Mission, Kansas, this 16th day of November 2022.

APPROVED BY THE MAYOR of the City of Mission, Kansas, this 16th day of November 2022.

Solana P. Flora, Mayor

ATTEST:

Robyn Fulks, City Clerk

APPROVED AS TO FORM:

David K. Martin, City Attorney

AN ORDINANCE ADOPTING THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE BY AMENDING EXISTING CHAPTER 500, ARTICLE IX OF THE MISSION MUNICIPAL CODE, ENTITLED ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE 2018 EDITION.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, KANSAS:

SECTION 1. That the Mission Municipal Code is hereby amended by repealing the previously existing Chapter 500 Article IX and providing in lieu thereof the following:

**Chapter 500 Model or Standard Code Adoptions
Article IX International Property Maintenance Code**

Section 500-100 Adoption.

- a) There is hereby adopted the International Property Maintenance Code 2018, to include Appendix A, published by the International Code Council, for regulating minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards and for a reasonable level of sanitary maintenance of all buildings or structures in the City of Mission, and each and all of the regulations, provisions, conditions and terms of such International Property Maintenance Code, 2018 edition, on file in the office of the building official are hereby referred to as the IPMC, adopted and made a part hereof as if fully set out in this chapter, subject only to the express amendments and deletions provided herein.
- b) Wherever the word "jurisdiction" is used in the International Property Maintenance Code, adopted hereby, said term shall mean the City of Mission.

Section 500-101 Violation.

Any person violation any provision of such code shall be punished as provided in Section 100.100 of the Mission City Code.

Section 500-102 Definitions.

For the purposes of the International Property Maintenance Code, 2018 Edition, as adopted, the following words and phrases shall have the following meanings:

Section 201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the International Building Code, International Fire Code, International Zoning Code, International Existing Building Code, International Plumbing Code, International Fuel Gas Code, International Mechanical Code, National Electrical Code or the International Residential Code, those terms shall have the meanings ascribed to them as stated in those codes.

Section 202 General definitions - Definitions Added.

Accessory Structure - A building, the use of which is incidental to that of the main building, and which is located on the same lot.

Approved - Approved by the code official.

Blighted - Any structure or premises, which by reason of dilapidation, overcrowding, lack of ventilation, light or sanitary facilities, or any combination of these factors are detrimental to safety, health, and morals.

Board - The “Board of Appeals” shall in all instances mean the Board of Code Review.

Building - Any structure used or intended for supporting or sheltering any use or occupancy.

Building Official - The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

Bus - A self-propelled motor vehicle designed for or used for the transportation of passengers exceeding any of the following:

1. 25 feet in overall length;
2. Eight feet in height; or
3. A gross weight of 3,000 pounds per axle.

City - The City of Mission, Kansas.

Cellar - The portion of a building which is partly or completely below grade.

Condemn - To adjudge unfit for occupancy.

Crawl Space - A space provided in a building in order to enable access to plumbing, wiring, and other equipment.

Debris - Discarded waste and/or the remains of something broken down or destroyed.

Driveway - A private road, constructed of materials approved by the city, giving access from a public thoroughfare to a building or buildings on abutting grounds.

Driveway Approach - The portion of the driveway that is located within the city right-of-way.

Dumpster - A large container used for storage of refuse and/or debris until next scheduled pickup. Generally used for commercial occupancy, but may be used for temporary residential projects.

Dumpster, Temporary - A large container used for the storage of refuse and/or debris for a period of time corresponding to a particular task or project.

Dwelling - Any building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

Enclosed Area - Any area, which is inaccessible to the public view.

Exterior Screened Area - An area separated by a permanent nonflexible device to completely conceal an element of a property from other elements or from adjacent or contiguous property, i.e., fencing constructed so that one cannot see the elements to be concealed.

Extermination - The control and elimination of insects, rats, or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

Labeled - Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol, or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of above-labeled items and by whose have the manufacture attests to compliance with applicable nationally recognized standards.

Lot Line - A line dividing one lot from another, or from a street or any public place.

Motor Vehicle - Every vehicle which is self-propelled, and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails, except vehicles moved solely by human power and motorized wheelchairs. [KSA 8-2,128 (r)]

Motor Vehicle, Commercial (State of Kansas- Definition) Means a motor vehicle designed or used to transport passengers or property, if:

1. The vehicle has a gross vehicle weight ratio of 26,001 or more pounds or such lesser rating, as determined by rules and regulations adopted by the secretary but shall not be more restrictive than the federal regulations.
2. The vehicle is designed to transport 16 or more passengers, including the driver; or
3. The vehicle is transporting hazardous materials and is required to be placarded in accordance with C.F.R. § 172, subpart F. [KSA 8-2,128 (f) 1-3]

Motor vehicle, Commercial (Federal regulations; 49 CFR§390.5- Definition.) Means any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle

1. Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater; or
2. Is designed or used to transport more than 8 passengers (including the driver) for compensation; or
3. Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or

4. Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, subtitle B, chapter I, subchapter C.

Motor Vehicle, Inoperable - A vehicle which cannot be driven upon the public streets for reason including, but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

Motor Vehicle, Unlicensed - A motor vehicle, as defined herein, which is required by the state to have proper and current registration for movement upon the public right-of-way that is maintained in an open parking area on private property without displaying a current license from the state.

Parking Area - An approved paved area located on the premises of a lot used or intended for the use of maintaining motor vehicles which are used in the daily routine.

Parking Area, Commercial - An approved paved area, which is connected to the driveway approach and is used or intended for the use of temporary and transient parking of motor vehicles. Any public or private area, under or outside, of a building or structure, designed and used for the parking of motor vehicles including parking lots, garages, and legally designated areas of public streets.

Parking Area, Residential - An approved paved area, which is connected to the driveway approach and is used or intended for the use of overnight storage of motor vehicles.

Parking Pad - An approved paved area located on the premises of a lot used or intended for the use of maintaining motor vehicles which are not used in the daily routine.

Paved Area - An area constructed of concrete or asphalt as approved by the city, for the purpose of parking motor vehicles.

Perennial Violator - Shall mean any person who shows an annual pattern of failing to comply with any provision of the municipal code, which is demonstrated by repeated notices of violation and orders to abate, notices sent, or previous violations of the municipal code.

Swimming Pool - Any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs, and spas.

Trailer - A vehicle without motor power designed or used for, but not limited to, the carrying of property, freight, or merchandise, which is pulled by a motor vehicle.

Weeds - All grasses, annual plants and vegetation, other than trees or shrubs, provided; however, this term shall not include cultivated flowers and gardens.

Weeds, Noxious - Poison ivy, poison oak, poison sumac, and plants containing thistles or other vegetation that may raise lesions upon brief contact by a person with the plant material or secretion from the weed or plant.

Section 500.103 Deletions.

The following provisions of the International Residential Code, as adopted, shall be omitted and not applicable under this code unless amended:

a) *Section 103.2 Appointments*

Section 500.104 Additions.

The following additions shall be made:

- a) Section 101.5 of the 2012 International Property Maintenance Code is hereby added to read as follows: *101.5 General.* The Code Official or, where appropriate, the City Council is authorized, subject to any adopted policies or administrative rules or regulations, to take the following actions to bring the subject property into compliance with this code or other resolutions of the City.
- b) Those actions include, without being limited to, abatement of the violation, vacation of the premises until the violation is corrected, prohibition of occupancy of the premises until the violation is corrected, issuance of a Notice to Appear in Court, injunctive or other relief in court, suspension or revocation of any licenses pertaining to the premises that remain in violation, and any other necessary or appropriate actions authorized by any applicable law, resolution, statute, rule or regulation. If no public necessity is found for the immediate demolition of the structure or premises, the Code Official or City Council may take such other action, including, without limitation, causing the property to be cleaned, cleared, vacated, secured or otherwise repaired or any other action deemed necessary to promote the public health, safety or general welfare. The provisions of Chapter 500, Article XIII Enforcement, Violations And Penalties shall be made applicable to this Section and pursuant to those provisions and any other applicable laws, statutes, resolutions, rules or regulations, the property owner may be charged for the costs incurred by the City in taking any actions to abate or correct such unlawful conditions, including administrative fees, and a lien may be placed on the property for any such unpaid costs and fees. The Community Development Director shall designate the division, employee or agency of the City to enforce this code, and such designee shall, for the purposes of this code, be known as the "Code Official."

The following Section shall be added to the designated International Property Maintenance Code, as adopted:

108.1.3 Posting structures unfit for human occupancy. The Code Official shall cause any building or structure deemed unfit for human occupancy to be posted at each entrance thereto with a notice reading:

**BUILDING UNFIT FOR HUMAN OCCUPANCY
DO NOT OCCUPY**

It is unlawful to occupy this building or to remove or
deface this notice
Code Official
Mission, Kansas

New Section 302.8.2 is added to read as follows:

302.8.2 Commercial vehicle. No person shall park or allow to be parked a commercial vehicle upon any residential lot or premises, improved or unimproved, in the city.

Exceptions:

1. City-owned and operated vehicles; service vehicles owned by utility companies while in the process of providing services or maintenance; construction vehicles while being used in connection with construction or maintenance authorized by the city.
2. For the purpose of making delivery or pickup provided such vehicles are not left continuously parked between the hours of 6:00 p.m. and 6:00 a.m. local time.

New Section 302.8.3 is added to read as follows:

302.8.3 Motor vehicles for sale. Except as provided for herein no one with an ownership interest in a motor vehicle shall park or allow to be parked said motor vehicle on private or public property zoned residential, commercial, or manufacturing within view of a public street for the purpose of selling or advertising for sale, said motor vehicle.

Exceptions:

1. In residential zoned properties, one motor vehicle shall be allowed to be placed on a paved area for the purpose of selling said motor vehicle. No residential property shall be allowed more than four motor vehicles for sale in a calendar year.
2. In commercial and manufacturing zoned properties, if a person with an ownership interest in said motor vehicle is an employee of a business within said property and has written permission from the property owner to use the property for the purpose of selling, or has a valid occupational license from the city for the sale of motor vehicles and said occupational license designating the premises involved as the business location. Whether or not permission has been given to park on the property is an affirmation defense, and the showing of written permission and proof of employment meet the burden of proof.

New Section 302.8.3.1 is added to read as follows:

302.8.3.1 Prima facie evidence. The fact that a "For Sale" sign, telephone number(s), or other advertising appears on the motor vehicle shall be prima facie evidence that the motor vehicle is parked for the purpose of sale.

For the purpose of this section, if a motor vehicle has remained on commercial or manufacturing zoned properties for a period of more than eight hours, this shall be prima facie evidence that it was not parked for the purpose of using other facilities on the premises. However, other evidence may be used to establish it was not parked primarily for this purpose and it is not necessary that it be parked for a time exceeding eight hours.

New Section 302.8.4 is added to read as follows:

302.8.4 Motor vehicle encroachment. No motor vehicle shall block or partially block any portion of a city sidewalk, located within the city right-of-way.

New Section 302.8.5 is added to read as follows:

302.8.5 Recreational vehicles. Recreational vehicles shall not be used for storage of materials, goods or equipment, other than those items considered to be a part of the unit or essential to its immediate use, nor shall they be used as dwelling units while parked in any residential zoning district, and they shall only be connected to an electrical power outlet or water connection for maintenance purposes in any residential zoning district.

New Section 308.4.1 is added to read as follows:

308.4.1 Deposition in streets, streams, etc. No person shall cart, place, sweep, throw or deposit anywhere within the city any rubbish or garbage in any stream, lake, body of water, ravine, or in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway, or other public place or upon any occupied premises within the city.

New Section 308.4.2 is added to read as follows:

308.4.2 Refrigerator storage. No refrigerator or similar equipment shall be stored outside the premises for more than 24 hours prior to pick up. All refrigerators or similar equipment must have all doors removed before placing for pick-up. Any refrigerator and/or freezer stored outside the premises which the doors are attached shall be deemed an immediate hazard and shall be immediately abated by the city. All costs associated with the abatement shall be assessed to the property owner.

New Section 308.4.3 is added to read as follows:

308.4.3 Burning rubbish or garbage prohibited. No person shall burn rubbish or garbage within the city limits.

New Section 308.4.4 is added to read as follows:

308.4.4 *Storage and screening of trash containers and dumpsters.* All trash containers shall be stored no closer to the public streets than the front building line; for corner lots all containers shall be stored no closer to the public streets than the front and side building line of the main building of any premises. In either case, no container shall be stored in front of the main building; in addition corner lots shall have no containers stored on the side of the main building adjacent to the street.

Trash, garbage or rubbish shall not be allowed to accumulate and shall be removed from the premises at a frequency no greater than every seven (7) days.

Exception: At 7:00 p.m. the day before scheduled pickup, during which contained rubbish and garbage may be temporarily placed near the public street for the purpose of pickup. Rubbish and garbage must be properly stored no later than 7:00 p.m. the scheduled day of collection.

All rubbish and garbage dumpsters serving commercial and multi-family residential properties, must be screened by a four-sided enclosure. Three-sides of which will be composed of the same material and color of the main building, with a wooden gate for access being the fourth side. Access gates must be kept closed at all time except when filling or emptying the dumpster.

New Section 308.4.5 is added to read as follows:

308.4.5 *Accelerated abatement.* Trash, debris, or any other discarded item deposited within the public right-of-way or upon the public sidewalk, which remains after a scheduled trash removal service shall be declared a public nuisance and must be removed within twenty –four (24) hours of placement.

Failure to remove the nuisance items within the twenty-four (24) hour period will result in the city taking action to abate the violation and assessing all costs associated with the abatement to the property owner.

New Section 308.4.6 is added to read as follows:

308.4.6 *Immediate abatement.* In cases where the code enforcement officer identifies and declares an immediate hazard to the general public or property, the city will take immediate action to abate the violation and assess all costs associated with the abatement to the property owner. Such hazards include but are not limited to trash, debris blowing into the street and /or onto adjacent property, downed tree limbs and/or trees across streets, sidewalks, rights-of-way or utilities.

New Section 310 is added to read as follows:

310 *Composting and yard waste.*

310.1 *General.* It shall be the responsibility of the occupant to place all yard cleanup waste, including, but not limited to, grass clippings, leaves and tree trimmings, in biodegradable kraft paper bags or other rigid containers not exceeding thirty-two (32) gallons in capacity or

appropriately bundled tree trimmings at the regular collection point for collection. Containers shall be maintained as to prevent the dispersal of waste placed therein upon the premises served, upon adjacent premises or upon adjacent public rights-of-way. Any composting of yard waste within the City shall be conducted behind the rear building setback line and in a manner so as not to create a nuisance, an offensive sight or offensive odors.

Tree trimmings less than two (2) inches in diameter shall be securely tied in bundles not larger than forty-eight (48) inches long and eighteen (18) inches in diameter when not placed in storage containers.

No person shall place or allow the accumulation of rubbish on their premises unless used specifically for composting as set forth in this section.

310.2 Definitions. For the purpose of this section, certain terms, words, and phrases are defined as follows:

Compost - A mixture consisting usually of decayed organic matter and used for fertilization and conditioning land, especially, such a mixture produced by decomposition in a compost pile.

Compost Bin - A structure specifically built to store compost. A compost bin may contain more than one contiguous compartment and may be constructed of a commercially available unit or a structure made of woven wire (such as hog wire, chicken wire, chainlink), wood slat fencing (such as snow fencing), cement blocks, bricks, or similar material.

Compost Pile - A stack of alternating layers of organic matter arranged so as to encourage conversion of the constituents into compost.

310.4 Composting permitted. A compost pile shall be permitted when located on a premise used for one and two-family residential purposes and shall comply with the requirements of sections 310.4.1 through 310.4.4.

310.4.1 Location on premises. Compost piles shall be located as follows:

1. A compost pile shall be located in the rear yard and shall be contained within an approved compost bin. No compost piles are allowed in front or side yards.
2. A compost pile shall not be located within five feet of any property line and shall be at least 60 feet from the center of a roadway. A compost pile shall be no less than five feet from any other building or structure on the premises.
3. A compost pile shall be placed in a well-drained area with no standing water.

310.4.2 Compost bin requirements. Only one compost bin is permitted on any residential premises. Compost bins shall meet the following requirements.

1. A compost bin shall be no larger than 600 cubic feet and shall not exceed four feet in height.
2. A compost bin shall be so constructed as not to allow the material within to be blown from the compost pile by wind.
3. All compost bins shall have a cover, which consists of wire mesh or similar material.

310.4.3 Maintenance. Compost piles and bins shall be maintained in accordance with the following:

1. All compost bins shall be maintained in good repair and structurally sound.
2. No odor emitted from a compost pile shall be detected more than five feet in any direction from such compost pile.

3. If odors are emitted and detectable greater than five feet in any direction, then action shall be taken by the person maintaining the compost pile to eliminate such odor. Such action may include, but not be limited to:
 - a. Adding lime to the compost pile,
 - b. Mixing or turning the compost pile more frequently, and/or
 - c. Regulating the moisture content of the compost pile.

310.4.4 Contents of compost piles. Compost piles may contain any or all of the following:

1. Grass clippings;
2. Leaves;
3. Dead limbs;
4. Brush;
5. Logs;
6. Wood chips;
7. Foliage;
8. Vegetation from gardens;
9. Shrub cuttings;
10. Sod;
11. Soil;
12. Hay;
13. Straw;
14. Weeds; and
15. Sawdust.

(d) Violations.

- i) Unlawful acts. It shall be unlawful for any person, firm or corporation to be in conflict with or in violation of any of the provisions of the property maintenance code adopted in this chapter.
- ii) Violation; penalties. Any person who violates a provision of the property maintenance code adopted in this chapter or fails to comply with any order made thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such order as affirmed or modified by the city council, or by a court of competent jurisdiction, within the time fixed herein, shall severally, for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in Section 100-100 of the Mission Municipal Code. The imposition of one penalty for any violation shall not excuse the violation, or permit it to continue; and all such persons shall be required to correct or remedy such violation or defect within a reasonable time; and, when not otherwise specified, each day that a prohibited condition is maintained shall constitute a separate offense. In the case of a “perennial violator”, a citation/summons to municipal court may accompany the initial violation notice and order to abate.

Section 500-105 Amendments.

The following amendments shall be made:

- a) Amend Section 101.1 of the IPMC to read as follows:

101.1 Title. These regulations shall be known as the Property Maintenance Code of the City of Mission, Kansas, hereinafter referred to as "this code" or "IPMC".

- b) Amend Section 102.3 of the IPMC to read as follows:

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the 2018 International Building Code, 2018 International Residential Code, 2018 International Plumbing Code, 2018 International Mechanical Code, 2018 International Fuel Gas Code, and the NFPA 70 National Electrical Code, 2017 Edition. Where the term ICC Electrical Code is used in other portions of this code, the term shall be used synonymously with the term "NFPA 70 National Electrical Code, 2017 Edition".

- c) Amend Section 103.5 of the IPMC to read as follows:

103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be in accordance with the fee schedule as adopted by the City Council.

- d) Amend Section 302.3 of the IPMC to read as follows:

302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions. Existing gravel driveways and parking areas shall conform to the following standards:

1. Boundaries must be kept defined and provide means of maintaining gravel within Perimeters
2. Gravel must completely cover surface area of drive;
3. Acceptable gravel will be limited to crushed or naturally occurring rock of one (1) inch nominal diameter or less;
4. Grass and other vegetation growth must be eliminated;
5. Gravel drives or parking areas may not be expanded or newly built;
6. In the event a structure is demolished or destroyed and rebuilt, all drives and/or parking areas must be brought into compliance with all current zoning and development standards.

- e) Amend Section 304.14 of the IPMC as follows:

304.14 Insect Screens. During the period from March 1 to October 31, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

f) Amend Section 602.3 of the IPMC as follows:

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof, shall supply heat during the period from October 1 to April 1 to maintain a temperature of not less than 68 degrees F (20 degrees C) in all habitable rooms, bathrooms, and toilet rooms.

Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.

g) Amend Section 602.4 of the IPMC as follows:

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to April 1 to maintain a temperature of not less than 65 degrees Fahrenheit (18 degrees Celsius) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions
2. Areas in which persons are primarily engaged in vigorous physical activities.

h) Amend Section 604.2 of the IPMC as follows:

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the National Electrical Code. Dwelling units shall be served by a three-wire, 120/240 volt, and single-phase electrical service having a rating of not less than 100 amperes. Alternate service configurations may be approved by the Code Official.

SECTION 2. That existing Chapter 500 Article IX of the Mission Municipal Code hereby repealed in its entirety:

SECTION 3. That the new Chapter 500 Article IX as presented, of the Mission Municipal Code is hereby adopted.

SECTION 4. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. That this ordinance shall be in full force and effect from and after its passage and publication in the official City Newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY of the City of Mission, Kansas, this 16th day of November, 2022.

APPROVED BY THE MAYOR of the City of Mission, Kansas, this 16th day of November, 2022.

Solana Flora, Mayor

ATTEST:

APPROVED AS TO FORM:

Robyn Fulks, City Clerk

David K. Martin, City Attorney

AN ORDINANCE ADOPTING THE 2017 NATIONAL ELECTRIC CODE BY AMENDING EXISTING CHAPTER 500, ARTICLE VIII OF THE MISSION MUNICIPAL CODE, ENTITLED ADOPTION OF NATIONAL ELECTRIC CODE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, KANSAS:

SECTION 1. That the Mission Municipal Code is hereby amended by repealing the previously existing Chapter 500 Article VIII and providing in lieu thereof the following:

**Chapter 500 Model or Standard Code Adoptions
Article VIII National Electrical Code**

Section 500.090 Adoption.

a) There is hereby adopted for the purpose of prescribing regulations governing conditions for the erection, construction, enlargement, alteration, repair and maintenance of electrical systems in the City, the code known as the National Electrical Code- NFPA 70, published by the National Fire Protection Association, being particular the 2017 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which code not less than one copy has been and is now filed in the office of the building official and the same are hereby adopted and incorporated as if fully set out at length herein. This code is hereafter referred to as the "NEC" or "electrical code".

(b) Wherever the word "jurisdiction" is used in the National Electrical Code hereby, said term shall mean the City of Mission.

Section 500.091 Violation.

Any person violating any provision of such code shall be punished as provided in Section 100.100 of the Mission City Code.

Section 500.092 Definitions.

For the purposes of the National Electrical Code, 2017 Edition, as adopted, the following words and phrases shall have the following meanings:

a) The term "*authority having jurisdiction*" shall in all instances mean the Building Code Official.

Section 500.093 Deletions.

The following provisions shall be deleted:

- a) Section 80.15. Electrical Board.
- b) Section 80.23(B)(3). Penalties.
- c) Section 80.25(C). Notification.
- d) Section 80.25(D). Other Territories.
- e) Section 80.27. Inspector's Qualifications.
- f) Section 80.33. Repeal of Conflicting Acts.
- g) Section 80.35. Effective Date.

Section 500.094 Additions.

The following additions shall be made:

a) Section 80.19(E) of the National Electrical Code, as adopted, shall have the following paragraph added to read:

Section 80.19(E). Fees. The fees or work requiring a permit shall be paid as adopted by resolution of the City Council. When permit fees are required, a plan review fee shall be paid at the time of submitting the submittal documents for plan review.

The plan review fee specified in this Subsection is a separate fee from the permit fees specified in Section 80.19(E) and is in addition to the permit fees. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items, an additional plan review fee shall be charged.

Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Code Official. The Building Code Official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

b) Section 80.19(G)(7) of the National Electrical Code, as adopted, shall have the following paragraph added to read: Every permit issued by the Building Code Official under the provisions of this code shall expire by limitation and become null and void if:

1. The building or work authorized by such permit is not commenced within 180 days from the date of such permit, or
2. The building or work authorized by such permit has not progressed to the point of the next required inspection within 90 days of either the issuance of the permit, or from the date of the last inspection.

Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that the untimely progress has not exceeded one year. In order to renew action on a permit that has expired for a period exceeding one year, the permittee shall pay a new full permit fee. The Building Code Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

c) *Section 80.23. Notice of Violations, Penalties. (B) Penalties. (3).* A new paragraph shall be added to the Section as follows: Violation of any provision of this Electrical Code shall be an unlawful act. Each separate day or any portion thereof during which any violation of this Electrical Code continues shall be deemed to constitute a separate offense, and shall be punishable as provided for in Municipal Code Section 100.100.

d) Section 250.52 of the National Electrical Code, as adopted, shall have the following paragraph added to read: Where none of the electrodes specified in Section 250.52 is available,

two or more of the electrodes specified in 250.52(5) shall be used. They shall be connected in the manner specified in Section 250.53 to a minimum of two separate grounding electrode conductors.

Section 500.095 Amendments.

The following amendments shall be made:

a) Section 80.2 of the National Electrical Code, as adopted, shall be amended to read: *80.2*

Definitions.

Authority Having Jurisdiction. The organization, office, or individual responsible for approving equipment, materials, an installation, or a procedure.

The Building Official is designated by the authority having jurisdiction and is responsible for administering the requirements of this code.

b) Section 80.13 of the National Electrical Code, as adopted, shall be amended to read: *80.13*

Authority (13). Whenever any installation subject to inspection prior to use is covered or concealed without having first been inspected, the authority having jurisdiction shall be permitted to require that such work be exposed for inspection. The authority having jurisdiction shall be notified when the installation is ready for inspections and shall conduct the inspection in a timely manner.

c) Section 80.19(F) (3) of the National Electrical Code, as adopted, shall be amended to read: *(F)*

Inspections and Approvals. When any portion of the electrical installation within the jurisdiction of an Electrical Inspector is to be hidden from view by the permanent placement of the building, the person, firm, or corporation installing the equipment shall notify the Electrical Inspector, and such equipment shall not be concealed until it has been approved by the Electrical Inspector.

d) Section 80.29 of the National Electrical Code, as adopted, shall be amended to read: *80.29*

Liability for Damages. Article 80 shall not be construed to affect the responsibility or liability of any party owning, designing, operating, controlling, or installing any electric equipment for damages to persons or property caused by a defect therein, nor shall the City or any of its employees be held as assuming any such liability by reason of the inspection, reinspection, or other examination authorized.

e) Section 210.12(A) of the National Electrical Code, as adopted, shall be amended to read:

(A) Dwelling Units. All 120-volt, single phase, 15- and 20-ampere branch circuits supplying outlets installed in dwelling unit family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sunrooms, recreation rooms, closets, hallways, or similar rooms or areas shall be protected by a listed arc-fault circuit interrupter, combination type installed to provide protection of the branch circuit. For these purposes, a smoke alarm shall not be considered an outlet and shall not be included in the arc-fault circuit.

Exceptions no. 1, 2, and 3 apply.

Add exception 4 to read:

This Section will not apply where existing dwelling unit premises wiring circuits make the application of this Section impracticable, as determined by the Building Official.

f) Section 547.5(E) of the National Electrical Code, as adopted, shall be amended to read:

Section 547.5(E) Physical Protection. All electrical wiring and equipment subject to physical

damage shall be protected. All electrical wiring and equipment subject to physical damage by livestock shall be protected to a minimum height of 8 feet.

SECTION 2. That existing Chapter 500 Article VIII of the Mission Municipal Code is hereby repealed in its entirety.

SECTION 3. That the new Chapter 500 Article VIII as presented, of the Mission Municipal Code, is hereby adopted.

SECTION 4. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. That this ordinance shall be in full force and effect sixty (60) days from and after its passage and publication in the official City Newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY of the City of Mission, Kansas, this 16th day of November 2022.

APPROVED BY THE MAYOR of the City of Mission, Kansas, this 16th day of November 2022.

Solana P. Flora, Mayor

ATTEST:

Robyn Fulks, City Clerk

APPROVED AS TO FORM:

David K. Martin, City Attorney



**Community Development Committee
2018 Code Adoption Work Session
November 2, 2022**

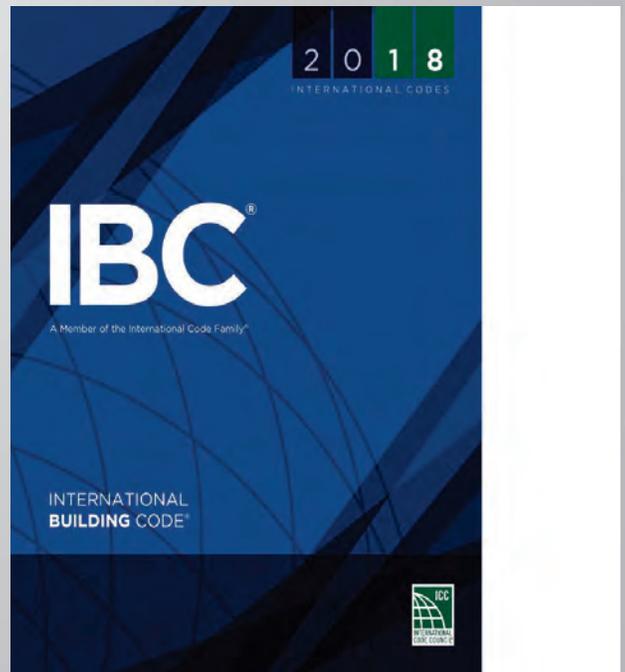
Significant Changes between the 2012/2018 Editions of the International Building Code, International Residential Code, International Fire Code, International Plumbing Code, International Fuel Gas Code, International Mechanical Code, International Energy Conservation Code and the 2011/2017 Edition of the National Electrical Code

2012/2018 IBC

2012 IBC



2018 IBC



International Building Code (IBC)

Section 202 Definitions. New definitions added:

Sleeping unit. A single unit that provides rooms or spaces for one or more persons, includes permanent provisions for sleeping and can include provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

Sleeping unit



International Building Code (IBC)

Section 202 & 304.2 Definitions. Definitions located in different sections of the code have been removed and are now consolidated in Chapter 2.

- ▣ **Section 302.1 Occupancy clarification.** This section has been revised to clarify that “occupied roofs” are to be classified in a manner consistent with the inside the building. For example, when a rooftop contains a restaurant, has dining seating for 50 or more persons, the occupied roof would be classified an A-2 occupancy.

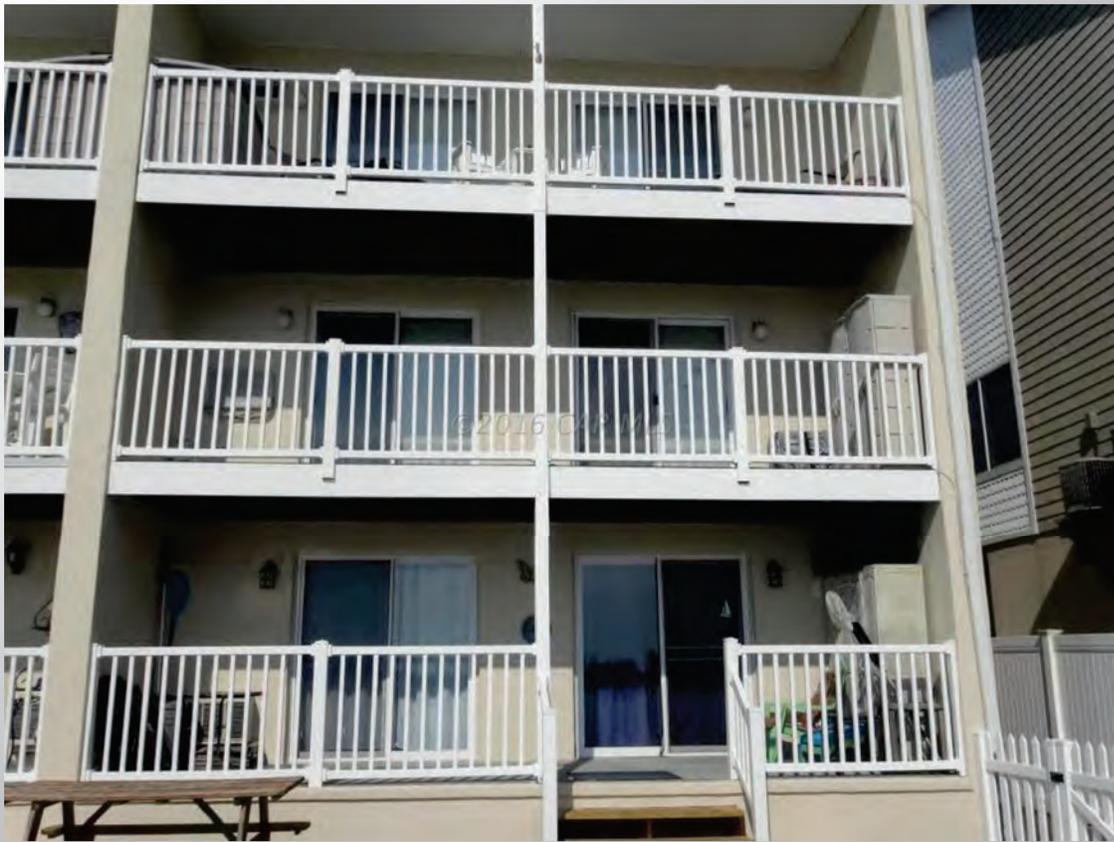
Rooftop dining area



International Building Code (IBC)

903.3.1.2.1 Balconies and decks. This section clarifies that when non rated decks and balconies are permitted as projections in Type IIIA and VA construction fire sprinkler protection is required.

Balconies and Decks



International Building Code (IBC)

904.13 Domestic cooking systems. This section has been revised to clarify that domestic cooking operations in I-1(assisted living facility, group homes, halfway houses, etc), I-2 (hospitals, nursing homes, etc) and R-2 college dormitories shall be protected with a UL 300A fire extinguishing system.

Domestic fire extinguishing system



International Building Code (IBC)

Table 1008.2.3 Exit discharge.

This section has been revised to now require illumination along the path of travel for the exit discharge from each exit to the public way/safe dispersal area. This means illumination of the entire exit discharge path.

Exit discharge illumination



International Building Code (IBC)

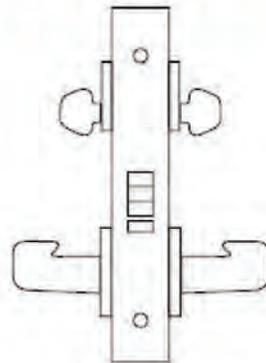
1010.1.4.4 Locking arrangements in educational occupancies.

This section has been revised to provide enhanced security measures for educational occupancies. Egress doors from classrooms, offices and other occupied rooms are permitted to have locking arrangements to keep intruders from entering the room when all of the following conditions are met:

1. The door shall be capable of being unlocked from outside the room with a key or other approved means.
2. The door shall be openable from inside the room.
3. Modifications shall not be made to listed panic hardware, fire door hardware or door closers.

8200 Line

SARGENT



**CLASSROOM
SECURITY
INTRUDER**

ELECTROMAGNETIC LOCK



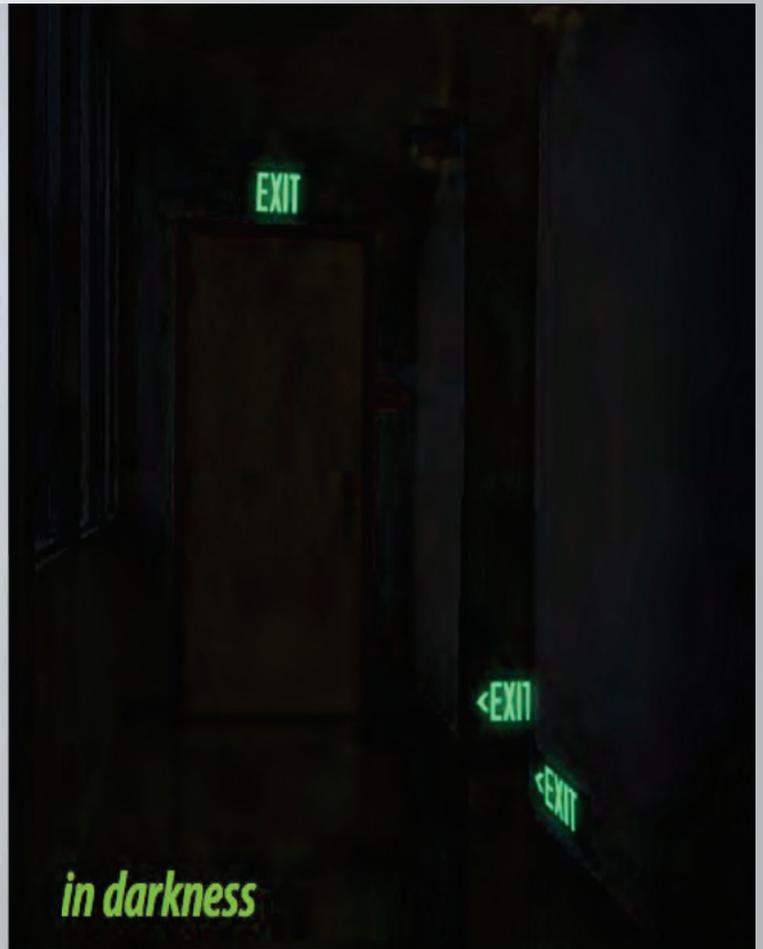
International Building Code (IBC)

1013.2 Low level exit signs in Group R-1.

Where exit signs are required in group R-1 occupancies (hotels, motels, boarding houses) additional low-level floor exit signs are now required in all areas serving guest rooms. This section has been expanded to now allow the bottom of such sign to be mounted 18 inches above the floor.

The 2012 IBC required the sign to be installed not less than 10 inches nor more than 12 inches above the floor level.

FLOOR LEVEL EXIT SIGNS



International Building Code (IBC)

1109.2.1.2 Family or assisted-use toilet rooms.

This section has been revised to allow the following additional fixtures in a family or assisted-use toilet room:

1. A urinal.
2. A child-height water closet.
3. A child height lavatory.

1110.4.13 Play areas.

This section has been revised to specifically require access to children's play areas. Play areas must now be on an accessible route.





International Building Code (IBC)

Table 1607.1 Minimum Uniformly Distributed Live Loads.

Item 5. Balconies and decks has been revised to state as follows:
“1.5 times the live load of the occupancy served, not required to exceed 100 psf.”

For example, a deck serving a private room of a multi-family dwelling must be designed for 60 psf. (1.5 times the private room served @ 40 psf equates to 60 psf)



International Building Code (IBC)

3310.1 Stairways required.

This section has been revised to require at least one temporary stairway for buildings under construction where the height above fire department vehicle access is 40 feet or more.



International Building Code (IBC)

3314 Fire watch during construction.

New provisions have been established to give the fire code official the authority to require a fire watch during construction. Since multi-floor wood construction (apartments, etc) are especially vulnerable to a fire event during construction, this becomes a valuable tool for the fire code official. The new section is as follows:

3314.1 Fire watch during construction.

Where required by the fire code official, a fire watch shall be provided during non-working hours for construction that exceeds 40 feet in height above the lowest adjacent grade”.



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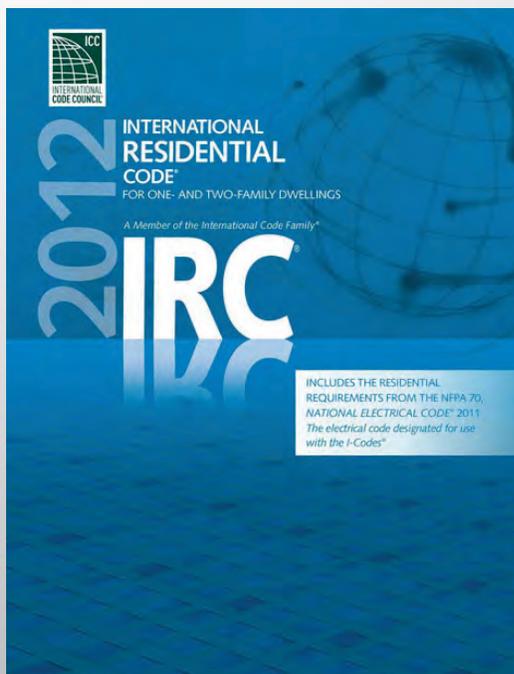


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Rdboes | Dreamstime.com

2012/2018 IRC

2012 IRC



2018 IRC



International Residential Code (IRC)

R101.2 Scope.

Exceptions have been expanded as follows:

The following shall be permitted to be constructed in accordance with this code where provided with a residential fire sprinkler system complying with Section P2904:

1. 1. Live/work units located in townhouses.
2. Owner-occupied lodging houses with five or fewer guestrooms.
3. A care facility with five or fewer persons receiving custodial care within a dwelling unit.
4. A care facility with five or fewer persons receiving medical care within a dwelling unit.
5. A care facility for five or fewer persons receiving care that are within a single-family dwelling.

Live-work unit



Owner-occupied lodging



Custodial care facility



Assisted living facility



International Residential Code (IRC)

R202 Definitions. (new)

Access (to): That which enables a device, appliance or equipment to be reached by ready access, or by a means that first requires the removal or movement of a panel, door, or similar obstruction.

Crawl space: An underfloor space that is not a basement.

Carbon monoxide alarm. A single or multi-station alarm intended to detect carbon monoxide gas and alert occupants by a distinct audible signal. It incorporates a sensor, control components and an alarm notification appliance in a single unit.

Carbon monoxide detector: A device with an integral sensor to detect carbon monoxide gas and transmit an alarm signal to a connected alarm control unit.

Crawl space



Carbon monoxide detector/alarm

CARBON MONOXIDE DETECTOR



CARBON MONOXIDE ALARM



International Residential Code (IRC)

R302.5 Dwelling-garage opening and penetration protection.

This section has been revised to allow another option for the self-closing fire door between the garage and residence. The door may be equipped with a self closing device or automatic closing device.

Self closing device & Automatic closing device



International Residential Code (IRC)

R302.13 Fire Protection of Floors.

The 2012 IRC required installation of ½ inch gypsum board, 5/8 inch wood structural panel, or other approved material on the underside of floor assemblies consisting of i-joists, manufactured open web floor trusses, cold-formed steel framing and other materials and products considered most susceptible to collapse in a fire. The 2018 IRC expands the requirement to the underside of the floor assembly over a crawl space when fuel-fired or electric-powered heating equipment is installed in the crawl space.

I-JOISTS



OPEN-WEB FLOOR JOISTS



Fire protection- Underside of Crawl Spaces



International Residential Code (IRC)

R310.3 Emergency escape and rescue doors.

The terminology for, “bulkhead enclosures” has been replaced with “area wells”. The revised sections are as follows:

R310.3.2 Area wells. Area wells shall have a width of not less than 36 inches. The area well shall be sized to allow the emergency escape and rescue door to be fully opened.

R310.3.2.1 Ladders and steps. Area wells with a vertical depth greater than 44 inches shall be equipped with a permanently affixed ladder or steps usable with the door in the fully open position.

Basement area well



International Residential Code (IRC)

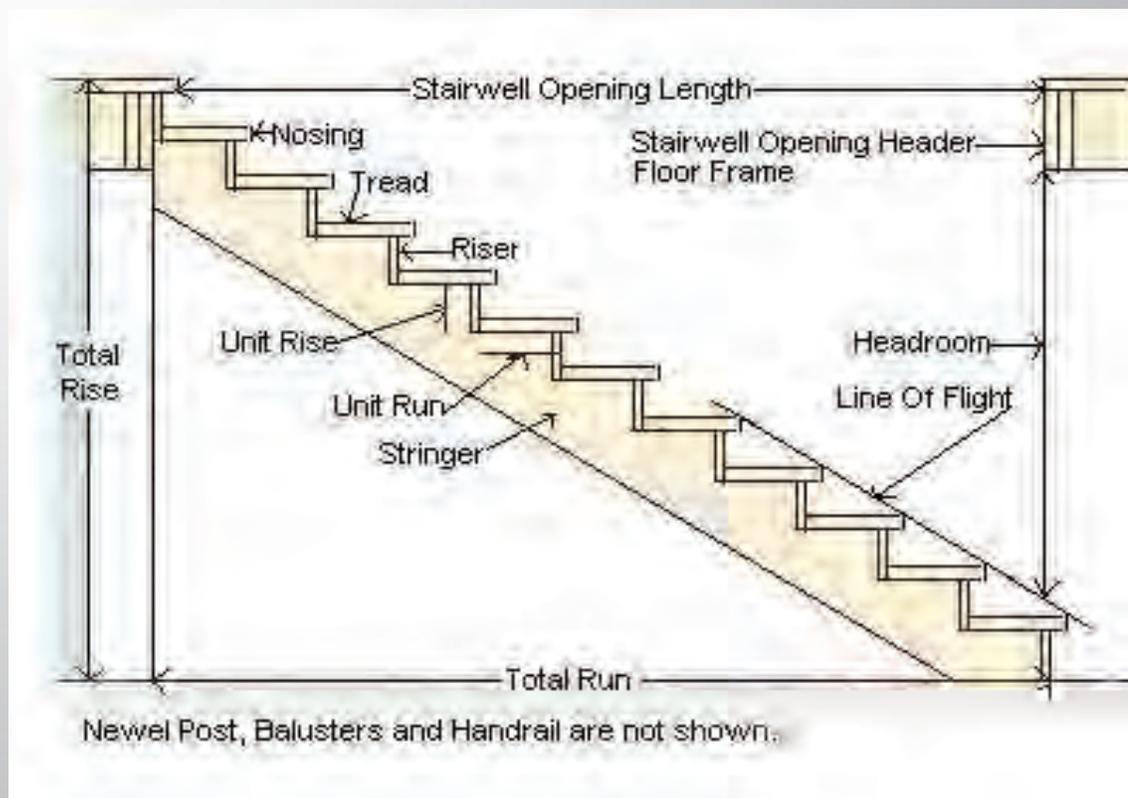
R31.7.3 Vertical rise. The maximum rise for a flight of stairs has increased from 147 to 151 inches (12 feet 3 inches to 12 feet 7 inches) This increase addresses the common 12 foot plus story height of modern home designs.

R312.1 Guards. This section has been revised to clarify the guard requirement only applies to that portion of the open-sided walking surface that exceeds 30 inches in height, measured vertically to the floor or grade below at any point within 36 inches horizontally to the edge of the open side.

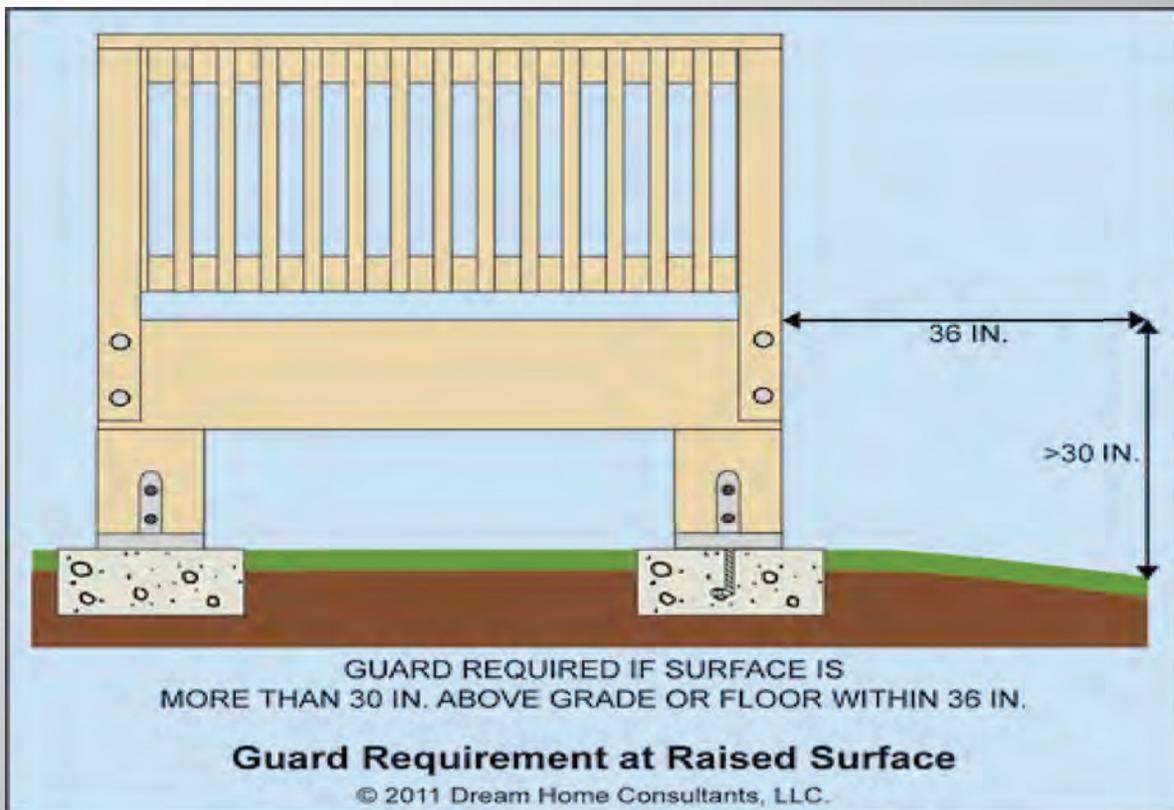
R314 Smoke alarms. Wireless smoke alarms are now readily available and are affordable. With the advancement in this technology the exemption for interconnection of smoke alarms triggered by alterations, repairs or additions has been removed.

R315 Carbon monoxide alarms. Where more than one carbon monoxide alarm is required to be installed within an individual dwelling unit, the alarm devices are now required to be interconnected.

Vertical rise



Guard



Wireless smoke alarm



Wireless combination smoke and carbon monoxide alarm



International Residential Code (IRC)

Table R507.6 Deck joist spans for common lumber species.

This table has been revised to include the maximum deck joist span and now includes the maximum cantilevered span also. The cantilever spans are controlled by one fourth the span length (measured from center of support to center of support) or the tabular cantilever value in the table, whichever is less.

R703.2 Water- resistive barrier. The exception for detached accessory buildings has been removed. A water-resistive barrier for the exterior walls of detached accessory structures is now required.

Water-resistive barrier



Cantilevered joists



International Residential Code (IRC)

N1101.6 Air barrier. The definition of air barrier has been revised for clarification as follows: (Section R202)

“**Air Barrier.** One or more materials joined together in a continuous manner to restrict or prevent the passage of air through the building thermal envelope and its assemblies.

N 1106.6 Building thermal envelope. The definition of building thermal envelope has been revised to further clarify it is an assembly to provide a boundary between conditioned space and unconditioned space.

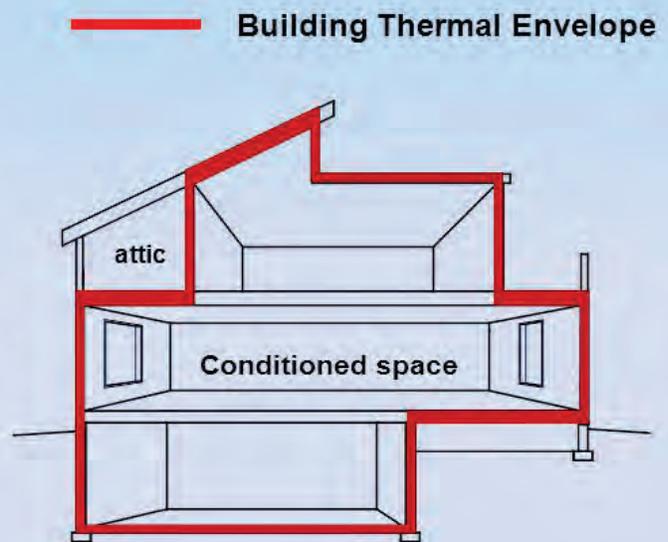
R703.2 Water- resistive barrier. The exception for detached accessory buildings has been removed. A water-resistive barrier for the exterior walls of detached accessory structures is now required.

Building Thermal Envelope

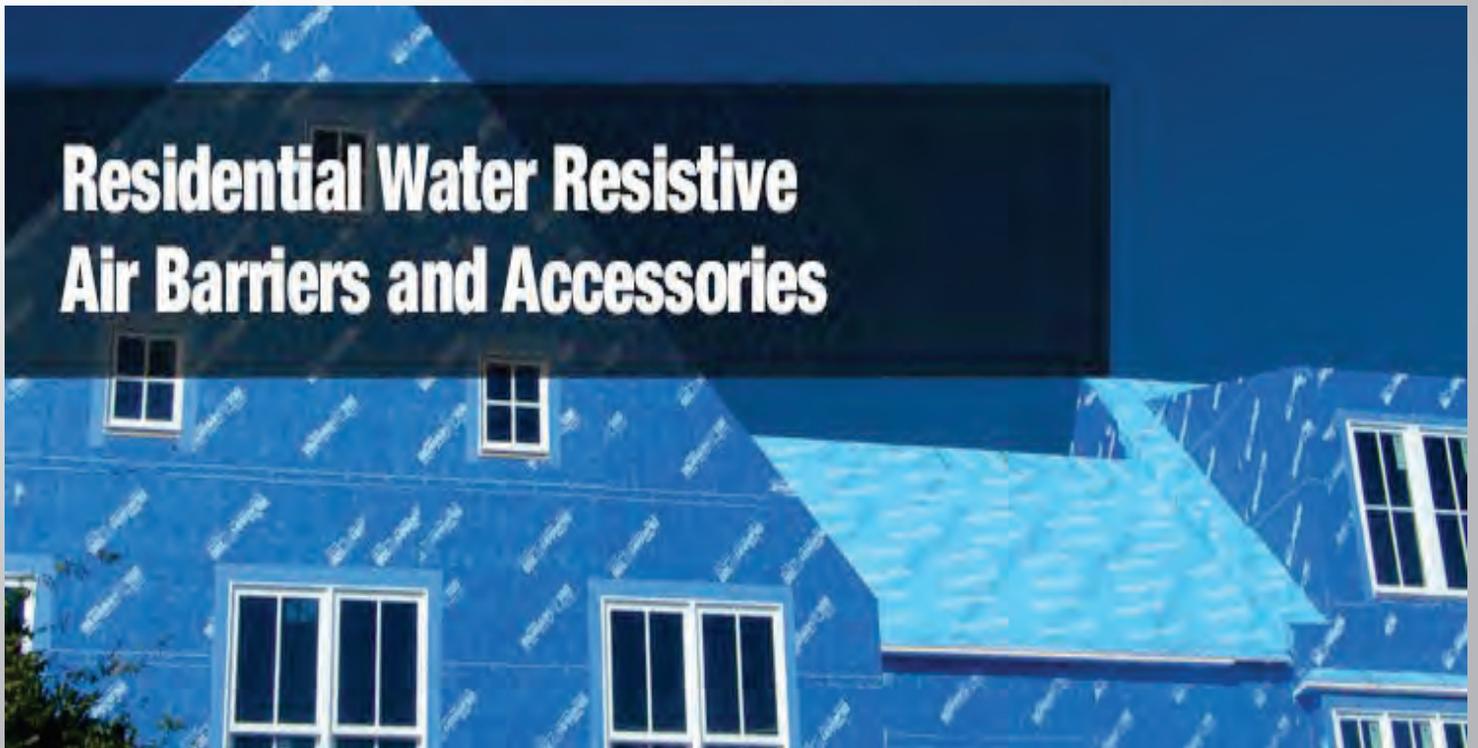
Definitions

Building Thermal Envelope:

The basement walls, exterior walls, floor, roof, and any other building element that enclose the conditioned space. This boundary also includes the boundary between conditioned space and any exempt or unconditioned space.



Water resistive air barrier



International Residential Code (IRC)

Tables N1102.1.2 & N1102.1.4 Insulation and fenestration

requirements. The tables have been revised to reflect a lower fenestration U-factor for dwellings and townhouses which will result in improved energy efficiency. The U-factor has been reduced slightly from 0.35 to 0.32. This is due to the low cost for improving U-factors and the increasing number of windows and doors already meeting and exceeding the 0.32 U-factor. A study by the American Council for Energy Efficient Economy shows that 80% of all windows and doors installed in Climate zones 4-8 have a average 0.27 U-factor. (this area is in Climate Zone 4)

Energy Performance Window Label

Low -E Argon Gas Filled Windows

Low-E refers to the mirroring coating on the inside panes of the glass that reflects the sun's heat rays and also blocks UV rays that damage carpet, hardwood floors, cabinets and furniture. Argon gas is pressurized at 30 PSI and is denser than natural air.

U-FACTOR
the lower the U-Factor means less energy consumption, lower utility bills, and greater comfort to the living space

Solar Heat Gain
Refers to the percent of the sun's heat and radiation that can pass through the window's glass. The Lower the number the better.

ENERGY PERFORMANCE RATINGS	
U-Factor (U.S./I-P) 0.30	Solar Heat Gain Coefficient 0.20
ADDITIONAL PERFORMANCE RATINGS	
Visible Transmittance 0.45	—

V Transmittance
Refers to the visible light that is transmitted past the tinting of the window. The lower this number the more light shines through.

Energy Star
The shading in the map shows that the window is Energy Star approved for the US states shaded in gray

SIMPLE TEST
FIND A WINDOW THAT IS FACING WEST AND
ON A BRIGHT SUNNY DAY, FEEL THE GLASS.

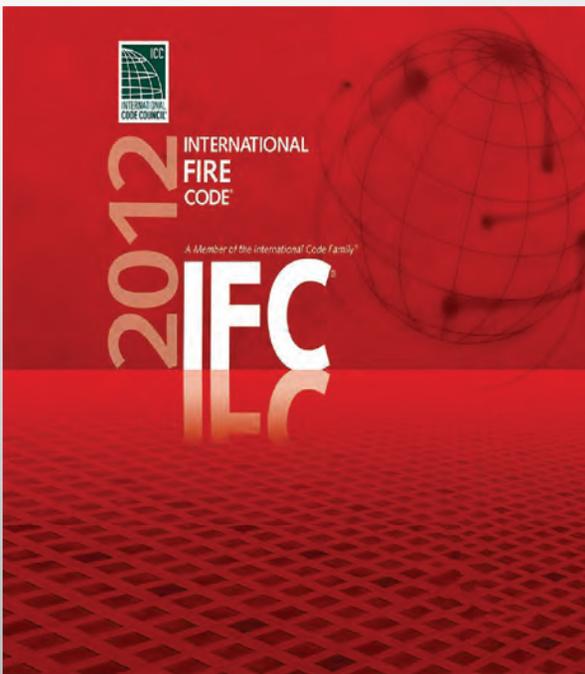
International Residential Code (IRC)

N1104.1 Lighting equipment (mandatory). This section has been revised to now required 90% of all permanently installed lighting fixtures to have high efficacy bulbs (i.e., LED lamps) Previous requirement was 75%.



2012/2018 IFC

2012 IFC



2018 IFC



International Fire Code (IFC)

807.2 Combustible decorative materials.

This section has been clarified to define the limitations of combustible decorative materials in Groups A, B, E, I, M, & R-1 dormitories of R-2 occupancies. Such materials shall not exceed 10% of the specific wall or ceiling area to which such materials are attached. Note: the 10% limit does not apply to curtains, draperies and similar combustible materials used for window coverings.



International Fire Code (IFC)

903.3.1.1.2 Bathrooms. This section has been revised to remove the fire sprinkler requirements from small bathrooms in R-4 occupancies. (assisted living facility, group home, alcohol/drug centers, rehab facilities, etc)

903.3.1.2.1 Balconies and decks. This section clarifies that when non rated decks and balconies are permitted as projections in Type V construction fire sprinkler protection is required. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch to 6 inches below the structural members & a maximum of 14 inches below balconies and decks constructed of open wood joist construction.

R-4 bathroom & Balcony/deck



International Fire Code (IFC)

1010.1.10 Panic and fire exit hardware.

This section has been revised to allow sensor release of electrically locked swinging doors equipped with panic or fire exit hardware. Activation of the panic or fire exit hardware will automatically release the electronic lock assembly for the door(s).

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INTERNATIONAL
PLUMBING CODE



International Plumbing Code (IPC)

412.10 Head shampoo sink faucets.

This new section limits the hot water temperature to not more than 120 degrees F. In addition, each faucet shall have integral check valves to prevent crossover flow between the hot and cold water supply connections.

423.3 Footbaths and pedicure baths.

This new section limits the hot water temperature to not more than 120 degrees F. The water-temperature-limiting device must conform to ASSE1070/ASME A112.1070/CSA B125.70 or CSA B125.3.

Head shampoo station



Footbaths and Pedicure baths



New

2018

INTERNATIONAL FUEL GAS CODE

IFGC

Replaces the International Gas Code

INTERNATIONAL
FUEL GAS CODE



International Fuel Gas Code (IFGC)

303.3.1 Fireplaces and decorative appliances in Group I-2, Condition 2 occupancies. This section has been revised to allow a gas fireplace appliance or decorative gas appliance in Group I-2, Condition 2 occupancies where such appliances are direct-vent appliances installed in public lobby and waiting areas that are not within smoke compartments containing patient sleeping areas. The appliance controls shall be located where they can only be accessed by facility staff.

Gas fireplace appliance



International Fuel Gas Code (IFGC)

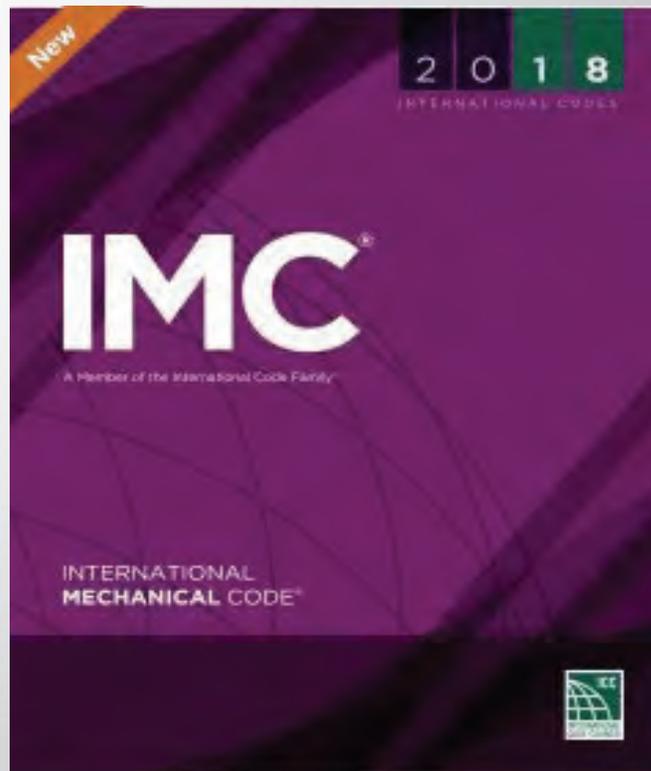
614.4 Exhaust installation. This section has been revised to clarify that clothes dryer exhaust ducts shall be sealed in accordance with Section 603.9 of the International Mechanical Code.

614.4.1 Exhaust termination outlet and passageway. This new section states as follows:

“ The passageway of dryer exhaust duct terminals shall be undiminished in size and shall provide an open area of not less than 12.5 square inches.”

Dryer Exhaust



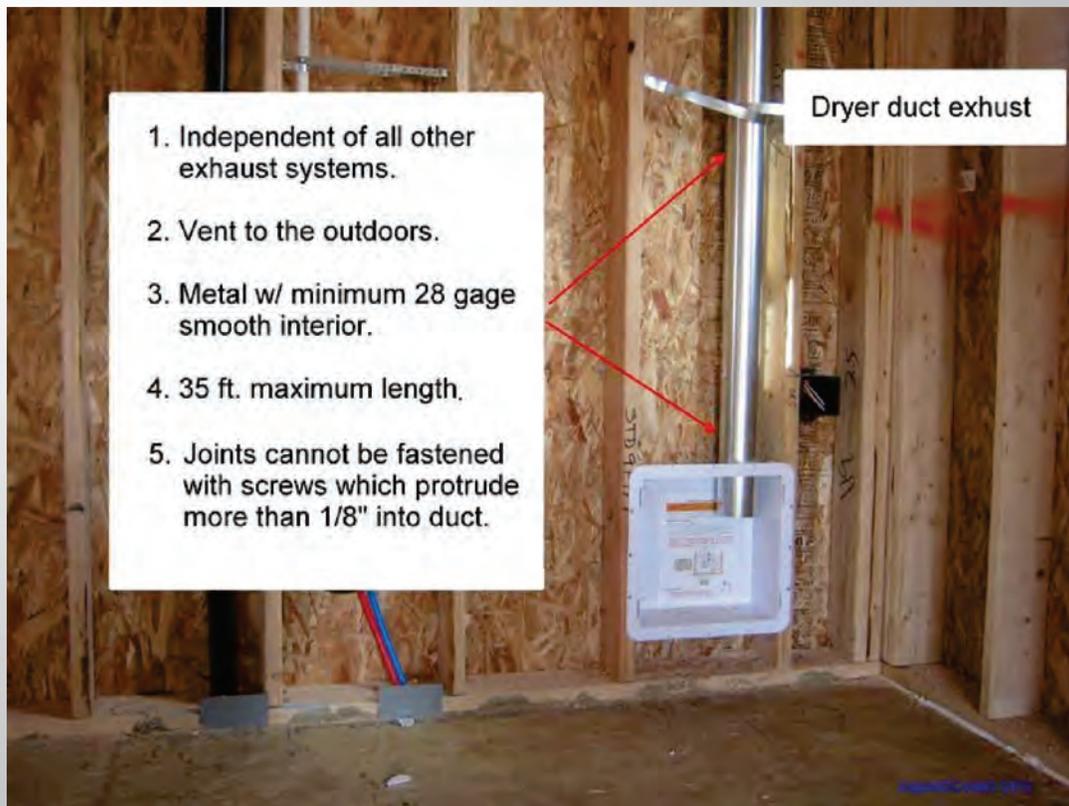


International Mechanical Code (IMC)

504.8.2 Duct installation.

This section has been revised to allow clothes dryer ducts to be joined with screws or similar fasteners that protrude more than 1/8 inch into the inside of the duct. An additional requirement has been added which states: "Where dryer exhaust ducts are enclosed in wall or ceiling cavities, such cavities shall allow the installation of the duct without deformation".

Clothes dryer duct



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INTERNATIONAL
ENERGY CONSERVATION CODE®



International Energy Conservation Code (IECC)

Table 402.1.1 Insulation and Fenestration Requirements by Components.

This table has been modified to reflect the climatic conditions in this area. (Climate Zone 4)

R402.4.1.1 Installation.

The components of the building envelope shall be installed in accordance with the manufacturer's instructions and the criteria of Table R402.4.1.1 as applicable to the method of construction. When required by the code official an approved third party shall inspect all components and verify compliance.

**TABLE R402.1.1
INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT (a)**

Climate Zone	Fenestration U-factor (b)	Skylight U-factor (b)	Glazed Fenestration SHGC (b)	Ceiling R-value (f)	Wood frame wall R-value	Mass wall R-value (e)	Floor R-value	Basement wall R-value (c)	Foundation perimeter R-value (d)	Crawl space wall R-value (c)
4	0.32	0.55	0.40	49	13	8/13	19	10/13	10, 2 ft	10/13

- (a). R-values are minimums. U-factors and SHGC are maximums. When insulation is installed in a cavity which is less than the label or design thickness of the insulation, the installed R-value shall not be less than the R-value specified in the table.
- (b). The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.
- (c). 10/13 means R-10 continuous insulation on the interior or exterior, or R-13 cavity insulation at the interior of the finished basement walls only.
- (d). R-10, 2 ft. around perimeter of slab. R-5 shall be added to the required slab edge R-values for heated slabs.
- (e). The second R-value applies when more than half the insulation is on the interior of the wall mass.
- (f). Loose fill insulation shall be installed at the rate recommended by the manufacturer’s statement “so many bags per 1000 square feet” Where the pitch of the roof restricts the “minimum thickness” at the exterior wall line, the insulation shall be blown into the cavity so as to achieve a greater compacted density to a point where the “minimum thickness” can be achieved. An alternate is to install high-density batts around the perimeter edge per N1102.2.

Energy Requirements and Terminology

What is R-value ?

It is the capacity of an insulating material to resist heat flow. The higher the R-value the greater the insulating power. Only resistance to heat flow is considered in the R-value and this is measured in a lab within a controlled environment. Unfortunately your home is built outdoors and subject to wind, storms, humidity and extreme temperature changes. In that regard, other elements of energy efficiency will come into play, such as thermal envelope to help assure comfort and savings.

Energy Requirements and Terminology

How many inches of fiberglass/batt insulation equate to:

R-13 = 3 ½ to 3 5/8 inches thick pending manufacturer

R-19 = 6 ¼ to 6 ½ inches thick pending manufacturer

R-30 = 9 ½ to 10 ¼ inches thick pending manufacturer

R-38 = 12 to 12 ½ inches thick pending manufacturer

R-49 = 15 ½ to 16 inches thick pending manufacturer

Energy Requirements and Terminology

What is U-factor ?

The lower the U –factor, the greater a window’s resistance to heat flow and the better its insulating properties.

What is solar heat gain coefficient (SHGC) ?

The SHGC measures the fraction of solar energy transmitted and tells you how well the product blocks heat caused by sunlight. Typical ranges are 0.25 to 0.80.

Energy Requirements and Terminology

What is air leakage ?

Air leakage is also called infiltration, which is the unintentional or accidental introduction of outside air into a building, typically through cracks in the building envelope and through doors for passage. In the summer infiltration can bring humid outdoor air into the building. Whenever there is infiltration there is corresponding exfiltration elsewhere in the building. In the winter this can result in warm moist indoor air moving in cold envelope cavities. In either case, condensation can occur in the structure, resulting in mold, mildew, or rot. In testing for air leakage the rate shall not exceed 5 air changes per hour (ACH).

Energy Requirements and Terminology

What is air changes per hour (ACH) ?

ACH is a measure of the air volume added or removed from a space (normally a room or house) divided by the volume of the space. For example, a room 10 feet x 10 feet x 8 feet high = 800 cubic feet. The supply grill is 10 inches x 6 inches with a 6 inch flexible duct delivering 80 cfm. In this case, the $ACH = 60 \times 80 / 800 = 6.0$ ACH. It may also be calculated as $4800 \text{ cfh} / 800$ which also equates to 6.0 ACH. The minimum ACH rate for a typical room is 4.0, with the range being 4.0 to 10.

Energy Requirements and Terminology

What is the building thermal envelope ?

The building thermal envelope is the physical separator between the conditioned and unconditioned environment of a building including the resistance to air, water, heat, cold, light and noise transfer.

▣ What is RESNET and HERS Index ?

The Residential Services Network (RESNET) was founded in 1995 as an independent, non-profit organization to help homeowners reduce the cost of their utility bills by making their homes more energy efficient. The Home Energy Rating System (HERS) Index is the industry standard by which a home's energy efficiency is measured. It is also the nationally recognized system for inspecting and calculating a home's energy performance.

Energy Requirements and Terminology

How does the HERS Index work ?

A certified Home Energy Rater assesses the energy efficiency of the home, assigning it a relative performance score. (Note: The lower the number the more efficient the home). The U.S. Department of Energy has determined that a typical resale home scores 130 on the HERS Index, while a standard new home is awarded a rating of 100. For example, a home with a HERS Index score of 70 is 30% more efficient than a standard new home. A home with a HERS Index score of 130 is 30% less efficient than a standard new home. (Note: A standard new home with a HERS Index score of 100 is based upon compliance with the 2006 IECC).

Energy Requirements and Terminology

The Energy Codes keep raising the bar :

The 2009 IECC is 15% more stringent than the 2006 version.

The 2012 IECC is 30% more stringent than the 2006 version.

The 2015 IECC target is to be 50% more stringent than the 2006 IECC.

The 2018 IECC target is to be 70% more stringent than the 2006 IECC.

The bar continues to raise in conjunction with the U.S. Department of Energy's Building Energy Codes Program (BECP) which mandates increased energy efficiency in America's residential and commercial buildings. Established in 1991 the BECP is part of the DOE's Energy Efficiency and Renewable Energy programs.

Energy Requirements and Terminology

Model Code Development

Residential and commercial buildings use about 40% of the energy in the United States making them significant contributors to the energy problem. Building energy codes are a critical part of the energy solution. By continuing to improve the energy codes results in less energy is consumed by America's buildings resulting in less cost for consumers, less carbon added to the environment thereby reduced greenhouse gas emissions and a reduction in dependence on foreign energy sources. The Building Energy Codes Program (BECP) plays a key role in establishing more "stringent" baseline codes. A building constructed to meet a baseline code meets a minimum level of energy efficiency. BECP's reach does not stop at a minimum level. By increasing the stringency of baseline codes, above-code programs such as LEED and ENERGY STAR may be more readily achievable. The 2009 edition of the IECC marked the first milestone in BECP's goal of achieving a minimum 30% increase in energy efficiency.

International Energy Conservation Code (IECC)

Table R402.1.1 Insulation and fenestration requirements.

The table has been revised to reflect a lower fenestration U-factor for dwellings and townhouses which will result in improved energy efficiency. The U-factor has been reduced slightly from 0.35 to 0.32. This is due to the low cost for improving U-factors and the increasing number of windows and doors already meeting and exceeding the 0.32 U-factor. A study by the American Council for Energy Efficient Economy shows that 80% of all windows and doors installed in Climate zones 4-8 have an average 0.27 U-factor. (Note: this area is in Climate Zone 4)

Energy performance window label

Low -E Argon Gas Filled Windows

Low-E refers to the mirroring coating on the inside pane of the glass that reflects the sun's heat rays and also blocks UV rays that damage carpet, hardwood floors, cabinets and furniture. Argon gas is pressurized at 30 PSI and is denser than natural air.

U-FACTOR
the lower the U-Factor means less energy consumption, lower utility bills, and greater comfort in the living space

Solar Heat Gain
Refers to the percent of the sun's heat and radiation that can pass through the window glass. The lower the number the better.

		3/4" L TINTED/IGAZED MFR#073 ATRIUM SERIES: 150 VINYL Continuous Head Tri Low - e Argon ADW - A - 154 - 00522 - 00004
ENERGY PERFORMANCE RATINGS		
U-Factor (U.S./I-P)	Solar Heat Gain Coefficient	
0.30	0.20	
ADDITIONAL PERFORMANCE RATINGS		
Visible Transmittance		
0.45	—	
<small>Manufacturer attests that these ratings conform to applicable NFRC procedures for determining window product performance. NFRC ratings are determined for a fixed set of environmental conditions and a specific product size. NFRC does not recommend any product and does not warrant the suitability of any product for any specific use. Consult manufacturer's literature for other product performance information. www.nfrc.org</small>		
		
This product is ENERGY STAR Qualified in Highlighted Regions		
		
This window has been tested in accordance with either ANSI Z97.1-2001 or ASTM E1300-10a and has a Design Pressure of +7/- DP30.		
U-Factor complies with ASTM E 1300 Single - Strength Annealed Single - Strength Annealed Single - Strength Annealed	U-Factor 7x7 Lock Lite Glazing Single - Strength Annealed Single - Strength Annealed Single - Strength Annealed	
SEQUENCE : 00097 DEPT:028 S.O.:04914974 LOAD:P8079 MOD:331 Product Date: 05/23/2014		

V Transmittance
Refers to the visible light that is transmitted past the tinting of the window. The lower this number the more light shines through.

Energy Star
The shading in the map shows that the window is Energy Star approved for the US states shaded in gray

SIMPLE TEST
FIND A WINDOW THAT IS FACING WEST AND ON A BRIGHT SUNNY DAY, FEEL THE GLASS.

International Energy Conservation Code (IECC)

Table 402.4.1.2 Testing.

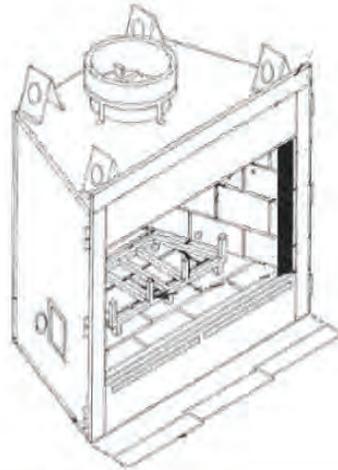
When required by the code official, the building or dwelling unit shall be tested and verified, by an approved third party, as having an approved air leakage rate. (5 air changes per hour)

R402.4.2 Fireplaces.

New wood burning fireplaces shall have tight fitting flue dampers and outdoor combustion air. The doors shall be tested and listed for the fireplace in accordance with UL 127.

UL 127 Factory Built Fireplaces

- Testing requirements for entire system
 - Fire chamber
 - Chimney
 - Roof assembly
 - Related components



International Energy Conservation Code (IECC)

R402.4.4 Recessed Lighting.

Recessed luminaires installed in the building thermal envelope shall be sealed to limit air leakage between the conditioned and unconditioned spaces. Recessed lighting shall be IC- rated and labeled as having an air leakage rate of not greater than 2.0 cfm. Recessed luminaires shall be sealed with a gasket or caulked between the housing and the interior wall or ceiling covering.

R403.2.2 Insulation.

Supply and return ducts in attics shall be insulated to a minimum of R-8 for ducts 3 inches in diameter and larger. Supply and return ducts in other portions of the building shall be insulated to a minimum R-6 for ducts 3 inches in diameter and larger and not less than R4.2 for ducts smaller than 3 inches in diameter. Exception: Ducts located completely within the building thermal envelope.

R404.1 Lighting equipment (mandatory). This section has been revised to now required 90% of all permanently installed lighting fixtures to have high efficacy bulbs (i.e., LED lamps) Previous requirement was 75%.

IC Rated Light Fixture

Non IC Rated: Not used with insulated ceilings



IC Rated: Used for insulated ceilings



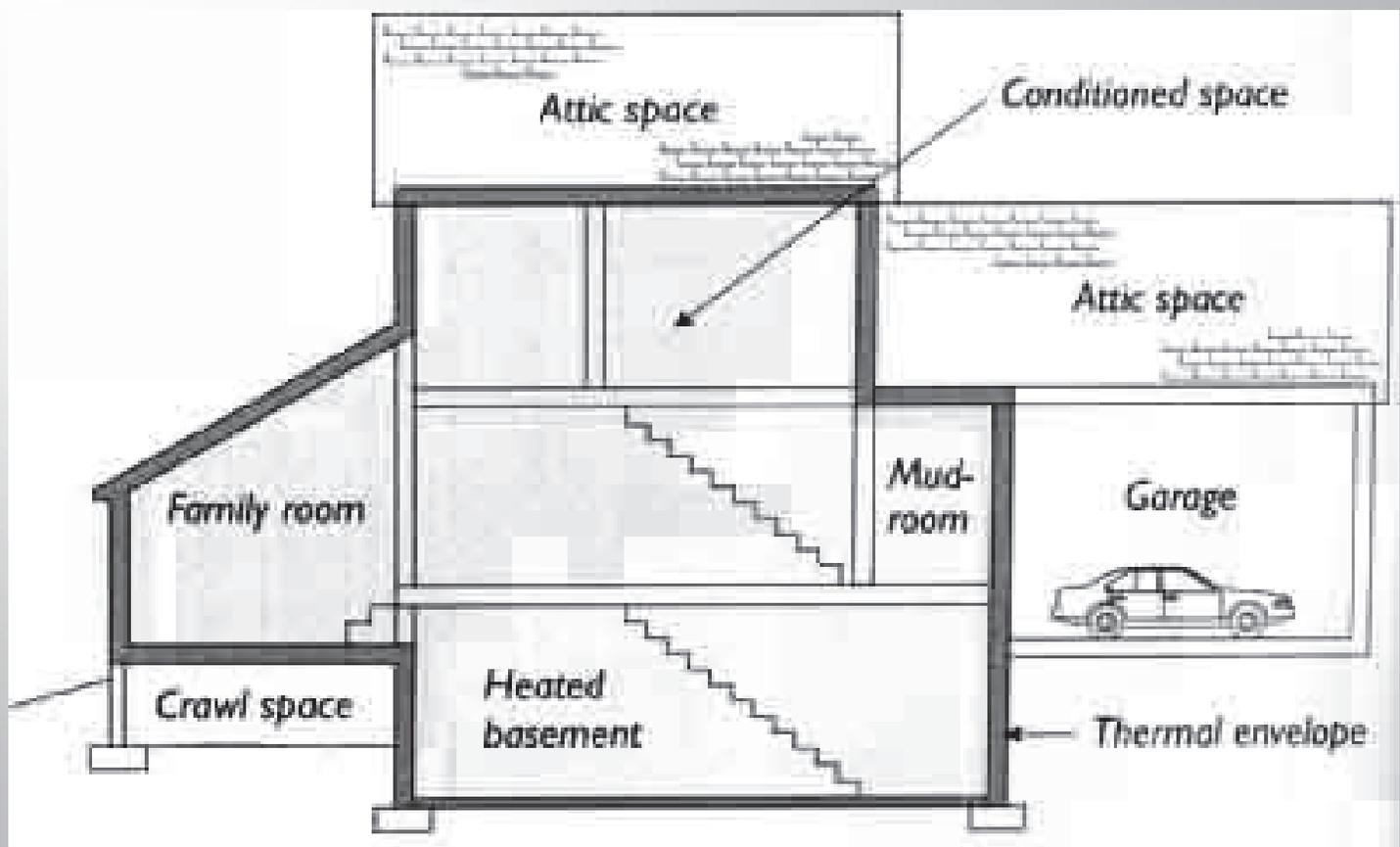
Insulated Duct



High efficacy bulbs



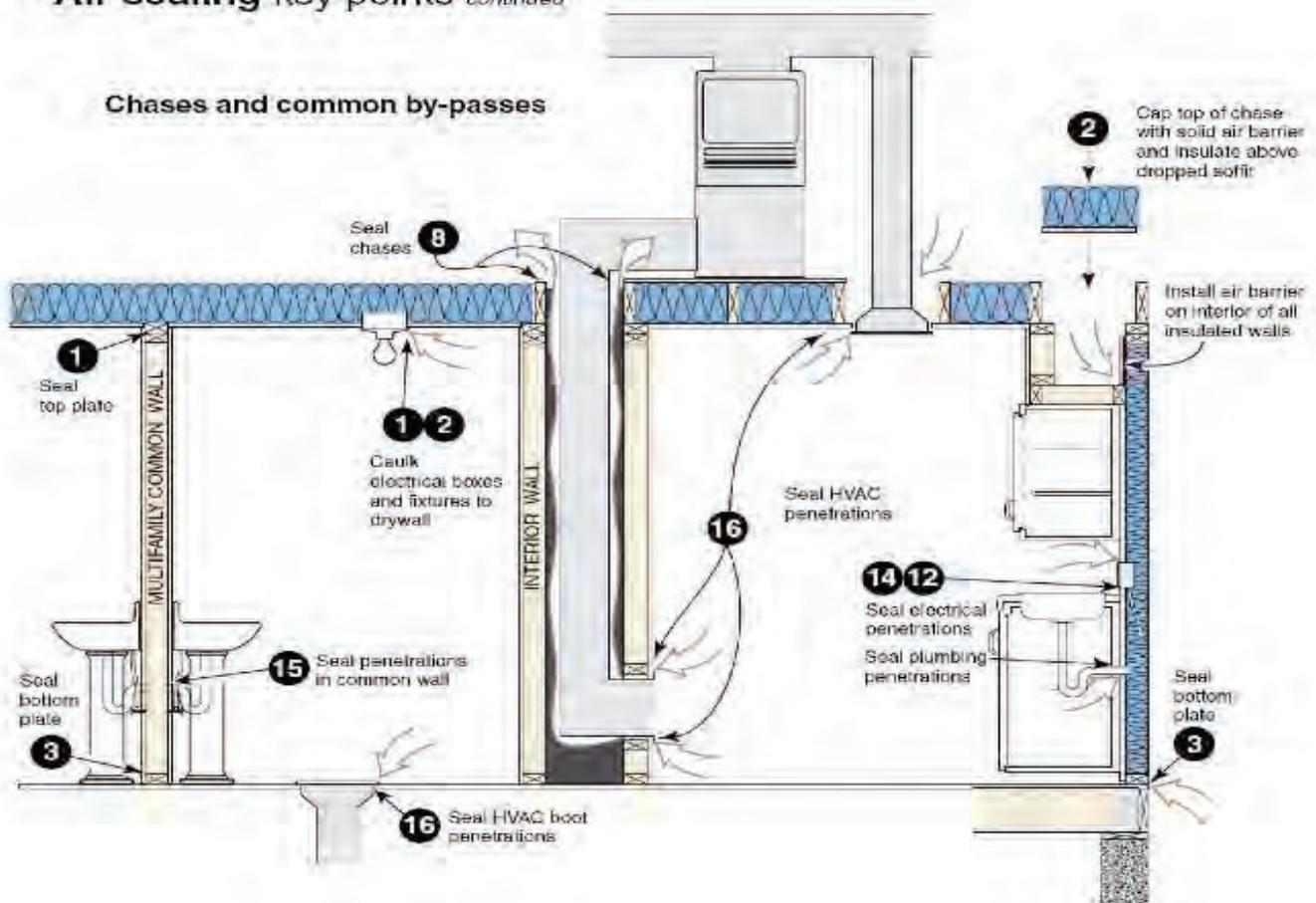
Building Thermal Envelope



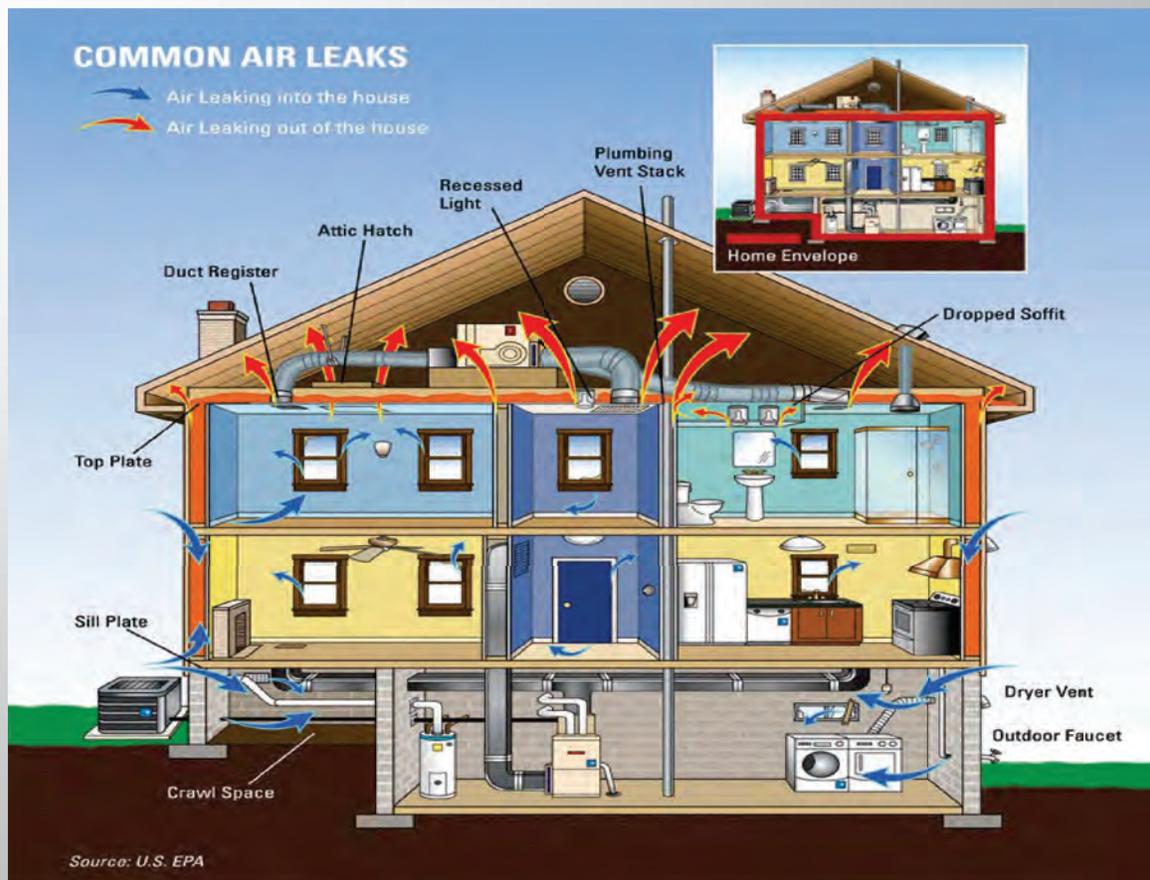
Air Sealing (Cont.)

Air sealing key points *continued*

Chases and common by-passes



Air Leakage



NFPA 70[®]



National Electrical Code[®]
International Electrical Code[®] Series

2017

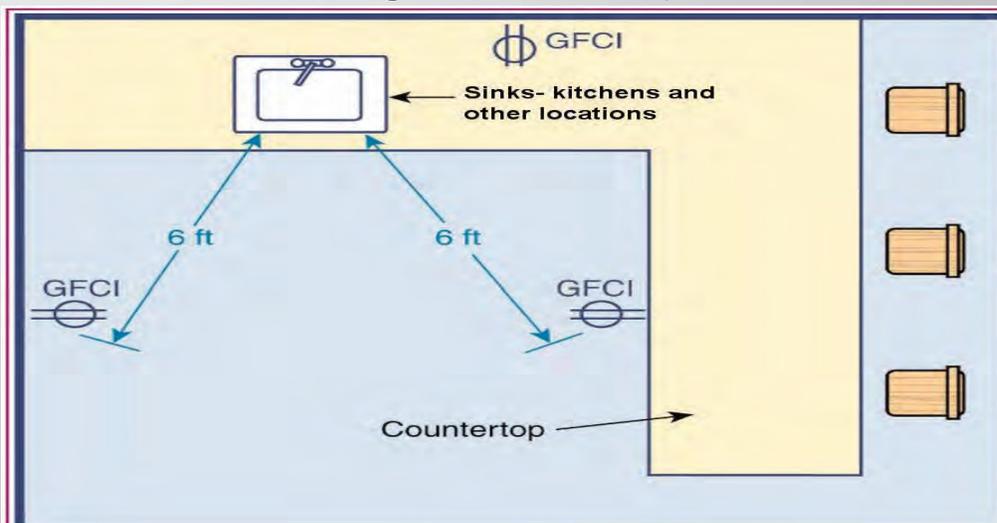


National Electrical Code (NEC)

Article 210- 210.8 Ground-fault Circuit Interrupter Protection for Personnel; (B) Dwelling Units. (7) Sinks.

This section has been revised as follows:

“Sinks- where receptacles are installed within 6 feet from the top inside edge of the bowl of the sink.” (The 2011 edition stated “within 6 feet of the outside edge of the sink”).



National Electrical Code (NEC)

Article 210- 210.12 Arc-fault Circuit Interrupter Protection; (A) Dwelling Units.

All 120 volt, single phase, 15 and 20 amp circuits supplying outlets installed in dwelling unit kitchens, family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sunrooms, recreation rooms, closets, hallways, laundry areas or similar rooms or areas shall be protected by any listed arc-fault circuit interrupter installed to provide protection of the branch circuit.

AFCI AND GFCI LOCATIONS



AFCI

- Family Room
- Dining Room
- Living Room
- Bedroom
- Sunroom
- Library
- Kitchen
- Den
- Office
- Hallways
- Closets
- Rec Rooms
- Laundry Rooms
- Similar Areas

GFCI

- Kitchen
- Bathroom
- Garage
- Porch
- Pool Area
- Laundry Rooms

*AFCI technology is also required in college dormitories

National Electrical Code (NEC)

Article 406- 406.12 Tamper- Resistant Receptacles in Dwelling Units.

This section requires that all non-locking type 125volt, 15 and 20 ampere receptacles specified in 406.12 (1) through(7) shall be listed tamper-resistant receptacles: (1) dwelling units; (2) Guest rooms and guest suites of hotels; (3) child care facilities; (4) preschools and elementary education facilities; (5) business offices, corridors, waiting rooms and the like; (6) subsets of assembly occupancies such as transportation waiting areas, gymnasiums, skating rinks, auditoriums; (7) Dormitories.

There are 4 exceptions, which include:

1. Receptacles located more than 5 ½ feet above the floor.
2. Receptacles that are part of a luminaire or appliance.
3. A single receptacle or duplex receptacle for two appliances located within a dedicated space for each appliance that, in normal use, is not easily moved from one place to another and that is cord-and-plug connected. (i.e., stackable washer and dryer)
4. Nongrounding receptacles used as replacements.

Tamper Resistant Receptacles

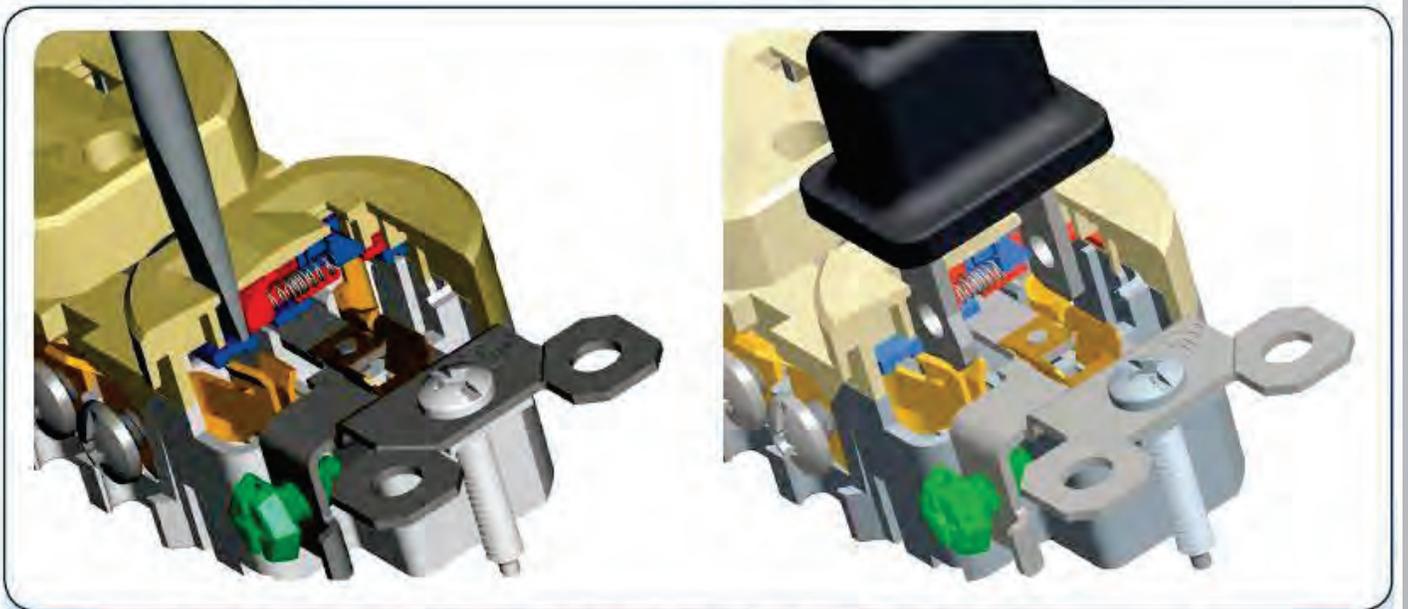
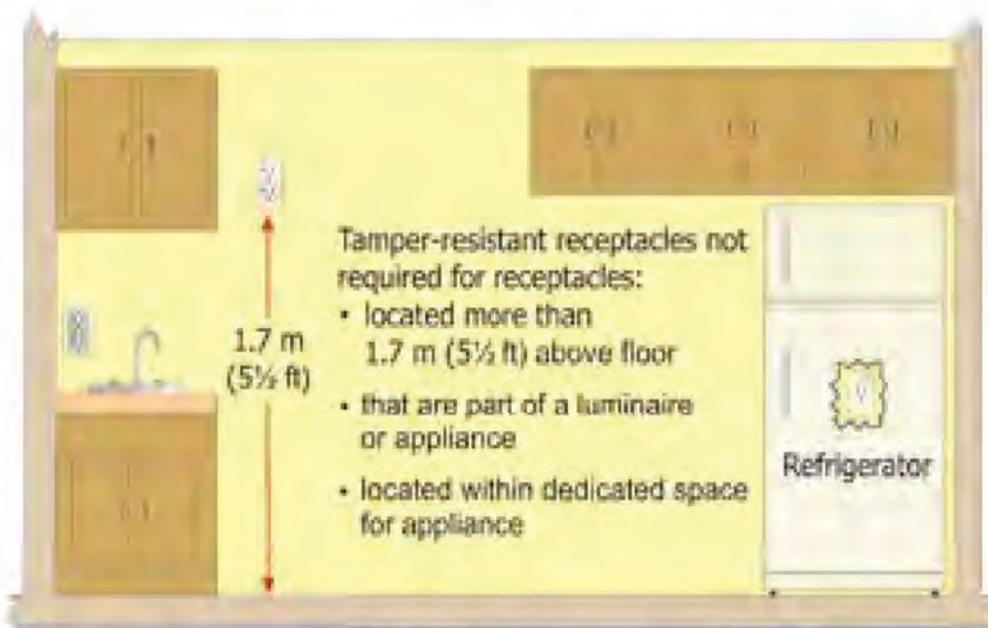


EXHIBIT 406.6 Tamper-resistant receptacle. Insertion of an object in any one side does not open the shutter (left), but a two-bladed plug or grounding plug compresses the spring and simultaneously opens both shutters (right). (Courtesy of Legrand/Pass & Seymour®)

406.12 Tamper-Resistant Receptacles



In all areas specified in 210.52, all nonlocking type 125-volt, 15- and 20-ampere receptacles required to be listed tamper-resistant receptacles

QUESTIONS AND COMMENTS

City of Mission	Item Number:	6.
ACTION ITEM SUMMARY	Date:	November 2, 2022
Parks + Recreation	From:	Penn Almoney

Action items require a vote to recommend the item to the full City Council for further action.

RE: Powell Community Center Skylight and Ceiling Repairs

RECOMMENDATION: Approve the bid from Tigris Specialty Construction to install 10 skylights in the Powell Community Center (PCC) natatorium in an amount not to exceed \$44,830.00.

DETAILS: The skylights in the PCC natatorium are original to the facility and have two major deficiencies - leaks and oxidation. Skylights have a useful life of 10-20 years depending on preventative maintenance and exposure to elements. The existing skylights are the most reputable product on the market – Kalwall, which is a translucent, structural sandwich panel using prismatic glass fibers embedded in the panels that provide a balanced, diffuse wash of glare-free light. This glare-free light is useful in a pool area where lifeguards are constantly scanning the water; glare can hinder guards from seeing distressed swimmers and those that are submerged below the surface.

Oxidation, UV, heat and moisture are all factors that lead to clouding and deterioration of waterproof seals. Over the last two years, the natatorium skylights have leaked with more and more regularity. Replacement was originally scheduled for 2020 and was delayed due to COVID-19 revenue considerations. The project was revisited in connection with the ceiling painting an natatorium lighting project budgeted in 2022.

The project was originally presented to City Council in February 2022, but production delays caused the contractor (SCH Concepts) to be unwilling to hold their original bid price. Now that the product is available, Kalwall manufacturing costs have increased 30% and SCH Concepts no longer has the capacity to complete the project. Five vendors who install Kalwall products were solicited, three of whom had the capacity to respond to the bid request, which is summarized in the table below:

Vendor	Amount
JR & CO	\$49,987
Compass Roofing	\$52,137
Tigris Specialty Construction	\$44,830
SCH Concepts	Not available
8G Solutions	No labor capacity

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	45-90-805-09
Available Budget:	\$70,000

City of Mission	Item Number:	6.
ACTION ITEM SUMMARY	Date:	November 2, 2022
Parks + Recreation	From:	Penn Almoney

Action items require a vote to recommend the item to the full City Council for further action.

This project was originally included in the 2020 CIP and anticipated replacing 24 additional skylights in the north and south gyms at a total estimated cost of \$70,000. Referencing the initial quote for the natatorium skylights, staff reviewed the gym skylights with SCH Concepts to evaluate the level of deterioration. It was determined the gym skylights had another 4-5 years of useful life remaining on them. Delaying replacement of the gym skylights allowed the City to put the budgeted difference (\$25,170) toward the natatorium painting and slide stair project.

Staff hopes to align this installation with the indoor pool deck resealing project during the winter/holiday pool closure scheduled during the last two weeks of December. Tigris Specialty Construction has availability during that time period. Even if the Kalwall manufacturing delays continue beyond December, the impacts to patron use will be minimal since installation is done from the outside.

Kalwall includes a 5 year material warranty on skylights and Tigris Specialty Construction offers a 1 year installation warranty.

The natatorium skylight replacement will be paid for from the PCC Improvements/ Equipment Replacement budget, (Parks + Recreation sales tax), which was identified and approved in the 2022 Parks and Recreation Capital Improvement Plan.

CFAA CONSIDERATIONS/IMPACTS: Repair and replacement of aging components keeps facilities safe, efficient and allows residents and visitors to engage as a community within dynamic facilities.

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	45-90-805-09
Available Budget:	\$70,000



PROPOSAL

Date: 10/07/22

9336 West 54th Street, Merriam, KS 66203 913-262-9336 Fax: 913-262-9339

TO: City of Mission
Parks & Recreation

PROPOSAL #:

23470

Sylvester Powell Community Ctr
6200 Martway
Mission KS 66202

ATTN: Penn Almoney

FROM: Glenn Lauby

Scope Description

ABOVE POOL

Remove 10 Kalwall S-Line Units from existing curbs and dispose of.
Install 10 new Kalwall S-Line Units

NOTE:

Crane rental to load and unload roof is included in proposal amount
All work is figured to be during normal working hours M-F

CONTRACT AMOUNT

\$44,830.00

City of Mission	Item Number:	7.
ACTION ITEM SUMMARY	Date:	November 2, 2022
Parks + Recreation	From:	Penn Almoney

Action items require a vote to recommend the item to full City Council for further action.

RE: PCC Locker Room Flooring

RECOMMENDATION: Approve a contract with APEX Concrete Coatings for Powell Community Center locker room flooring replacement in an amount not to exceed \$20,328.

DETAILS: The Powell Community Center's (PCC) locker room is tile and grout which is original to the facility construction in 1999. Staff pressure washes and reseals the grout as a continuous standard of care. Some tiles are cracking and grout lines are replaced periodically depending on need. The 1 inch by 1 inch tiles have endured daily impacts well, but their useful life has ended.

Staff have received feedback from patrons on condition and appearance of the current tile and grout lines in addition to it being a focus of maintenance efforts. New grout lines were added in December 2021 to protect and enclose sharp tile edges which could result in injury to patrons. Although it was a significant safety enhancement, there was nominal aesthetic improvement. Tile and grout maintenance on such small tiles is not only time-consuming for maintenance staff, but it creates the perception that the facility is old and not in good working condition.

The 2022 Parks Capital Improvement Plan included \$60,000 for replacement of the locker room flooring. In preparing for this capital project, Staff considered various replacement objectives including:

- Aesthetically pleasing
- Safe, non-slip
- Ease of care and cleaning
- Impact to patrons - time to replace
- Standard restroom/locker room flooring solutions

With those objectives in mind, staff reviewed vendor solutions along with industry best practices and concluded that the most cost-effective, safe, visually appealing and maintenance-friendly option was epoxy flooring. Epoxy is a very safe coating for hard surfaces. It is slip resistant, shock resistant and is not porous when compared to tile, concrete and other types of industrial flooring. This product is an ideal solution considering the proximity to the indoor pool amenities. It is resistant to harsh chemicals that can damage tile, grout and other types of surfaces.

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	45-90-805-09
Available Budget:	\$60,000

City of Mission	Item Number:	7.
ACTION ITEM SUMMARY	Date:	November 2, 2022
Parks + Recreation	From:	Penn Almoney

Action items require a vote to recommend the item to full City Council for further action.

Four vendors who install epoxy coatings were solicited, three of whom have the capacity to install for the bid amounts listed in the table below.

Contractor	Total
Treadwell	\$34,843
Epoxy Floors by Welch, LLC	\$25,800
APEX Concrete Coatings	\$20,328
Select Coatings	Non-responsive

APEX Concrete Coatings has extensive experience working both small and large scale projects and completed a project similar in scope at the Liberty, MO Community Center. They have staff available to complete the project in three weeks with each locker room being closed for approximately 10 days. There is a warranty on this epoxy system for 5 years with the added coverage of APEX installation warranty for 7 years.

Staff recommends the project be awarded to APEX Concrete Coatings for locker room resurfacing for a total not to exceed \$20,328 with installation to occur the last two weeks of December to coincide with closure of the indoor pool deck resealing. Attendance levels and facility demand is also historically decreased during this period. Funds are available from the Parks + Recreation Sales Tax Fund for this project.

CFAA CONSIDERATIONS/IMPACTS: 4-A This work will help ensure the Powell Community Center patrons of all ages and abilities will be able to enjoy the indoor pool for many years to come.

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	45-90-805-09
Available Budget:	\$60,000



Representative: Andrea and Blaine Crow				Phone: 913-530-1896			
Name: Mission Kansas Community Center				Primary Phone:			
Residential Address:				City:	ST:	Zip:	
Email: palmoney@missionkansad.org							
Area 1	Womens Lockeroom	Cost	Total	Area 2	Mens Lockeroom	Cost	Total
Sq. Ft.	836 sqft	\$ 7.00	\$ 5,852.00	Sq Ft.	836 sqft	\$ 7.00	\$ 5,852.00
Form Cove	41 ft.	\$11.00	\$ 1,804.00	Form Cove	41 ft.	\$11.00	\$ 1,804.00
Tile Removal	836 sqft	\$ 3.00	\$ 2,508.00	Tile Removal	836 sqft	\$ 3.00	\$ 2,508.00
Cracks	Unavailavle to calculate			Cracks	Jnavailavle to calculate		
Pits	Unavailavle to calculate			Pits	Jnavailavle to calculate		
Subtotal For Area 1				Subtotal For area 2			
Color: Custom Flake			\$ 10,164.00	Color: Custom Flake			\$ 10,164.00
APEX uses award winning PENNTEK products. The added costs to this project include any additional work that is applied to the concrete underenith the tile and both locker rooms.				Subtotal For Project		\$ 20,328.00	
Floors are not to be walked on for 6 hours after completion or driven on prior to 24 hours in Summer and 36 hours in Fall, Winter, and Summer after completion.				Total		\$ 20,328.00	
				50% Deposite		\$ 10,164.00	
				Due Upon Completion		\$ 10,164.00	
Client Signature:		Date:		Representative Signature:		Date:	
				<i>Andrea Crow</i>		<i>10/20/22</i>	
Additional Notes: APEX; is family owned and operated, we use the best polyurea and polyaspartic products on the market, provide the highest quality/detailed installation that is backed with a 5 year product warranty and 7 year APEX warranty. However, APEX and Pennteck do not warranty future cracking issues originating from the concrete.							

City of Mission	Item Number:	8.
ACTION ITEM SUMMARY	Date:	November 2, 2022
Community Development & Public Works Department	From:	Celia Duran

Action items require a vote to recommend the item to full City Council for further action.

RE: Extension of the Master Agreement for Professional Services with the City’s On-call Engineering Firms

RECOMMENDATION: Approve an Amendment to the Master Agreement for Professional Services with George Butler & Associates (GBA) and Olsson to perform On-Call Engineering Services for the City of Mission.

DETAILS: Olsson and GBA currently provide various on-call engineering services for the City of Mission through a Master Services Agreement that was approved in January 2019. The Agreement was for a three-year period with an option to renew for one additional year, which correlates to an expiration date of December 31, 2022.

Staff is very pleased with the work that both firms are providing and recommends that the Master Agreement be extended for an additional 12-month period, resulting in an expiration date of January 1, 2024. Extending the Agreement through the end of next year will allow each firm to continue the work they have been providing on various projects, and will give Staff more time to prepare for and implement the extensive qualifications process that has been used in the past to select firms for on-call services.

Funds are included in the Community Development and Public Works Department’s annual budgets for on-call engineering work. In addition, engineering costs may be charged to the Special Highway, Street Sales Tax, Stormwater or other funds used for infrastructure, maintenance or construction. Budgets/funds would be identified and allocated on a project-by-project basis.

COMMUNITIES FOR ALL AGES IMPACT: Ensuring the selection of qualified engineering firms allows for both public and private projects constructed in the City of Mission to be built to appropriate standards and address important considerations such as ADA, walkability and other factors which positively impact the quality of life for our residents and visitors of all ages and abilities.

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	01-23-207-03 (Comm Dev) and 01-20-207-03 (Public Works)
Available Budget:	\$75,000 (CD) + \$60,000 (PW) + specific capital projects authorized

First Amendment of Master Agreement for Professional Services

This First Amendment of Master Agreement for Professional Services (the "First Amendment") is made effective as of _____, 2022 (the "Effective Date") between the City of Mission, Kansas, a Kansas municipality ("Owner") and George Butler Associates, Inc., a Kansas corporation ("GBA").

WHEREAS, Owner and GBA executed a Master Agreement for Professional Services (the "Master Agreement") on January 1, 2019; and

WHEREAS, under Article 1 of the Master Agreement, the parties agreed the Master Agreement had a term of 36 months, with an option to extend the Master Agreement for an additional 12 months; and

WHEREAS, the parties extended the Master Agreement for the additional 12 month period in accordance with Article 1 of the Master Agreement; and,

WHEREAS, the Master Agreement currently terminates on January 1, 2023; and

WHEREAS, the parties wish to further extend the Master Agreement for an additional 12 months.

NOW, THEREFORE, Owner and GBA agree as follow:

1. Extension of Term. The parties hereby agree to extend the Master Agreement (as defined above) for an additional 12 months beyond the current termination of the Master Agreement. Unless otherwise extended by further agreement of the parties or terminated in accordance with a provision of the Master Agreement, as amended by this First Amendment, the Master Agreement shall terminate on January 1, 2024.

3. Inconsistency. If there is any inconsistency between the terms of the Master Agreement and this First Amendment, the provisions of this First Amendment shall govern.

IN WITNESS WHEREOF, the said parties hereunto have subscribed their names as of the Effective Date.

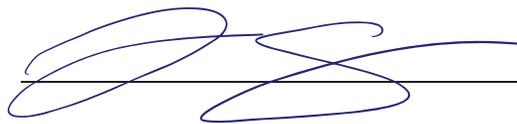
OWNER:

GBA:

CITY OF MISSION, KANSAS

George Butler Associates, Inc.

LAURA SMITH
CITY ADMINISTRATOR



By: John Cooper

Title: Vice President

First Amendment of Master Agreement for Professional Services

This First Amendment of Master Agreement for Professional Services (the “First Amendment”) is made effective as of January 1, 2023 (the “Effective Date”) between the City of Mission, Kansas, a Kansas municipality (“Owner”) and Olsson, Inc., a Nebraska corporation (“Olsson”).

WHEREAS, Owner and Olsson executed a Master Agreement for Professional Services (the “Master Agreement”) on January 1, 2019; and

WHEREAS, under Article 1 of the Master Agreement, the parties agreed the Master Agreement had a term of 36 months, with an option to extend the Master Agreement for an additional 12 months; and

WHEREAS, the parties extended the Master Agreement for the additional 12 month period in accordance with Article 1 of the Master Agreement; and,

WHEREAS, the Master Agreement currently terminates on January 1, 2023; and

WHEREAS, the parties wish to further extend the Master Agreement for an additional 12 months.

NOW, THEREFORE, Owner and Olsson agree as follow:

1. Extension of Term. The parties hereby agree to extend the Master Agreement (as defined above) for an additional 12 months beyond the current termination of the Master Agreement. Unless otherwise extended by further agreement of the parties or terminated in accordance with a provision of the Master Agreement, as amended by this First Amendment, the Master Agreement shall terminate on January 1, 2024.

3. Inconsistency. If there is any inconsistency between the terms of the Master Agreement and this First Amendment, the provisions of this First Amendment shall govern.

IN WITNESS WHEREOF, the said parties hereunto have subscribed their names as of the Effective Date.

OWNER:

OLSSON:

CITY OF MISSION, KANSAS

OLSSON, INC.

LAURA SMITH
CITY ADMINISTRATOR



By: Jamie Fain, PE
Title: Office Leader

City of Mission	Item Number:	9.
ACTION ITEM SUMMARY	Date:	November 2, 2022
Public Works	From:	Celia Duran

Action items require a vote to recommend the item to the full City Council for further action.

RE: Johnson County CARS 2023 Interlocal Agreement for Funding of Public Improvements for Foxridge Drive (51st Street to Lamar Avenue)

RECOMMENDATION: Approve the Interlocal Agreement with Johnson County for the public improvement of Foxridge Drive (51st Street to Lamar Avenue) (CARS Project No. 320001381) using 2023 CARS Program funding in an amount not to exceed \$1,649,000.

DETAILS: The City of Mission's proposed CARS project for 2023 is the Foxridge Drive (51st Street to Lamar Avenue) Street Rehabilitation Project. The proposed improvements include a full depth pavement reconstruction, sidewalk and retaining walls, stormwater improvements, traffic signal buyout and replacement, streetlights, and a polymer overlay on the Lamar Ave. bridge. The stormwater improvements include replacing aging corrugated metal pipe (CMP) and addressing ongoing groundwater problems and the installation of sidewalks which will improve pedestrian safety. The stormwater and retaining wall improvements will require permanent easements and temporary construction easements will be necessary to complete the work in the right-of-way.

As part of the Nelson wastewater treatment facility improvements, Johnson County Wastewater (JCW) is planning to construct an additional force main within the Foxridge Dr. right-of-way. The City and JCW are currently coordinating the roadway and utility improvements so that the force main can be installed from December 2022 to April 2023 prior to the street improvements anticipated to begin in Spring 2023.

The Interlocal Agreement specifies the County's participation in the project for a total cost not to exceed \$1,649,000 and commits the City's funds to the project. Approval of the interlocal agreement is the final step with the County to accept CARS funds for this project. The total conceptual project costs submitted to CARS in 2022 totaled \$5,570,443 with estimated CARS funding of \$2,548,000. The County has reduced the eligible reimbursement costs to \$1,649,000 based on the CARS 80% rule which calculates a city's minimum 5-year funding apportionment based on city population and property valuation.

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	25-90-805-60 CARS Projects - Capital Improvement Fund
Available Budget:	\$4,341,873

City of Mission	Item Number:	9.
ACTION ITEM SUMMARY	Date:	November 2, 2022
Public Works	From:	Celia Duran

Action items require a vote to recommend the item to the full City Council for further action.

The plans are currently being finalized and will be bid in mid-January 2022 assuming easements can be acquired prior to this time, and contingent upon KDOT's review since a portion of this road is in their right-of-way. The current Engineer's Estimate (60% design) totals \$5,573,000 exclusive of easements and construction inspection.

The City anticipates issuing debt later this year to be used for this project.

CFAA CONSIDERATIONS/IMPACTS: This project supports a number of CFAA considerations, including sidewalk improvements, to promote walkability and provide pedestrian modes of transportation for all ages.

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	25-90-805-60 CARS Projects - Capital Improvement Fund
Available Budget:	\$4,341,873

**Agreement between Johnson County, Kansas,
and the City of Mission, Kansas, for the Public Improvement of
Foxridge Drive from 51st Street to Lamar Avenue
(320001381)**

THIS AGREEMENT, made and entered into this _____ day of _____, 202_ by and between the Board of County Commissioners of Johnson County, Kansas ("Board") and the City of Mission, Kansas, ("City").

WITNESSETH:

WHEREAS, the parties have determined that it is in the best interests of the general public in making certain public improvements to Foxridge Drive from 51st Street to Lamar Avenue (the "Project"); and

WHEREAS, the laws of the State of Kansas authorize the parties to this Agreement to cooperate in undertaking the Project; and

WHEREAS, the governing bodies of each of the parties have determined to enter into this Agreement for the purpose of undertaking the Project, pursuant to K.S.A. 12-2908 and K.S.A. 68-169, and amendments thereto; and

WHEREAS, the Project has been approved, authorized, and budgeted by the Board as an eligible project under the County Assistance Road System ("CARS") Program; and

WHEREAS, the Board has, by County Resolution No. 106-90, authorized its Chairman to execute any and all Agreements for County participation in any CARS Program project which has been approved and authorized pursuant to the Policies and Guidelines adopted by the Board and for which funding has been authorized and budgeted therefore; and

WHEREAS, the governing body of the City did approve and authorize its Mayor to execute this Agreement by official vote on the _____ day of _____, 202_.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter contained, and for other good and valuable consideration, the parties agree as follows:

1. **Purpose of Agreement.** The parties enter into this Agreement for the purpose of undertaking the Project to assure a more adequate, safe and integrated roadway network in the developing and incorporated areas of Johnson County, Kansas.

2. **Estimated Cost and Funding of Project**

a. The estimated cost of the Project (“Project Costs”), a portion of which is reimbursable under this Agreement, is Five Million Five Hundred Seventy Thousand Dollars (\$5,570,000).

b. Project Costs include necessary costs and expenses of labor and material used in the construction of the Project and construction inspection and staking for the Project.

c. The Project Costs shall be allocated between the parties as follows:

i. The Board shall provide financial assistance for the Project in an amount up to but not exceeding Fifty Percent (50%) of the Project Costs. However, the Board's financial obligation under this Agreement shall be limited to an amount not to exceed One Million Six Hundred Forty Nine Thousand Dollars (\$1,649,000). For purposes of this Agreement, Project Costs shall not include any portion of costs which are to be paid by or on behalf of any state or federal governmental entity or for which the City may be reimbursed through any source other than the general residents or taxpayers of the City. Further, it is understood and agreed by the parties hereto that the Board shall not participate in, nor pay any portion of, the Costs incurred for or related to the following:

1. Land acquisition, right-of-way acquisition, or utility relocation;
2. Legal fees and expenses, design engineering services, Project administration, or financing costs;

3. Taxes, licensing or permit fees, title reports, insurance premiums, exactions, recording fees, or similar charges;
4. Project overruns;
5. Project scope modifications or major change orders which are not separately and specifically approved and authorized by the Board; and;
6. Minor change orders which are not separately and specifically approved and authorized by the Director of Public Works & Infrastructure of Johnson County, Kansas ("Public Works Director"). Minor change orders are those which do not significantly alter the scope of the Project and which are consistent with the CARS Program Policies and Guidelines and administrative procedures thereto adopted by the Board.

It is further understood and agreed that notwithstanding the designated amount of any expenditure authorization or fund appropriation, the Board shall only be obligated to pay for the authorized percentage of actual construction costs incurred or expended for the Project under appropriate, publicly bid, construction contracts. The Board will not be assessed for any improvement district created pursuant to K.S.A. 12-6a01 et seq., and amendments thereto, or any other improvement district created under the laws of the State of Kansas.

- ii. The City shall pay One Hundred Percent (100%) of all Project Costs not expressly the Board's obligation to pay as provided in this Agreement.

3. **Financing**

- a. The Board shall provide financial assistance, as provided in Paragraph 2.c. above, towards the cost of the Project with funds budgeted, authorized, and appropriated by the Board and which are unencumbered revenues that are on-hand in deposits of Johnson County, Kansas. This paragraph shall not be construed as limiting the ability of the Board to finance its portion of the costs and expenses of the Project through the issuance of bonds or any other legally authorized method.
- b. The City shall pay its portion of the Project Costs with funds budgeted, authorized, and appropriated by the governing body of the City.

4. **Administration of Project.** The Project shall be administered by the City, acting by and through its designated representative who shall be the City public official designated as Project Administrator. The Project Administrator shall assume and perform the following duties:

- a. Cause the making of all contracts, duly authorized and approved, for retaining consulting engineers to design and estimate the Project Costs.
- b. Submit a copy of the plans and specifications for the Project to the Johnson County Public Works Director for review, prior to any advertisement for construction bidding, together with a statement of estimated Project Costs which reflects the Board's financial obligation under the terms of this Agreement. The Public Works Director or his designee shall review the copy of the plans and specifications for the Project and may, but shall not be obligated to, suggest changes or revisions to the plans and specifications.
- c. If required by applicable state or federal statutes, solicit bids for the construction of the Project by publication in the official newspaper of the City. In the solicitation of bids, the appropriate combination of best bids shall be determined by the City.
- d. Cause the making of all contracts and appropriate change orders, duly authorized and approved, for the construction of the Project.
- e. Submit to the Public Works Director a statement of actual costs and expenses in the form of a payment request, with attached copies of all invoices and supporting materials, on or before the tenth day of each month following the

month in which costs and expenses have been paid. The Public Works Director shall review the statement or payment request to determine whether the statement or payment request is properly submitted and documented and, upon concurrence with the Finance Director of Johnson County, Kansas, (“Finance Director”) cause payment to be made to the City of the Board's portion of the Project Costs within thirty (30) days after receipt of such payment request. In the event federal or state agencies require, as a condition to state or federal participation in the Project, that the Board make payment prior to construction or at times other than set forth in this subsection, the Public Works Director and the Finance Director may authorize such payment.

- f. Except when doing so would violate a state or federal rule or regulation, cause a sign to be erected in the immediate vicinity of the Project upon commencement of construction identifying the Project as part of the CARS Program. The form and location of the sign shall be subject to the review and approval of the Public Works Director.

Upon completion of the construction of the Project, the Project Administrator shall submit to each of the parties a final accounting of all Project Costs incurred in the Project for the purpose of apportioning the same among the parties as provided in this Agreement. It is expressly understood and agreed that in no event shall the final accounting obligate the parties for a greater proportion of financial participation than that set out in Paragraph 2.c. of this Agreement. The final accounting of Project Costs shall be submitted by the Project Administrator no later than sixty (60) days following the completion of the Project construction.

It is further understood and agreed by the City that to the extent permitted by law and subject to the provisions of the Kansas Tort Claims Act including but not limited to maximum liability and immunity provisions, the City agrees to indemnify and hold the County, its officials, and agents harmless from any cost, expense, or liability not expressly agreed to by the County which result from the negligent acts or omissions of the City or its employees or which result from the City's compliance with the Policy and Procedures.

This agreement to indemnify shall not run in favor of or benefit any liability insurer or third party.

In addition, the City of Mission shall, and hereby agree to, insert as a special provision of its contract with the general contractor ("Project Contractor") chosen to undertake the Project construction as contemplated by this Agreement the following paragraphs:

The Project Contractor shall defend, indemnify and save the Board of County Commissioners of Johnson County, Kansas and the City of Mission harmless from and against all liability for damages, costs, and expenses arising out of any claim, suit, action or otherwise for injuries and/or damages sustained to persons or property by reason of the negligence or other actionable fault of the Project Contractor, his or her sub-contractors, agents or employees in the performance of this contract.

The Board of County Commissioners of Johnson County, Kansas shall be named as an additional insured on all policies of insurance issued to the Project Contractor and required by the terms of his/her agreement with the City.

5. Acquisition of Real Property for the Project

- a. The Board shall not pay any costs for acquisition of real property in connection with the Project.
- b. The City shall be responsible for the acquisition of any real property, together with improvements thereon, located within the City's corporate boundaries, which is required in connection with the Project; such real property acquisition may occur by gift, purchase, or by condemnation as authorized and provided by the Eminent Domain Procedure Act, K.S.A. 26-201 et seq. and K.S.A. 26-501 et seq., and any such acquisition shall comply with all federal and state law requirements.

6. **Duration and Termination of Agreement**

- a. The parties agree that this Agreement shall remain in full force and effect until the completion of the Project, unless otherwise terminated as provided for in Paragraph 6.b. herein below. The Project shall be deemed completed and this Agreement shall be deemed terminated upon written certification to each of the parties by the Project Administrator that the Project has been accepted as constructed. The City shall provide a copy of the Project Administrator's certification to both the Public Works Director and the Finance Director within thirty (30) days of the Project Administrator's determination that the Project is complete.
- b. It is understood and agreed that the Public Works Director shall review the status of the Project annually on the first day of March following the execution of this Agreement to determine whether satisfactory progress is being made on the Project by the City. In the event that the Public Works Director determines that satisfactory progress is not being made on the Project due to the City's breach of this Agreement by not meeting the agreed upon project deadlines or otherwise not complying with the terms of this Agreement, the Public Works Director is authorized to notify the City that it shall have thirty (30) days from receipt of such notification to take steps to cure the breach (the "Cure Period"). It is further understood and agreed that the Board shall have the option and right to revoke funding approval for the Project and terminate this Agreement should the Board find, based upon the determination of the Public Works Director, that satisfactory progress is not being made on the Project and that the City has not taken sufficient steps to cure the breach during the Cure Period. Should the Board exercise its option as provided herein, it shall send written notice of the same to the City and the Board shall have no further liability or obligation under this Agreement.

7. **Placing Agreement in Force.** The attorney for the City shall cause sufficient copies of this Agreement to be executed to provide each party with a duly executed copy of this Agreement for its official records.

IN WITNESS WHEREOF, the above and foregoing Agreement has been executed by each of the parties hereto and made effective on the day and year first above written.

**Board of County Commissioners of
Johnson County, Kansas**

City of Mission, Kansas

Ed Eilert, Chairman

Solana Flora, Mayor

Attest:

Attest:

Lynda Sader
Deputy County Clerk

City Clerk

Approved as to form:

Approved as to form:

Robert A. Ford
Assistant County Counselor

City Attorney

City of Mission	Item Number:	10.
ACTION ITEM SUMMARY	Date:	November 2, 2022
Public Works	From:	Celia Duran

Action items require a vote to recommend the item to full City Council for further action.

RE: Interlocal Agreement with Johnson County for Rock Creek Preliminary Project Study

RECOMMENDATION: Approve an Interlocal Agreement with Johnson County for preparation of a Preliminary Project Study for Rock Creek Channel (Lamar Ave. to Maple St.).

DETAILS: Johnson County Stormwater Management Program (SMP) completed a Watershed Master Plan – Phase 1 (WMP) for Watershed 1 (WO1) in March 2022. Rock Creek within the City of Mission is located within WO1. The WMP identified severe risk areas and subsequently identified high concentrations of these risks and grouped them together into “focus areas”. The portion of the Rock Creek Channel from Lamar Avenue to Maple St. within Mission city limits is within WO1 and was identified as Focus Area 2 with a preliminary flood risk score of 4.44 (based on a scale of 1 to 5 with 5 identified as the highest risk) and a preliminary risk score of 2.03 for water quality.

The Johnson County SMP, with approval of WO1 members, has approved 75% matching funds for preparation of a Preliminary Project Study (PPS) for this portion of the Rock Creek Channel. Olsson subsequently submitted a scope of services to complete the PPS in an amount not to exceed \$196,150, which was approved by the City Council in September 2022.

The PPS will develop and identify three proposed alternatives and cost estimates to primarily address building and street flooding along the Rock Creek channel, as well as water quality and stream erosion as feasible. Once the PPS is completed, the City can apply for 50% matching funds for construction of the capital improvement project in future years. The PPS will focus on the creek channel and floodplain area; however, Staff will coordinate with Community Development on the best use for city properties surrounding the channel in conjunction with the Planning Sustainable Places (PSP) grant.

The Interlocal Agreement specifies the County’s participation in this project (75% of the total cost of the PPS or \$147,112.50) and commits the City’s funds to the project.

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	Stormwater Utility Fund
Available Budget:	\$200,000

City of Mission	Item Number:	10.
ACTION ITEM SUMMARY	Date:	November 2, 2022
Public Works	From:	Celia Duran

Action items require a vote to recommend the item to full City Council for further action.

Approval of the interlocal agreement is the final step with the County to accept PPS funds for this project.

The PPS will be completed with County funds and available city funds from the Stormwater Utility Fund. The PPS is estimated to be completed in Spring 2023.

CFAA CONSIDERATIONS/IMPACTS: The project includes evaluation of improvements to stormwater and the floodplain to improve safety of stormwater infrastructure that maximizes safety for all users.

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	Stormwater Utility Fund
Available Budget:	\$200,000

**Agreement between
Johnson County and the City of Mission
For a Preliminary Project Study
of a Stormwater Management Project known as
Rock Creek Stormwater Improvements between Lamar and Maple Street
RC-06-023**

This agreement is entered into by and between the Board of County Commissioners of Johnson County, Kansas (the "County") and the City of Mission (the "City") pursuant to K.S.A. 12-2908.

Recitals

1. Pursuant to K.S.A. 19-3311, by Resolution No. 38-90, the County has established a countywide retailer's sales tax for the purpose of providing funds for stormwater management projects, and by Resolution No 76-90, created a Stormwater Management Advisory Council to identify and recommend projects for inclusion in the Stormwater Management Program.
2. The County has established a Stormwater Management and Flood Control Fund for the purpose of funding Stormwater Management Program projects.
3. The County, by Resolution No. 66-92, as modified by Resolution No 034-94, adopted the Johnson County Stormwater Management Policy and the Administrative Procedures for the Johnson County Stormwater Management Program ("Policy and Procedures") to promote interlocal cooperation between the County and the participating municipalities in stormwater management activities.
4. In accordance with the Policy and Procedures, the City has requested that the County participate in the funding for the preliminary project study ("Preliminary Study") for the stormwater management project identified as Rock Creek Stormwater Improvements between Lamar and Maple Street (the "Project"), which meets the minimum requirements, and the County is willing to provide such funding upon the terms and conditions set forth in this agreement.

Agreement

In and for the consideration of the mutual covenants contained in this agreement and the mutual benefits to be derived from the Project, the City and the County agree as follows:

1. **Policy and Procedures.** The City acknowledges receipt of the Policy and Procedures. The City and County agree that the Preliminary Study shall be undertaken in accordance with the terms and provisions of the Policy and Procedures provided, however, in the event a conflict exists between any provision of the Policy and Procedures and any provision of this agreement, the terms and conditions of this agreement shall control.
2. **Preliminary Project Study.** The City shall provide the Stormwater Management Program Manager, or his/her designee (“Manager”) with a Preliminary Study that satisfies the requirements set forth in the Policy and Procedures. The Preliminary Study shall be performed by qualified engineering or science professionals or by qualified City personnel, or both, subject to the provisions of this agreement and the Policy and Procedures. In general, the Preliminary Study shall define the proposed scope of the Project, analyze the impact of the Project on upstream and downstream property, suggest alternative solutions or approaches to stormwater control, and must establish a preliminary estimate for design and construction costs. The costs and expenses incurred by the City in connection with the Preliminary Study shall be reimbursable, subject to the limitations on reimbursement contained in the Policy and Procedures and in this agreement.
3. **Estimated Cost of Preliminary Study.** The parties acknowledge and agree that the City has established an estimated total cost for the Preliminary Study of One Hundred Ninety Six Thousand One Hundred Fifty Dollars (\$196,150) based upon City staff’s estimates and assumptions.
4. **Notice to Affected Municipalities.** The City shall convene a Watershed Organization meeting as defined in the Policy and Procedures and shall inform members of the nature and scope of the Project. The City shall notify the County of any objection to the Project that is received by the City from a member of the watershed organization. The City agrees that it shall provide the completed Preliminary Study to the Watershed Organization for review and approval prior to submitting the Preliminary Study to the County.
5. **Administration.** It is acknowledged and agreed that the City shall enter into all contracts relating to the Preliminary Study in its own name and not as the agent of the County. The City agrees to be solely responsible for the administration of all contracts for the Preliminary Study. Any contract disputes shall be resolved by the City at the City's sole cost and expense.

The City shall require adequate indemnity covenants and evidence of insurance from engineering service providers for loss or damage to life or property arising out of the engineering service provider's negligent acts or omissions. The required insurance coverage and limits shall be established by the City but shall not, in any event, be less than \$1,000,000 professional liability coverage for engineering service providers. The City may, in the exercise of its reasonable judgment, permit any insurance policy required by this agreement to contain a reasonable and customary deductible or co-insurance provision.

6. **County Contribution Toward Costs.** The County shall reimburse the City from the Stormwater Management and Flood Control Fund for expenditures made by the City for the Preliminary Study as follows:

Not more than once each calendar month, the City may submit to the County a request for payment, invoice, or statement satisfactory in form and content to the Manager detailing total Preliminary Study costs and expenses, in line-item detail, for the preceding calendar month ("Payment Request") and for year-to-date.

The City's Payment Request shall list, by category, those particular expenditures that are reimbursable according to the Policy and Procedures, The City represents and warrants that each Payment Request shall seek reimbursement for only those expenditures that the City determines, in good faith, to be reimbursable by the County. The Manager may require the City to supplement the Payment Request as needed to satisfy the Manager, at his/her discretion, that the Payment Request accurately reflects properly reimbursable costs and expenses.

The County agrees to make payment to the City within thirty days following the Manager's approval and acceptance of a properly documented Payment Request in an amount equal to seventy five percent (75%) of the Payment Request.

7. **Notice Addresses.** Any notice required or permitted by this agreement shall be deemed properly given upon deposit in the U.S. mail, postage prepaid and addressed as follows:

If to the County:

Lee Kellenberger
Stormwater Program Manager
Johnson County Public Works
1800 W. Old Highway 56
Olathe, KS 66061

If to the City:

Brent Morton
Public Works Superintendent
City of Mission
4775 Lamar Avenue
Mission, KS 66202

8. **Effective Date.** Regardless of the date(s) the parties execute the agreement, the effective date of this agreement shall be _____ provided the agreement has been fully executed by both parties.

**Board of County Commissioners of
Johnson County, Kansas**

City of Mission

Ed Eilert, Chairman

Solana Flora, Mayor

Attest:

Attest:

Lynda Sader
Deputy County Clerk

City Clerk

Approved as to Form:

Approved as to Form:

Robert A. Ford
Assistant County Counselor

City Attorney

City of Mission	Item Number:	11.
DISCUSSION ITEM SUMMARY	Date:	November 2, 2022
Community Development	From:	Brian Scott

Discussion items allow the committee the opportunity to freely discuss the issue at hand.

RE: Proposed Amendment to Chapter 400, Article V of the Mission Municipal Code Pertaining to Drinking Establishments in the MS-1 Zoning District

DETAILS: The Main Street 1 (“MS-1”) zoning district includes those properties that front Johnson Drive from Lamar Avenue east to Birch Street, what is essentially the Johnson Drive downtown corridor. Permitted uses within the “MS-1” zoning district include, but are not limited to:

- *Restaurants (excluding those with drive-through facilities), sandwich shops, bistros, coffee houses, delis, bakeries, candy/ice cream/yogurt shops, ethnic foods (i.e. Italian, Greek, Chinese, Mexican, etc.) and other establishments of similar character.*
- *Entertainment in restaurants (i.e., piano player, guitarist, small combos, dancing, etc.), movie theater and other establishments of similar character.*
- *Clubs and drinking establishments shall be allowed after issuance of a special use permit as prescribed in Chapter 445, Article III, Section 445.180 et seq. (emphasis added).*
- *Arcades, operated in conjunction with clubs or drinking establishments, shall be allowed after issuance of a special use permit as prescribed in Chapter 445, Article III, Section 445.180 et seq. (emphasis added).*
(Section 410.1780 of the Mission Municipal Code)

Development standards within the “MS-1” zoning district dictate:

Sales and consumption of cereal malt beverages or alcoholic liquor are prohibited except as follows:

1. *Package liquor stores licensed with the State of Kansas and the City shall be allowed provided that the exterior walls of such establishment are at least two hundred (200) feet from the nearest property line of any hospital, school, church or library. For purposes of this Section, the term "school" shall mean any public, private or parochial learning facility for children in preschool through grade twelve (12) accredited by the State Board of Education or, where required, certified as a preschool by the Kansas Department of Health and Environment.*
2. *Food service establishments serving cereal malt beverages and clubs or drinking establishments serving alcoholic liquor shall be allowed where the sales of food for consumption on the premises exceeds thirty percent (30%) of the annual gross income*

Related Statute/City Ordinance:	Chapter 400 of Mission Municipal Code (Land Use)
Line Item Code/Description:	NA
Available Budget:	NA

City of Mission	Item Number:	11.
DISCUSSION ITEM SUMMARY	Date:	November 2, 2022
Community Development	From:	Brian Scott

Discussion items allow the committee the opportunity to freely discuss the issue at hand.

for the establishment, provided that the exterior walls of clubs and drinking establishments are at least two hundred (200) feet from the nearest residentially zoned property line. A special use permit shall be required for clubs and drinking establishments within two hundred (200) feet of residentially zoned property. (emphasis added)

3. *Package sales of cereal malt beverages not for consumption upon the premises shall be allowed.*
4. *All establishments listed above shall comply with the requirements contained in Chapters **600** and **605** of the Municipal Code, as applicable.*
(Section 410.200 of the Mission Municipal Code)

Section 445.180 – Designated Special Uses – of the Mission Municipal Code provides that:

Clubs, private where alcoholic beverages are consumed on the premises [must have a special use permit]. These include taverns, beer halls, discotheques, and the like.

The language in these sections is conflicting and has led to some confusion amongst staff in application of the zoning code. One section states that clubs and drinking establishments are only permitted in the “MS-1” zoning district after a special use permit has been issued, while another section states that a special use permit is only required if a club or drinking establishment is within 200 feet of residentially zoned property. The section of the code pertaining to special use permits states only clubs need a special use permit. It is silent to drinking establishments.

In addition, if a special use permit is required for drinking establishments within 200 feet of residentially zoned property, would one be required if within 200 feet of The Locale or other apartment buildings located in downtown?

Furthermore, the language pertaining to “food service establishments serving cereal malt beverages and clubs or drinking establishments serving alcoholic liquor shall be allowed where the sales of food for consumption on the premises exceeds thirty percent (30%) of the annual gross income” ties back to a requirement of Johnson County that was repealed by voters a few years ago.

Related Statute/City Ordinance:	Chapter 400 of Mission Municipal Code (Land Use)
Line Item Code/Description:	NA
Available Budget:	NA

City of Mission	Item Number:	11.
DISCUSSION ITEM SUMMARY	Date:	November 2, 2022
Community Development	From:	Brian Scott

Discussion items allow the committee the opportunity to freely discuss the issue at hand.

Staff is proposing an amendment to the zoning code that would eliminate entirely the requirement for clubs and drinking establishments to have a special use permit unless they are within 200 feet of specifically designated residential zones, those being R-1 through R-6. This will preserve the original intent for a special use permit for drinking establishments near residential property, that being to control some of the disruptive and disorderly activity that is sometimes associated with drinking establishments. By clearly defining which residentially zoned districts, we take away some of the ambiguity around apartment buildings and residential property within the MS-1 zoning district.

It should be noted that staff has specifically not included the Downtown Neighborhood District (“DND”) zoning district in the list of residential zoned districts where a special use permit would be required if within 200 feet. The reasoning for this is that the “DND” zoning is intended to be a transition zone from the more active MS-1 and MS-2 zoning districts in the downtown area to the less active residential areas further away. By its very nature, it is expected that a club or drinking establishment may be within 200 feet of a “DND” zoned property.

It should also be noted that because the Main Street 2 (“MS-2”) zoning district mirrors many of the same permitted uses and standards as the “MS-1”, these proposed changes will also be applicable to the “MS-2” zoning district.

The proposed amendment will also remove the requirement that at least 30% of gross income be derived from food sales. This will place the City in-line with Johnson County requirements.

Staff is presenting these proposed changes to the Community Development Committee for discussion purposes only at this time. If acceptable to the Committee, then a public hearing will be scheduled for the Planning Commission at their November 28th meeting to take any public comment. After the public hearing, the Planning Commission will vote on the proposed zoning code amendment. If they recommend approval, then it will appear on the December 21st City Council agenda as a Planning Commission Action Item for consideration.

Related Statute/City Ordinance:	Chapter 400 of Mission Municipal Code (Land Use)
Line Item Code/Description:	NA
Available Budget:	NA

City of Mission	Item Number:	11.
DISCUSSION ITEM SUMMARY	Date:	November 2, 2022
Community Development	From:	Brian Scott

Discussion items allow the committee the opportunity to freely discuss the issue at hand.

There are two special use permits currently in place for drinking establishments. If the proposed zoning amendments are approved, these special use permits will become null and void. If approved and the zoning code is amended, Staff will bring back an action item at a later date to revoke these existing special use permits.

CFAA: N/A

Related Statute/City Ordinance:	Chapter 400 of Mission Municipal Code (Land Use)
Line Item Code/Description:	NA
Available Budget:	NA

Article V
"MS1" Main Street District 1

Section 410.160 Statement of Intent.

[Ord. No. 1091 §§1 — 3(App. A §410.160), 9-24-2003; Ord. No. 1188 §2, 12-14-2005]

The zoning of property as "MS1" Main Street District 1 is intended to provide development opportunities consistent with the existing character within the core of Downtown Mission. Downtown Mission is the original commercial district within the City. The majority of buildings in the core of downtown have been constructed to the public right-of-way. Public parking lots are available and on-street parking is present to serve the downtown businesses. The result is a character unique to downtown that is not found elsewhere in the City. The "MS1" District provides for the majority of retail uses, while encouraging an active streetscape with a pedestrian friendly shopping environment. This district restricts automobile oriented uses and does not allow offices on the ground floor level. The district is also intended to allow multi-story buildings with office and residential uses above the ground floor level. Multi-story buildings with top-floor setbacks are encouraged within this district as described in the Mission/Rock Creek Redevelopment Masterplan. In addition, the district is intended to allow flexibility from the normal development standards found elsewhere in the City.

Section 410.170 Permitted Uses.

[Ord. No. 1091 §§1 — 3(App. A §410.170), 9-24-2003; Ord. No. 1188 §3, 12-14-2005]

- A. *Prepared Food.* Restaurants (excluding those with drive-through facilities), sandwich shops, bistros, coffee houses, delis, bakeries, candy/ice cream/yogurt shops, ethnic foods (i.e. Italian, Greek, Chinese, Mexican, etc.) and other establishments of similar character.
- B. *Food For Home.* Convenience store, green grocer, gourmet grocer, health foods, meat/fish market and wine/liquor shops and other establishments of similar character.
- C. *Entertainment.* Entertainment in restaurants (i.e., piano player, guitarist, small combos, dancing, etc.), movie theater and other establishments of similar character.
- D. *Specialty Retail.* Antiques; appliances; art galleries, framing and supplies; bike shop; books; camera and photo supplies; casual apparel and accessories; children's apparel; computers/software; florist; gifts, stationary and cards; hardware; home decorating products and design services; men's apparel; music (recorded and sheet); newsstand; office and school supplies; optical products; radio/TV/electronics; sewing supplies; shoes, dress and casual; small variety store; sporting goods; tobacco shop; toys, games and crafts; traditional and costume jewelry; wall coverings and paint; women's casual apparel and accessories and other establishments of similar character.
- E. *Convenience Retail/Select Services.* Barbershops; cosmetologists, beauty shops; dance studio; dry cleaners and tailor shop; coin-operated laundry, locksmith service, pharmacy;

physical fitness facility; shoe repair/shine; video rental, computer services and other establishments of similar character.

- F. Clubs and drinking establishments shall be allowed ~~after issuance of a special use permit as prescribed in Chapter 445, Article III, Section 445.180 et seq.~~
- G. Arcades, operated in conjunction with clubs or drinking establishments, shall be allowed ~~after issuance of a special use permit as prescribed in Chapter 445, Article III, Section 445.180 et seq.~~
- H. Entertainment or recreational uses, ~~but excluding those that require a special use permit.~~
- I. Publicly owned parking lots.
- J. Public parks and playgrounds, including public recreation or service buildings and publicly owned swimming pools.
- K. Publicly owned and operated community buildings, museums and libraries.
- L. Services limited to the practice of medicine, law, engineering, architecture, medical arts licensed by the State of Kansas, financial services, brokers, insurance and similar agents, consultants, counseling, photographers, printers and publishers, governmental activities, portal and parcel services, interior decorator, travel agencies and offices of all types are prohibited except under the following circumstances:
 - 1. Where the prior use of any building or tenant space was for an office use as indicated above, then the same building or tenant space may continue to be used for an office use regardless of the time the space was vacant.
 - 2. Where the prior use of the building or tenant space was for any permitted use in this Section except for offices or services, as outlined in 410.170(L), then a new office use shall only be permitted if the building or tenant space has been vacant for a minimum of three (3) months, and an administrative extension use permit has been approved by the Public Works Department. An application for an administrative extension use permit shall include a letter from the building owner indicating a desire to lease a tenant space to an office user, documentation including newspaper clippings of advertisements and evidence that signs were posted in the windows of the tenant space for at least three (3) months prior to the application for the administrative extension use permit. The Public Works Department shall approve an administrative extension use permit if the submittal requirements outlined above have been satisfied, and it is determined that a good faith effort has been made to lease the tenant space to a retail tenant for at least three (3) months. Any denial of an application for an administrative extension use permit may be appealed by the building owner to the City Council.

M. In addition to the uses listed above, the following uses are permitted above and below the ground floor level:

1. Any use permitted in "C-O" with the exception of mortuaries.
2. Residential units.

N. Accessory uses customarily incident to the normal operation of these uses.

Section 410.180 Height and Area Regulations.

[Ord. No. 1091 §§1 — 3(App. A §410.180), 9-24-2003; Ord. No. 1188 §4, 12-14-2005]

A. The maximum height of buildings and provisions for yards shall be as follows, except as otherwise provided in Section **415.010**.

1. Maximum height — not exceeding three (3) stories and/or forty-five (45) feet.
2. Front build-to line — zero.
3. *Side and rear yards.*
 - a. Where a side yard abuts a public street, the build-to line shall be zero.
 - b. For side yards not adjacent to a public street, the build-to line shall be zero at the front building line. Behind the front building line, there is no stated requirement.
 - c. No rear yard is required.

Section 410.190 Parking Regulations.

[Ord. No. 1091 §§1 — 3(App. A §410.190), 9-24-2003; Ord. No. 1188 §5, 12-14-2005]

- A. No parking is required.
- B. No portion of any paved parking area that is hereafter constructed shall be permitted within six (6) feet of a street line or lot line.
- C. Any parking and loading provided on private property shall be paved, striped, contain landscaping and screening as required in Chapter **415**, Article **III**, Section **415.060** et seq., and surface water shall be handled in accordance with City standards.
- D. All parking setback areas shall be graded and planted with appropriate ground cover and landscaping. In addition, all parking setback areas adjacent to a public street shall include a low wall and/or hedge located at the right-of-way line for the entire length of the lot.
- E. On-street parking may be constructed where adequate right-of-way is available, subject to good traffic engineering design principles. Determination as to the appropriateness of on-

street parking shall be determined at the time of downtown development plan approval.

F. Section **425.020**, Minimum Space Requirements, does not apply to this zoning district.

Section 410.200 **Development Standards.**

[Ord. No. 1091 §§1 — 3(App. A §410.200), 9-24-2003; Ord. No. 1304 §15, 10-21-2009]

- A. Drive-up, drive-through or drive-in service for any use is prohibited.
- B. The architectural style, materials and visual quality shall be in harmony with, but not necessarily the same as, adjacent existing buildings.
- C. Canopies extending over sidewalks and other pedestrian ways shall be provided where feasible and shall be designed as an integral part of the building and in keeping with any adjacent or nearby canopies to the end that continuous canopies throughout a block will eventually exist for the protection of the pedestrian public. Whether or not a canopy will be installed and its general design and dimensions shall be determined at the plan review stage.
- D. Where storefronts are aligned generally along or generally parallel to a street right-of-way line, no parking or other paved surface shall interrupt said building frontage except that pedestrian plazas, malls or walkways leading to the interior of block may be provided.
- E. All rooftop or ground-mounted mechanical equipment and any trash bins shall be permanently and securely screened by architectural materials harmonious with the building.
- F. Restaurants may have an outdoor service area that is accessory to the main restaurant function. The outdoor service area must be a well-defined space, designed and serviced to keep debris from blowing off the premises. Patrons must gain entrance through the main entrance to the restaurant, but at least one (1) exit must be provided for fire safety. The outdoor seating area may be located adjacent to the public street right-of-way, in which case the perimeter of the outdoor seating area shall be enclosed by a low wall and/or hedge located at the right-of-way line.
- G. The Planning Commission or City Council may require assurance of the financial and administrative ability of any agency created by a developer for the purpose of maintaining common open space and facilities of a non-public nature.
- H. Sales and consumption of cereal malt beverages or alcoholic liquor are prohibited except as follows:
 - 1. Package liquor stores licensed with the State of Kansas and the City shall be allowed provided that the exterior walls of such establishment are at least two hundred (200) feet from the nearest property line of any hospital, school, church or library. For purposes of this Section, the term "*school*" shall mean any public, private or parochial learning facility for

children in preschool through grade twelve (12) accredited by the State Board of Education or, where required, certified as a preschool by the Kansas Department of Health and Environment.

2. Food service establishments serving cereal malt beverages and clubs or drinking establishments serving alcoholic liquor shall be allowed ~~where the sales of food for consumption on the premises exceeds thirty percent (30%) of the annual gross income for the establishment, provided that the exterior walls of clubs and drinking establishments are at least two hundred (200) feet from the nearest residentially zoned property line.~~ A special use permit shall be required for clubs and drinking establishments within two hundred (200) feet of R-1, R-2, R-3, R-4, R-5, R-6 residentially zoned property districts.
3. Package sales of cereal malt beverages not for consumption upon the premises shall be allowed.
4. All establishments listed above shall comply with the requirements contained in Chapters **600** and **605** of the Municipal Code, as applicable.
 - I. *Plan Approval.* Prior to the issuance of any building permit for development, redevelopment, alteration, replacement or repair site plan approval shall be obtained as provided for in Chapter **440**.

Section 410.210 Performance Standards.

[Ord. No. 1091 §§1 — 3(App. A §410.210), 9-24-2003; Ord. No. 1188 §6, 12-14-2005]

- A. Establishment within this district shall be operated and maintained in conformance with the following standards:
 1. All buildings, signs and open spaces shall be continuously maintained in a clean, neat and uncluttered fashion.
 2. All merchandise or other products or equipment placed, displayed or kept outside a building shall not interfere or impede pedestrian traffic (including wheelchair traffic) and in no event extend into or on a street right-of-way.
 3. No smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building, and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.
 4. All solid waste, trash or debris shall be kept in suitable covered containers until removed from the premises. Such containers shall be kept within the building or in an enclosure as required in Section **410.200(E)**.

Chapter 445

Building Permits, Special Use Permits and Certificate of Occupancy

Article I
(Reserved)

Article II
(Reserved)

Section 445.010 through Section 445.170. (Reserved)

Article III Special Use Permits

Section 445.180 Designated Use.

[Ord. No. 1007 §16-220.01, 1-24-2001; Ord. No. 1013 §1, 6-27-2001; Ord. No. 1045 §16-220.01, 8-14-2002; Ord. No. 1091 §§1 — 3(App. A §445.180), 9-24-2003; Ord. No. 1124 §26, 8-25-2004; Ord. No. 1456 § 15, 4-19-2017]

- A. The following uses may be located in any district with the issuance of a special use permit, except in those districts listed after each use, after a public hearing and upon recommendation of the Planning Commission and approval of the City Council and subject to such regulations, restrictions and conditions within the district and any other conditions of zoning or use so stipulated or imposed:

Commented [1]: Editor's Note — Ord. no. 1304 §132, adopted October 21, 2009, repealed sections 445.010 — 445.080 of art. I dealing with "building or land use permit" and sections 445.090 — 445.170 of art. II "building permits" in their entirety. Former sections 445.010 — 445.170 derived from ord. no. 1007 §§16-230.01 — 16-230.04, 16-230.06 — 16-230.09, 16-401 — 16-409, 1-24-01; ord. no. 1091 §§1 — 3(App. A §§445.010 — 445.170), 9-24-03; ord. no. 1124 §§16 — 23, 25, 8-25-04; ord. no. 1146 §§1 — 4, 1-12-05; ord. no. 1260 §§17 — 18, 5-21-08. At the editor's discretion, these sections have been reserved for the city's future use.

Use	Use To Be Excluded From Following Districts
Automobile parking lot properly landscaped, surfaced, drained and screened	Residential districts
Billboard signs	Residential districts
Cemeteries	"C-2A," "MS1," "MS2," "DND"
Dog kennel — veterinary	None
Electric power substations	None
Discount store or superstore	Residential districts
Hospital	Residential districts, "C-2A," "MS1," "MS2"
Motels and hotels	Residential districts
Nurseries	Residential districts
Nursing homes	None
Radio, television and microwave towers and antennae,	None

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Use	Use To Be Excluded From Following Districts
and in cases where such devices cannot conform to height, area or other standards of Chapter 415	
Clubs, private where alcoholic beverages are consumed on the premises. These include taverns, beer halls, discotheques, dance clubs and the like	Residential districts
Refuse dump or land fill	Residential districts, "C-2A," "MS1," "MS2"
Reservoirs — underground	None
Sewage pumping stations	None
Water tanks	None

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- B. In addition, temporary use of land or building for a use that is not otherwise permitted for that premises provided such temporary use shall conform to the following conditions:
1. The use is temporary in nature and will not require major change or addition to an existing building or structure.
 2. The use will not be offensive or damaging to surrounding properties by way of noise, traffic generation, commotion, storage of materials or equipment, or visual effects which are in contrast to and not in harmony with the surrounding neighborhood.
 3. The use can readily be terminated and any equipment, appurtenances and materials removed immediately upon expiration or repeal of the special use permit.
 4. No special use permit for a temporary use shall be valid for more than six (6) months but may be renewed by the same process as the original special use permit.
- C. The Planning Commission and City Council may designate such other uses as appropriate for a special use permit upon a finding that the use is appropriate in a certain location but is not listed as allowed in any district or is only allowed in a district which contains other uses inappropriate in this subject location.

Section 445.190 Procedure For Special Use Permit Approval.

[Ord. No. 1091 §§1 — 3(App. A §445.190), 9-24-2003; Ord. No. 1124 §27, 8-25-2004]

- A. The procedure for applying for and approving a special use permit shall be as provided in Sections 440.010 through 440.140.
- B. In considering any application for a special use permit, the Planning Commission and City Council may give consideration to the criteria listed in Section 440.140(E) to the extent they are pertinent to the particular application.

C. Special uses may be approved by action of the City Council after recommendation from the Planning Commission. Special uses may be approved with conditions including, but not limited to, the following:

1. Requirements for special yards, open spaces, density, buffers, fences, walls and screening.
2. The installation of landscaping and maintenance.
3. Provisions for erosion control.
4. Limitations on ingress and egress movements into and out of the site and traffic circulation.
5. Limitation on signage.
6. Limitation on hours of operation and other characteristics of operation.
7. Conditions specifically listed under the individual special use.
8. Other conditions deemed necessary to ensure compatibility with surrounding land uses.

Section 445.200 (Reserved)

Section 445.210 **Time.**

[Ord. No. 1007 §16-220.04, 1-24-2001; Ord. No. 1045 §16-220.04, 8-14-2002; Ord. No. 1091 §§1 — 3(App. A §445.210), 9-24-2003; Ord. No. 1124 §28, 8-25-2004]

Special use permits may be for a specified period of time or continual except as provided in Section 445.230.

Section 445.220 **Permits To Run With Use.**

[Ord. No. 1007 §16-220.05, 1-24-2001; Ord. No. 1045 §16-220.05, 8-14-2002; Ord. No. 1091 §§1 — 3(App. A §445.220), 9-24-2003]

Special use permits generally run with the use of the property, however, in certain instances, conditions may be added providing that the permit is valid only for a particular user or tenant. In such cases, said requirement must be clearly spelled out in the motion for approval.

Section 445.230 **Termination of Special Uses.**

[Ord. No. 1091 §§1 — 3(App. A §445.230), 9-24-2003]

- A. If a use allowed by a special use permit is discontinued by a period of time of more than six (6) months, then the special use permit shall expire.
- B. *Revocation Of Special Use Permits.* Any special use permit granted under the authority of this Chapter is subject to revocation for any or all of the following reasons:
 1. Non-compliance with any applicable requirement set forth in Section 445.190.

Commented [2]: Editor's Note — Ord. no. 1188 §18, adopted December 14, 2005, repealed section 445.200 "short-term special use permits". Former section 445.200 derived from ord. no. 1007 §16-220.03, 1-24-01; ord. no. 1045 § 16-220.03, 8-14-02; ord. no. 1091 §§1 — 3(app. a §445.200), 9-24-03. A new chapter 611 "temporary event permit" was enacted by ord. no. 1187 §1, 12-14-05.

2. Non-compliance with any special conditions imposed at the time of approval of the special use permit.
3. Violation of any provisions of the Code pertaining to the use of the land, construction or uses of buildings or structures or activities conducted on the premises by the permittee or agents of the permittee.
4. Where conditions in the neighborhood have changed to the extent that approval of the permit would be clearly unwarranted if being applied for at the time of revocation.
5. Violation of any other applicable Code provisions or any State or Federal law or regulation by the permittee or agents of the permittee, provided that such violations relate to the conduct or activity authorized by the special use permit or the qualifications of the permittee or its agents to engage in such conduct or activity.

C. *Procedure For Revocation.*

1. Revocation proceedings may be initiated by a majority vote of the Governing Body.
2. Unless the permittee and landowner agree in writing that the permit may be revoked, the Governing Body shall hold a public hearing to consider the revocation of the special use permit.
3. The City shall give the permittee and landowner notice of the scheduled revocation hearing at least five (5) days prior to the date scheduled for such hearing. If the permittee and landowner are present at the meeting of the Governing Body at which the revocation proceedings are initiated, no further notice shall be required; otherwise, notice shall be given by personal service or certified mail, return receipt requested. If the notice cannot be delivered or is not accepted, notice may be given by publishing a notice of hearing in the official City newspaper and by posting a notice of hearing on the property at least five (5) days prior to the date scheduled for the hearing.
4. At the hearing, City staff shall present the evidence known to the City which may justify revocation of the special use permit. Testimony may be presented by members of the City staff, Planning Commission or Governing Body, or by such other witnesses as may be called. Following the presentation of evidence, any person having relevant evidence may present such evidence to the Governing Body. The permittee, landowner or their attorney may pose questions to any person giving evidence under such conditions as may be imposed by the Mayor or Presiding Officer. Following the presentation of evidence by the City and any other persons, the permittee and landowner shall be entitled to present evidence or testimony of witnesses. Members of the Governing Body and City staff shall be allowed to pose questions to the permittee, landowner and any witnesses called on their behalf.

Following the receipt of their evidence, the public hearing shall be closed. After closing the public hearing, the Governing Body may hear closing statements from the City staff and the permittee and landowner or their attorney. The Governing Body may render its decision following such closing statements or may take the matter under advisement.

5. No special use permit shall be revoked unless a majority of the Governing Body is satisfied by a preponderance of the evidence that grounds for revocation exist. Any motion for the revocation of a special use permit shall clearly state the grounds for revocation. In addition, where the basis for revocation is "changed conditions" pursuant to Subsection **(B)(4)** of this Section, revocation may only occur upon an explicit finding that revocation is necessary for the protection of the public health, safety and welfare. Adoption of any motion to revoke a special use permit may be made subject to subsequent adoption of written findings of fact and conclusions of law at the discretion of the Governing Body.
6. An appeal of any decision of the Governing Body to revoke a special use permit may be filed in the District Court of Johnson County, Kansas. Any appeal taken shall not suspend the order of revocation during the pendency of the appeal unless so ordered by the District Court.

CITY OF MISSION
ORDINANCE NO. ____

AN ORDINANCE AMENDING ARTICLE V, TITLE IV (“MS1”, MAIN STREET DISTRICT 1); CHAPTER 445 OF TITLE IV (SPECIAL USE PERMITS); AND SECTION 600.202 OF CHAPTER 600 OF TITLE VI (RESTRICTION ON LOCATION) OF THE MUNICIPAL CODE OF THE CITY OF MISSION, KANSAS.

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

SECTION 1. Article V of Title IV of the Municipal Code of the City of Mission is hereby amended to read as follows:

"MS1" Main Street District 1
Section 410.160 **Statement of Intent.**

The zoning of property as "MS1" Main Street District 1 is intended to provide development opportunities consistent with the existing character within the core of Downtown Mission. Downtown Mission is the original commercial district within the City. The majority of buildings in the core of downtown have been constructed to the public right-of-way. Public parking lots are available and on-street parking is present to serve the downtown businesses. The result is a character unique to downtown that is not found elsewhere in the City. The "MS1" District provides for the majority of retail uses, while encouraging an active streetscape with a pedestrian friendly shopping environment. This district restricts automobile oriented uses and does not allow offices on the ground floor level. The district is also intended to allow multi-story buildings with office and residential uses above the ground floor level. Multi-story buildings with top-floor setbacks are encouraged within this district as described in the Mission/Rock Creek Redevelopment Masterplan. In addition, the district is intended to allow flexibility from the normal development standards found elsewhere in the City.

Section 410.170 **Permitted Uses.**

- A. *Prepared Food.* Restaurants (excluding those with drive-through facilities), sandwich shops, bistros, coffee houses, delis, bakeries, candy/ice cream/yogurt shops, ethnic foods (i.e. Italian, Greek, Chinese, Mexican, etc.) and other establishments of similar character.
- B. *Food For Home.* Convenience store, green grocer, gourmet grocer, health foods, meat/fish market and wine/liquor shops and other establishments of similar character.
- C. *Entertainment.* Entertainment in restaurants (i.e., piano player, guitarist, small combos, dancing, etc.), movie theater and other establishments of similar character.
- D. *Specialty Retail.* Antiques; appliances; art galleries, framing and supplies; bike shop; books; camera and photo supplies; casual apparel and accessories; children's apparel;

computers/software; florist; gifts, stationary and cards; hardware; home decorating products and design services; men's apparel; music (recorded and sheet); newsstand; office and school supplies; optical products; radio/TV/electronics; sewing supplies; shoes, dress and casual; small variety store; sporting goods; tobacco shop; toys, games and crafts; traditional and costume jewelry; wall coverings and paint; women's casual apparel and accessories and other establishments of similar character.

- E. *Convenience Retail/Select Services.* Barbershops; cosmetologists, beauty shops; dance studio; dry cleaners and tailor shop; coin-operated laundry, locksmith service, pharmacy; physical fitness facility; shoe repair/shine; video rental, computer services and other establishments of similar character.
- F. Clubs and drinking establishments shall be allowed.
- G. Arcades, operated in conjunction with clubs or drinking establishments, shall be allowed.
- H. Entertainment or recreational uses.
- I. Publicly owned parking lots.
- J. Public parks and playgrounds, including public recreation or service buildings and publicly owned swimming pools.
- K. Publicly owned and operated community buildings, museums and libraries.
- L. Services limited to the practice of medicine, law, engineering, architecture, medical arts licensed by the State of Kansas, financial services, brokers, insurance and similar agents, consultants, counseling, photographers, printers and publishers, governmental activities, portal and parcel services, interior decorator, travel agencies and offices of all types are prohibited except under the following circumstances:
 - 1. Where the prior use of any building or tenant space was for an office use as indicated above, then the same building or tenant space may continue to be used for an office use regardless of the time the space was vacant.
 - 2. Where the prior use of the building or tenant space was for any permitted use in this Section except for offices or services, as outlined in 410.170(L), then a new office use shall only be permitted if the building or tenant space has been vacant for a minimum of three (3) months, and an administrative extension use permit has been approved by the Public Works Department. An application for an administrative extension use permit shall include a letter from the building owner indicating a desire to lease a tenant space to an office user, documentation including newspaper clippings of advertisements and evidence that signs were posted in the windows of the tenant space for at least three (3) months prior to the

application for the administrative extension use permit. The Public Works Department shall approve an administrative extension use permit if the submittal requirements outlined above have been satisfied, and it is determined that a good faith effort has been made to lease the tenant space to a retail tenant for at least three (3) months. Any denial of an application for an administrative extension use permit may be appealed by the building owner to the City Council.

M. In addition to the uses listed above, the following uses are permitted above and below the ground floor level:

1. Any use permitted in "C-O" with the exception of mortuaries.
2. Residential units.

N. Accessory uses customarily incident to the normal operation of these uses.

Section 410.180 Height and Area Regulations.

A. The maximum height of buildings and provisions for yards shall be as follows, except as otherwise provided in Section **415.010**.

1. Maximum height — not exceeding three (3) stories and/or forty-five (45) feet.
2. Front build-to line — zero.
3. *Side and rear yards.*
 - a. Where a side yard abuts a public street, the build-to line shall be zero.
 - b. For side yards not adjacent to a public street, the build-to line shall be zero at the front building line. Behind the front building line, there is no stated requirement.
 - c. No rear yard is required.

Section 410.190 Parking Regulations.

- A. No parking is required.
- B. No portion of any paved parking area that is hereafter constructed shall be permitted within six (6) feet of a street line or lot line.
- C. Any parking and loading provided on private property shall be paved, striped, contain landscaping and screening as required in Chapter **415**, Article **III**, Section **415.060** et seq., and surface water shall be handled in accordance with City standards.
- D. All parking setback areas shall be graded and planted with appropriate ground cover and

landscaping. In addition, all parking setback areas adjacent to a public street shall include a low wall and/or hedge located at the right-of-way line for the entire length of the lot.

- E. On-street parking may be constructed where adequate right-of-way is available, subject to good traffic engineering design principles. Determination as to the appropriateness of on-street parking shall be determined at the time of downtown development plan approval.
- F. Section **425.020**, Minimum Space Requirements, does not apply to this zoning district.

Section 410.200 Development Standards.

- A. Drive-up, drive-through or drive-in service for any use is prohibited.
- B. The architectural style, materials and visual quality shall be in harmony with, but not necessarily the same as, adjacent existing buildings.
- C. Canopies extending over sidewalks and other pedestrian ways shall be provided where feasible and shall be designed as an integral part of the building and in keeping with any adjacent or nearby canopies to the end that continuous canopies throughout a block will eventually exist for the protection of the pedestrian public. Whether or not a canopy will be installed and its general design and dimensions shall be determined at the plan review stage.
- D. Where storefronts are aligned generally along or generally parallel to a street right-of-way line, no parking or other paved surface shall interrupt said building frontage except that pedestrian plazas, malls or walkways leading to the interior of block may be provided.
- E. All rooftop or ground-mounted mechanical equipment and any trash bins shall be permanently and securely screened by architectural materials harmonious with the building.
- F. Restaurants may have an outdoor service area that is accessory to the main restaurant function. The outdoor service area must be a well-defined space, designed and serviced to keep debris from blowing off the premises. Patrons must gain entrance through the main entrance to the restaurant, but at least one (1) exit must be provided for fire safety. The outdoor seating area may be located adjacent to the public street right-of-way, in which case the perimeter of the outdoor seating area shall be enclosed by a low wall and/or hedge located at the right-of-way line.
- G. The Planning Commission or City Council may require assurance of the financial and administrative ability of any agency created by a developer for the purpose of maintaining common open space and facilities of a non-public nature.
- H. Sales and consumption of cereal malt beverages or alcoholic liquor are prohibited except as follows:

1. Package liquor stores licensed with the State of Kansas and the City shall be allowed provided that the exterior walls of such establishment are at least two hundred (200) feet from the nearest property line of any hospital, school, church or library. For purposes of this Section, the term "*school*" shall mean any public, private or parochial learning facility for children in preschool through grade twelve (12) accredited by the State Board of Education or, where required, certified as a preschool by the Kansas Department of Health and Environment.
2. Food service establishments serving cereal malt beverages and clubs or drinking establishments serving alcoholic liquor shall be allowed. A special use permit shall be required for clubs and drinking establishments within two hundred (200) feet of R-1, R-2, R-3, R-4, R-5, or R-6 zoned districts.
3. Package sales of cereal malt beverages not for consumption upon the premises shall be allowed.
4. All establishments listed above shall comply with the requirements contained in Chapters **600** and **605** of the Municipal Code, as applicable.
 - I. *Plan Approval*. Prior to the issuance of any building permit for development, redevelopment, alteration, replacement or repair site plan approval shall be obtained as provided for in Chapter **440**.

Section 410.210 Performance Standards.

- A. Establishment within this district shall be operated and maintained in conformance with the following standards:
 1. All buildings, signs and open spaces shall be continuously maintained in a clean, neat and uncluttered fashion.
 2. All merchandise or other products or equipment placed, displayed or kept outside a building shall not interfere or impede pedestrian traffic (including wheelchair traffic) and in no event extend into or on a street right-of-way.
 3. No smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building, and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.
 4. All solid waste, trash or debris shall be kept in suitable covered containers until removed from the premises. Such containers shall be kept within the building or in an enclosure as required in Section **410.200(E)**.

SECTION 2. Chapter 445 of Title IV of the Municipal Code of the City of Mission is hereby amended to read as follows:

Special Use Permits

Section 445.180 Designated Use.

A. The following uses may be located in any district with the issuance of a special use permit, except in those districts listed after each use, after a public hearing and upon recommendation of the Planning Commission and approval of the City Council and subject to such regulations, restrictions and conditions within the district and any other conditions of zoning or use so stipulated or imposed:

Use	Use To Be Excluded From Following Districts
Automobile parking lot properly landscaped, surfaced, drained and screened	Residential districts
Billboard signs	Residential districts
Cemeteries	"C-2A," "MS1," "MS2," "DND"
Dog kennel — veterinary	None
Electric power substations	None
Discount store or superstore	Residential districts
Hospital	Residential districts, "C-2A," "MS1," "MS2"
Motels and hotels	Residential districts
Nurseries	Residential districts
Nursing homes	None
Radio, television and microwave towers and antennae, and in cases where such devices cannot conform to height, area or other standards of Chapter 415	None
Refuse dump or land fill	Residential districts, "C-2A," "MS1," "MS2"
Reservoirs — underground	None
Sewage pumping stations	None
Water tanks	None

B. In addition, temporary use of land or building for a use that is not otherwise permitted for that premises provided such temporary use shall conform to the following conditions:

1. The use is temporary in nature and will not require major change or addition to an existing building or structure.

2. The use will not be offensive or damaging to surrounding properties by way of noise, traffic generation, commotion, storage of materials or equipment, or visual effects which are in contrast to and not in harmony with the surrounding neighborhood.
 3. The use can readily be terminated and any equipment, appurtenances and materials removed immediately upon expiration or repeal of the special use permit.
 4. No special use permit for a temporary use shall be valid for more than six (6) months but may be renewed by the same process as the original special use permit.
- C. The Planning Commission and City Council may designate such other uses as appropriate for a special use permit upon a finding that the use is appropriate in a certain location but is not listed as allowed in any district or is only allowed in a district which contains other uses inappropriate in this subject location.

Section 445.190 Procedure For Special Use Permit Approval.

- A. The procedure for applying for and approving a special use permit shall be as provided in Sections **440.010** through **440.140**.
- B. In considering any application for a special use permit, the Planning Commission and City Council may give consideration to the criteria listed in Section **440.140(E)** to the extent they are pertinent to the particular application.
- C. Special uses may be approved by action of the City Council after recommendation from the Planning Commission. Special uses may be approved with conditions including, but not limited to, the following:
 1. Requirements for special yards, open spaces, density, buffers, fences, walls and screening.
 2. The installation of landscaping and maintenance.
 3. Provisions for erosion control.
 4. Limitations on ingress and egress movements into and out of the site and traffic circulation.
 5. Limitation on signage.
 6. Limitation on hours of operation and other characteristics of operation.
 7. Conditions specifically listed under the individual special use.
 8. Other conditions deemed necessary to ensure compatibility with surrounding land uses.

Section 445.200 (**Reserved**)

Section 445.210 **Time.**

Special use permits may be for a specified period of time or continual except as provided in Section **445.230**.

Section 445.220 **Permits To Run With Use.**

Special use permits generally run with the use of the property, however, in certain instances, conditions may be added providing that the permit is valid only for a particular user or tenant. In such cases, said requirement must be clearly spelled out in the motion for approval.

Section 445.230 **Termination of Special Uses.**

- A. If a use allowed by a special use permit is discontinued by a period of time of more than six (6) months, then the special use permit shall expire.
- B. *Revocation Of Special Use Permits.* Any special use permit granted under the authority of this Chapter is subject to revocation for any or all of the following reasons:
 1. Non-compliance with any applicable requirement set forth in Section **445.190**.
 2. Non-compliance with any special conditions imposed at the time of approval of the special use permit.
 3. Violation of any provisions of the Code pertaining to the use of the land, construction or uses of buildings or structures or activities conducted on the premises by the permittee or agents of the permittee.
 4. Where conditions in the neighborhood have changed to the extent that approval of the permit would be clearly unwarranted if being applied for at the time of revocation.
 5. Violation of any other applicable Code provisions or any State or Federal law or regulation by the permittee or agents of the permittee, provided that such violations relate to the conduct or activity authorized by the special use permit or the qualifications of the permittee or its agents to engage in such conduct or activity.
- C. *Procedure For Revocation.*
 1. Revocation proceedings may be initiated by a majority vote of the Governing Body.
 2. Unless the permittee and landowner agree in writing that the permit may be revoked, the Governing Body shall hold a public hearing to consider the revocation of the special use permit.

3. The City shall give the permittee and landowner notice of the scheduled revocation hearing at least five (5) days prior to the date scheduled for such hearing. If the permittee and landowner are present at the meeting of the Governing Body at which the revocation proceedings are initiated, no further notice shall be required; otherwise, notice shall be given by personal service or certified mail, return receipt requested. If the notice cannot be delivered or is not accepted, notice may be given by publishing a notice of hearing in the official City newspaper and by posting a notice of hearing on the property at least five (5) days prior to the date scheduled for the hearing.
4. At the hearing, City staff shall present the evidence known to the City which may justify revocation of the special use permit. Testimony may be presented by members of the City staff, Planning Commission or Governing Body, or by such other witnesses as may be called. Following the presentation of evidence, any person having relevant evidence may present such evidence to the Governing Body. The permittee, landowner or their attorney may pose questions to any person giving evidence under such conditions as may be imposed by the Mayor or Presiding Officer. Following the presentation of evidence by the City and any other persons, the permittee and landowner shall be entitled to present evidence or testimony of witnesses. Members of the Governing Body and City staff shall be allowed to pose questions to the permittee, landowner and any witnesses called on their behalf. Following the receipt of their evidence, the public hearing shall be closed. After closing the public hearing, the Governing Body may hear closing statements from the City staff and the permittee and landowner or their attorney. The Governing Body may render its decision following such closing statements or may take the matter under advisement.
5. No special use permit shall be revoked unless a majority of the Governing Body is satisfied by a preponderance of the evidence that grounds for revocation exist. Any motion for the revocation of a special use permit shall clearly state the grounds for revocation. In addition, where the basis for revocation is "changed conditions" pursuant to Subsection **(B)(4)** of this Section, revocation may only occur upon an explicit finding that revocation is necessary for the protection of the public health, safety and welfare. Adoption of any motion to revoke a special use permit may be made subject to subsequent adoption of written findings of fact and conclusions of law at the discretion of the Governing Body.
6. An appeal of any decision of the Governing Body to revoke a special use permit may be filed in the District Court of Johnson County, Kansas. Any appeal taken shall not suspend the order of revocation during the pendency of the appeal unless so ordered by the District Court.

SECTION 3. Section 600.020 of Chapter 600 of Title VI of the Municipal Code of the City of Mission is hereby amended to read as follows:

Section 600.020 Restriction On Location.

A. No alcoholic liquor or cereal malt beverage shall be sold or served by a person holding a license or permit from the City whose place of business or other premises are located within two hundred (200) feet of any public or parochial school, college, church, nursing home, library or hospital except that if any such school, college, church, nursing home, library or hospital is established within two (200) feet of any licensed premises after the premises have been licensed, the premises shall be an eligible location for retail licensing; said distance to be measured from the nearest property line of such church, school, nursing home, library or hospital to the nearest portion of the building occupied by the premises.

B. No license or permit shall be issued for the sale of alcoholic liquor or cereal malt beverage if the building or use does not meet the zoning ordinance requirements of the City or conflicts with other City laws, including Building and Health Codes.

C. No alcoholic liquor shall be sold at retail upon any premises which have an inside entrance or opening which connects with any other place of business.

SECTION 4. This Ordinance shall take effect and be in force from and after its publication in the official City newspaper.

PASSED by the City Council this ____ day of _____, 202__.

APPROVED by the Mayor this ____ day of _____, 202__.

Solana Flora, Mayor

Robyn L. Fulks, City Clerk

APPROVED AS TO FORM ONLY:

David K. Martin, City Attorney

City of Mission	Item Number:	12.
DISCUSSION ITEM SUMMARY	Date:	November 2, 2022
Public Works	From:	Celia Duran

Discussion items allow the committee the opportunity to freely discuss the issue at hand.

RE: Proposed Streetlight Extension Procedure

DETAILS: There are currently 1,011 streetlights within the City of Mission that were purchased from Evergy (formerly Kansas City Power & Light) in 2013. With the exception of streetlights installed with capital improvement projects, such as Johnson Drive and Foxridge Drive, all other existing lights were previously installed by Evergy and generally are appropriately spaced to provide adequate lighting coverage throughout the City.

Over the years, City staff has not received many requests for additional streetlights; however, recently there have been some requests from citizens to add additional streetlights and Staff has observed some areas that may require additional lighting. Therefore, a Streetlight Extension Procedure was prepared in order to provide steps/procedures that Staff will follow once a request for additional streetlights is received.

The attached procedure, identified as Public Works Internal Policy 2022-01, lists the steps that will be taken once a request for additional streetlights is received from a resident or business owner. This procedure does not apply for streetlight replacement with capital improvement projects, such as Johnson Drive or Foxridge Dr. For these types of projects, the designer will evaluate the condition and spacing of the existing streetlights along the roadway and redesign the streetlight network as necessary.

CFAA IMPACTS/CONSIDERATIONS: This policy facilitates a safe, lighted, transportation network that serves drivers and pedestrians of all ages and abilities.

Related Statute/City Ordinance:	Mission Municipal Code Chapter 220
Line Item Code/Description:	NA
Available Budget:	NA



**STREET LIGHT EXTENSION PROCEDURE
PUBLIC WORKS INTERNAL POLICY 2022-01
NOVEMBER 2022**

Section 1.0 Background

There are currently 1,011 streetlights within the City of Mission that were purchased from Evergy (formerly named Kansas City Power & Light) in 2013. The existing streetlights (with the exception of streetlights installed with capital improvement projects, such as Johnson Drive and Foxridge Drive) were previously installed by Evergy and generally are appropriately spaced to provide adequate lighting coverage throughout the City.

Over the years, City staff has not received many requests for additional streetlights; however, recently there have been some requests from citizens to add additional streetlights and Staff has observed some areas that may require additional lighting.

Section 2.0 Purpose

The purpose of this policy is to provide steps/procedures that city staff will follow when there is a request for additional streetlights or when Staff identifies an area that could potentially require additional lighting.

Section 3.0 Steps/Procedures for Citizen Requests

The following steps/procedures will be followed to determine whether a streetlight(s) will be added to the existing streetlight network when a streetlight request is received from a resident or business owner:

- The Public Works Director will send the request to one of the City's on-call engineers for evaluation.
- The on-call engineer will review the specific location, including existing streetlights on the roadway, per the ANSI RP-8-18 Design Guidebook (ANSI) and make a recommendation.
 - This design guidebook uses criteria, such as roadway classification and an estimate of the number of pedestrians and potential pedestrian conflict areas which travel the roadway, to determine luminance and uniformity standards.
 - Once the design criteria are determined for each roadway, the on-call engineer will evaluate the existing lighting on the street and determine factors, such as luminance and uniformity, to determine whether additional streetlights are necessary.
 - Once the on-call engineer forwards their evaluation and recommendation to the Public Works Director (including any proposed streetlights and their recommended location), the

Director will discuss the recommendation with the City Administrator. All proposed streetlights will be installed on property lines between properties to minimize disruptions.

- Following discussion and approval by the City Administrator, the PWD will obtain a cost estimate for streetlight installation from the City's streetlight contractor.
- A letter will be sent to the resident adjacent to any proposed streetlights notifying them of potential streetlight installation. This location may be modified based on concerns from adjacent residents.
- Depending upon the cost of the additional streetlight(s), the City Administrator will approve the estimate if the cost is within her/his authority or take it to City Council for approval.
- Following approval, the streetlight contractor will proceed with construction.
- Once construction is completed, the streetlight will be added to the City's streetlight map and asset inventory.

Section 4.0 Streetlight Installation for Capital Improvement Projects

This procedure does not apply for streetlight replacement with capital improvement projects. For these types of projects, the designer will evaluate the condition and spacing of the existing streetlights along the roadway and redesign the streetlight network as necessary.

Section 5.0 Director's Authority

The Director of Public Works retains the authority to waive elements of this procedure when it is determined that unique conditions exist and that it is in the City's best interest to do so.

City of Mission	Item Number:	13.
DISCUSSION ITEM SUMMARY	Date:	November 2, 2022
PUBLIC WORKS	From:	Brent Morton

Discussion items allow the committee the opportunity to freely discuss the issue at hand.

RE: Snow Removal Policy and 2022-2023 Snow Plan

DETAILS: A copy of the 2022-2023 Snow Plan, which includes the Miscellaneous Snow Removal Table and Snow Removal Maps, is included in the packet for your information. These documents serve as the guideline for snow removal activities conducted by the Mission Public Works Department.

We will review the plan at the Committee meeting as a reminder of current policies and procedures for the 2022-2023 winter season.

CFAA CONSIDERATIONS/IMPACTS: Snow removal is an essential service provided by the City. In order to keep services functioning and the traveling public safe, snow removal services are performed by the Public Works department for streets, public facilities, trails, and parks.

Related Statute/City Ordinance:	NA
Line Item Code/Description:	NA
Available Budget:	NA

2022-2023 Snow Season Plan



Public Works Department

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Procedural Review & Training

Procedural Review

- Crew and Shift Assignments
- Plowing and Spreading Routes
- On-Call Procedure -
 - 2 Hour Window
 - Cell phones on and waiting
- Working with Police (Command Staff Contact Info in the following pages)

Equipment Operation and Maintenance

- Trucks
- Plows
- Spreaders and Their Controls
- Loading Salt
- Radio Communication
- Vehicle / Equipment Repairs Procedure
- Preventive Maintenance
 - Cleaning vehicles / equipment

Salt Application Procedures

- How Salt Works
- How and When to Salt
- Anti-Icing vs. Deicing
- Application Rates
- Storm Conditions (Detailed on Next Page)
- Special Deicing Problems (Bridges, Elevated Curve, Ramps, Intersections)

On the Job Safety

- Vehicle and Equipment Pre-Trip Checks
- Safety Practices
- Dealing with the Public
- Assisting Motorists

Weather Conditions & Strategy

Condition 1

Temperature: Near 30

Precipitation: Snow, sleet or freezing rain

Road Surface: Wet

If snow or sleet, apply salt at 500 lb per two-lane mile. If snow or sleet continues and accumulates, plow and salt simultaneously. If freezing rain, apply salt at 200 lb per two-lane mile. If rain continues to freeze, re-apply salt at 200 lb per two-lane mile. Consider anti-icing procedures.

Condition 2

Temperature: 30 or Falling

Precipitation: Snow, sleet or freezing rain

Road Surface: Wet or Sticky

Apply salt at 300-800 lb per two-lane mile, depending on the rate of accumulation. If the snowfall continues to accumulate, plow and repeat the salting process. If freezing rain, apply salt at 200-400 lb per two-lane mile. Consider anti-icing procedures as warranted.

Condition 3

Temperature: Below 20 and falling

Precipitation: Dry Snow

Road Surface: Dry

Plow as soon as possible. Don't apply salt. Continue to plow and patrol keeping an eye for wet, packed or icy spots; treat any of these with heavy salting applications.

Condition 4

Temperature: Below 20

Precipitation: Snow, sleet or freezing rain

Road Surface: Wet

Apply salt at a rate of 600-800 lb per two-lane mile, as required. If the snow or sleet continues and accumulates, plow and salt simultaneously. If temperature starts to rise, apply salt at 500-600 lb per two-lane mile, wait for salt to react before plowing. Continue until safe pavement is obtained.

Condition 5

Temperature: Below 10

Precipitation: Snow or freezing rain

Road Surface: Accumulation of packed snow or ice

Apply Salt at rate of 800 lb per two-lane mile or salt-treated abrasives at rate of 1500 to 2000 lb per two-lane mile. When snow or ice becomes mainly slush, plow. Repeat application and plowing as necessary.

Crew & Shift Assignments

Public Works Snow Removal		
Shift Assignments		
November 2022 - March 2023		
Contact Information		
Name	Title	
Brent Morton	Superintendent of Public Works	
Celia Duran	Director of Public Works	
Snow Crew 1		
<i>Name</i>	<i>Route</i>	<i>Truck #</i>
Jorge Martinez	Route A- Arterial	688
Jim Bradley	Route B- Arterial	656
James Schlereth	Route 1- North Side Residential	315/494
Juan Del Real	Route 2- South Side Residential	574
Brent Morton*	Route 1- North Side Residential	315/494
Snow Crew 2		
<i>Name</i>	<i>Route</i>	<i>Truck #</i>
Alex Gonzalez*	Route A- Arterial	688
Victor Lopez	Route B- Arterial	656
Chris Truett	Route 2- South Side Residential	574
Chad Osenton	Route 1-North Side Residential	315/494
TBD	Route 1-North Side Residential	315/494
* designates Snow Crew Leader		
Shift Information		
Month	Day (7am-7pm)	Night (7pm-7am)
October	Snow Crew 2	Snow Crew 1
November	Snow Crew 1	Snow Crew 2
December	Snow Crew 2	Snow Crew 1
January	Snow Crew 1	Snow Crew 2
February	Snow Crew 2	Snow Crew 1
March	Snow Crew 1	Snow Crew 2

Vehicle/Plow Route Descriptions & Maps

1-Ton Truck Route # 1

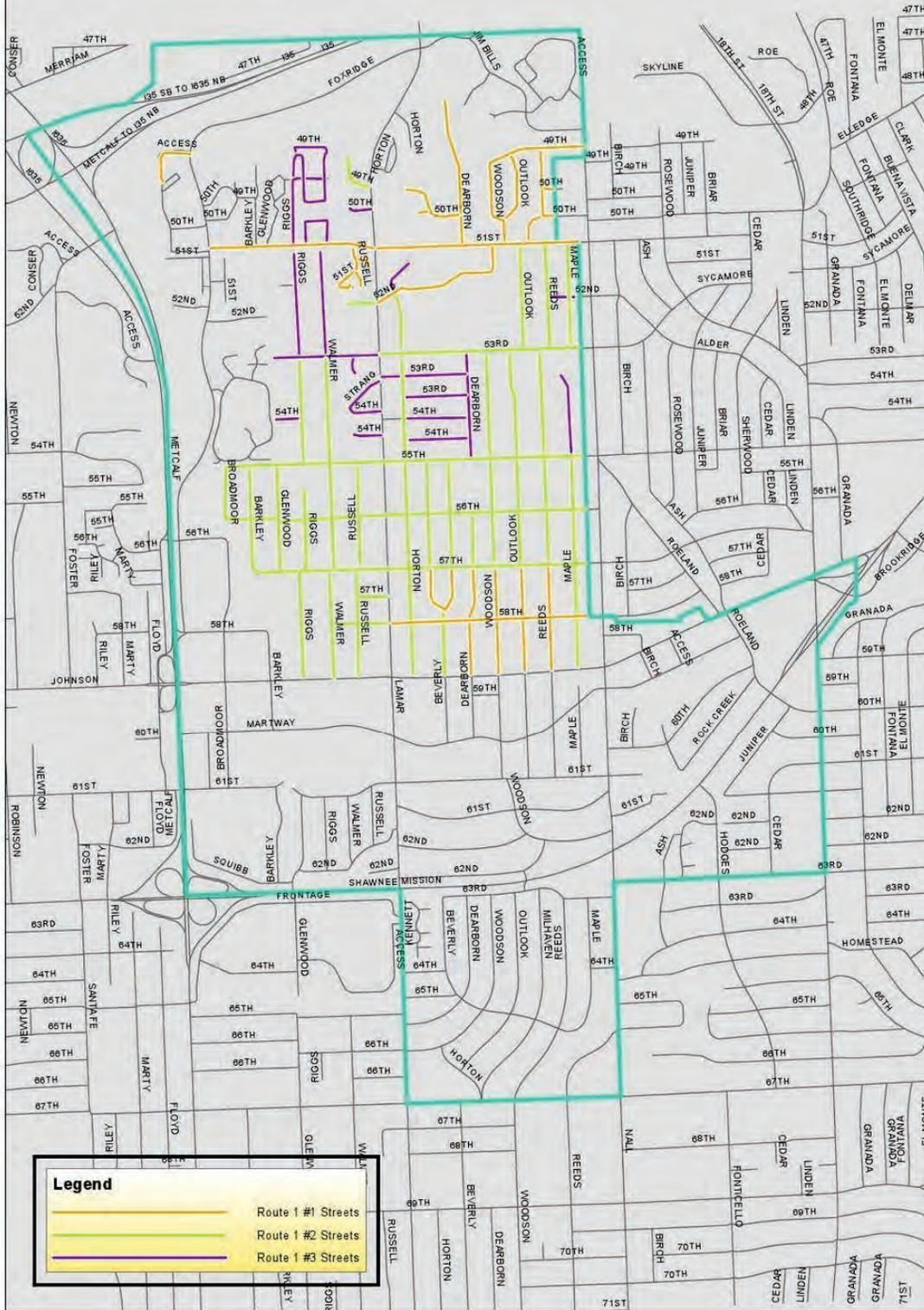
Main Streets need to be completed first. Driver needs to keep on top of main streets, and it takes passes in both directions. Then the driver can proceed on with the rest of the North side streets.

Main Streets

- Streamway Dr.
- 51st St.
- Lincolnshire – Russell St. off of 51st St.
- Reeds Rd. – North of 51st St.
- 50th Ter. – North of 51st St.
- 50th St. – North of 51st St.
- 49th St.– North of 51st St.
- Outlook St. – North of 51st St.
- Woodson St. – North of 51st St.
- Dearborn St. – North of 51st St.
- Beverly Ln. – Between 57th St, & 58th St.
- Beverly Ave - Between 57th St, & 58th St.
- Dearborn St. – Between 57th St, & Johnson Dr.
- Woodson St. – Between 57th St, & Johnson Dr.
- Outlook St. –Between 57th St, & Johnson Dr.
- Reeds Rd. – Between 57th St, & Johnson Dr.

After the mains are done, it is best to proceed with numbered streets (East / West) all the way to Johnson Drive. Then the driver should proceed on with the named streets. (North / South)

Snow Plow Route 1



1-Ton Truck Route # 2

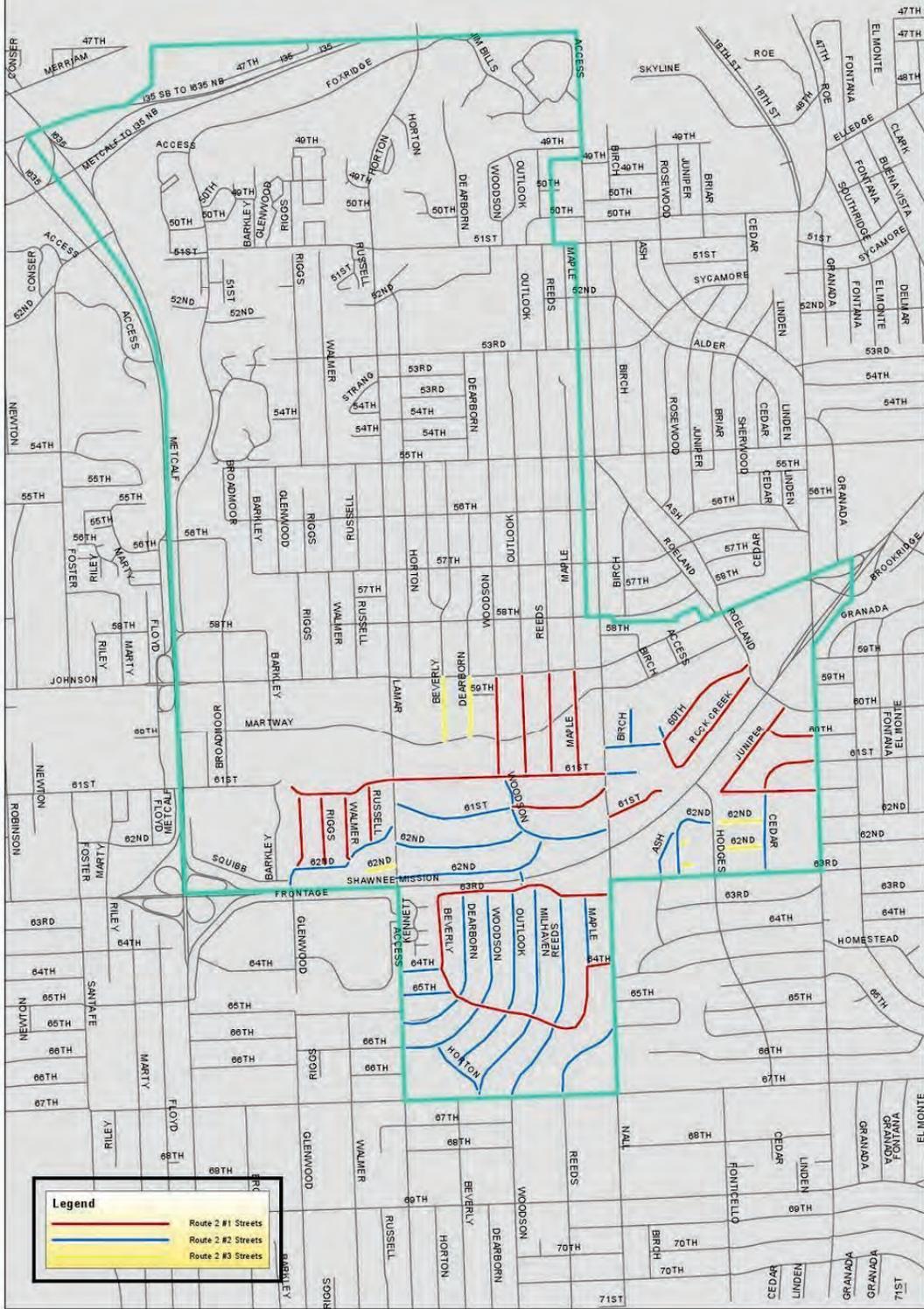
Main Streets need to be completed first. Driver needs to keep on top of main streets, and it takes passes in both directions. Then the driver can proceed on with the rest of the South side streets.

Main Streets

- Woodson St. – Between Johnson dr. & 61st St. (City Hall Area)
- Outlook St. – Between Johnson dr. & 61st St. (City Hall Area)
- Reeds Rd. – Between Johnson dr. & 61st St. (City Hall Area)
- Maple St. – Between Johnson dr. & 61st St. (City Hall Area)
- 61st Street – Between Lamar Ave & Nall Ave (City Hall Area)
- Walmer St. – Between 61st St. & 62nd St.
- Riggs St. – Between 61st St. & 62nd St.
- Glenwood St. – Between 61st St. & 62nd St.
- 61st Ter. – Between Woodson St. & Nall Ave (Countryside)
- 61st Place – Dead end into Bickford Senior Living.
- 60th Ter. – Between Rosewood St. & Roeland Dr. (Rock Creek Area)
- Rock Creek Ln. – Between Rosewood St. & Roeland Dr. (Rock Creek Area)
- Rosewood St. – Between 60th Ter. & Rock Creek Lane. (Rock Creek Area)
- Juniper St. – Between 60th St. & 61st Ter. (Highlands Area)
- 61st Ter. – Between Juniper St. & Roe Ave. (Highlands Area)
- 61st St. – Between 61st Ter. & Roe Ave. (Highlands Area)
- 60th Ter. – Between Juniper St. & Roe Ave. (Highlands Area)

After all the mains are done proceed to finish the rest of the areas.

Snow Plow Route 2



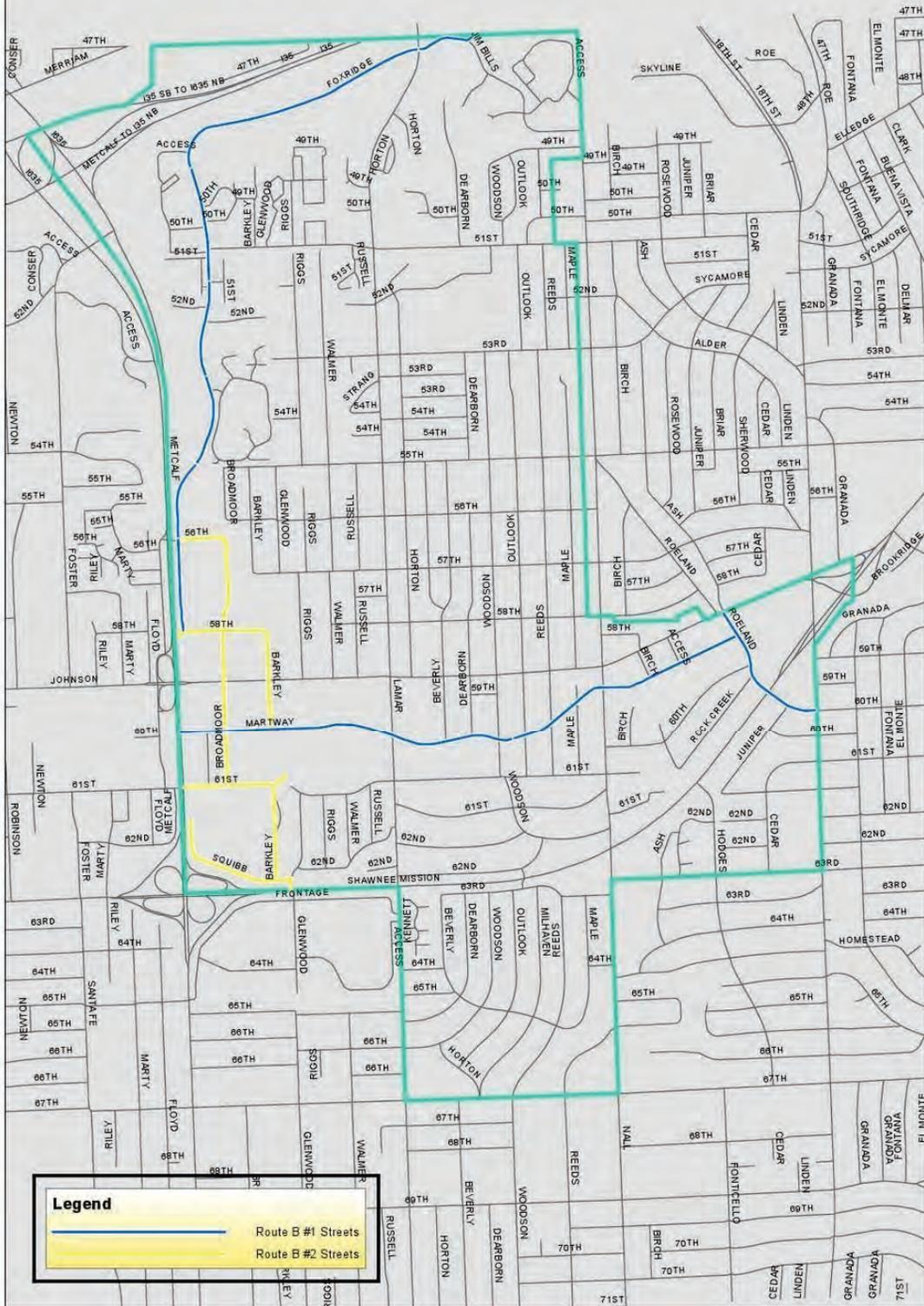
2-Ton Truck Route - A

- North on Lamar Ave, at the first bridge make a U – Turn
- Heading back south up Lamar Ave to 67th St.
- East on 67th St. to Nall Ave
- North on Nall Ave to 58th St.
- East on 58th St. to Birch St.
- South on Birch St. to Johnson Dr.
- West on Johnson Dr. to Nall Ave.
- South on Nall Ave. to 67th St.
- West on 67th St. to Lamar Ave.
- North on Lamar Ave. to Shop – Load up with Salt
- South on Lamar Ave. to Johnson Dr.
- West on Johnson Dr. to Metcalf Ave. – U - Turn
- East on Johnson Dr. to Shawnee Mission Parkway – U – Turn
- West on Johnson Dr. to Metcalf Ave. – U – Turn
- Redo in opposite lane / as needed
- North and south lanes of Rosewood St.
- West on Johnson Dr. to Birch St.
- North on Birch St. to 58th St.
- West on 58th St. to Nall Ave.
- South on Nall Ave. to Johnson Dr.
- West on Johnson Dr. to Lamar Ave.
- North on Lamar to Shop – Load up with Salt
- South on Lamar to Johnson Dr.
- East on Johnson Dr. to Roeland Dr.
- South on Roeland Dr. to Roe Ave. (Roeland Dr turns into 60th Ter Heading East)
- South on Roe Ave. to 63rd St.
- West on 63rd St. to Hodges Dr.
- North on Hodges Dr. to Shawnee Mission Parkway – U – Turn
- South on Hodges Dr. to 63rd St.
- West on 63rd St. to Nall Ave. – U – Turn
- East On 63rd St. to Roe Ave.
- North on Roe Ave. to 57th St. – U - Turn (57th St is in Roeland Park)
- South on Roe Ave. to 63rd St. – U – Turn
- Redo in opposite lanes / as needed

2-Ton Truck Route – B

- North on Lamar Ave. to Foxridge Dr.
- East on Foxridge to Waste water – U – Turn
- West on Foxridge (turns back South) to 58th St.
- East on 58th St. to Broadmoor St.
- South on Broadmoor St. to 61st St.
- West on 61st St. to Metcalf Ave. – U – Turn
- East on 61st St. to Barkley St.
- South on Barkley St. to Squibb Rd.
- West on Squibb Rd. to Target – U – Turn
- East on Squibb Rd. to Glenwood St. – U - Turn
- West on Squibb Rd. to Barkley St.
- North on Barkley St. to 61st St.
- West on 61st St. to Broadmoor St.
- North on Broadmoor St. to 58th St.
- West on 58th St. to Foxridge Dr.
- North on Foxridge Dr. to Lamar Ave.
- South on Lamar Ave. to Shop – Load up with Salt
- Leaving Shop
- South on Lamar Ave. to Johnson Dr.
- West on Johnson Dr. to Barkley St.
- South on Barkley St. to Martway St. – U – Turn (Hy-Vee Parking lot)
- North on Barkley St. to 58th St.
- West on 58th St. to Broadmoor St.
- North on Broadmoor St. to 56th St.
- West on 56th St. to Foxridge Dr. – U – Turn
- East on 56th St. to Broadmoor St.
- South on Broadmoor St. to 58th St.
- East on 58th St. to Barkley St.
- South on Barkley St. to Martway St.
- West on Martway St. to Metcalf Ave. – U – Turn (may not be possible, so follow Metcalf Ave. North on around to 58th St.. Then 58th St. to Broadmoor St to 61st St., Then on to Metcalf Ave. North to Martway St.)
- East on Martway St. to Roeland Dr. – U – Turn
- West on Martway St. to Broadmoor St. – U – Turn
- Redo in opposite lane / as needed

Snow Plow Route B



City Owned On-Street Parking Snow Removal

Public Works is responsible for removing snow from the on-street parking areas adjacent to Johnson Drive and Broadmoor St in the Downtown District. The procedure for snow removal is as follows:

1. Snow is plowed to each end of the parking areas in order to accommodate as much parking as possible.
2. Once snow accumulates to the point that sight is impaired, snow is loaded onto trucks and transported to a City lot for storage. These activities are done at night for the safety of staff and motorists.

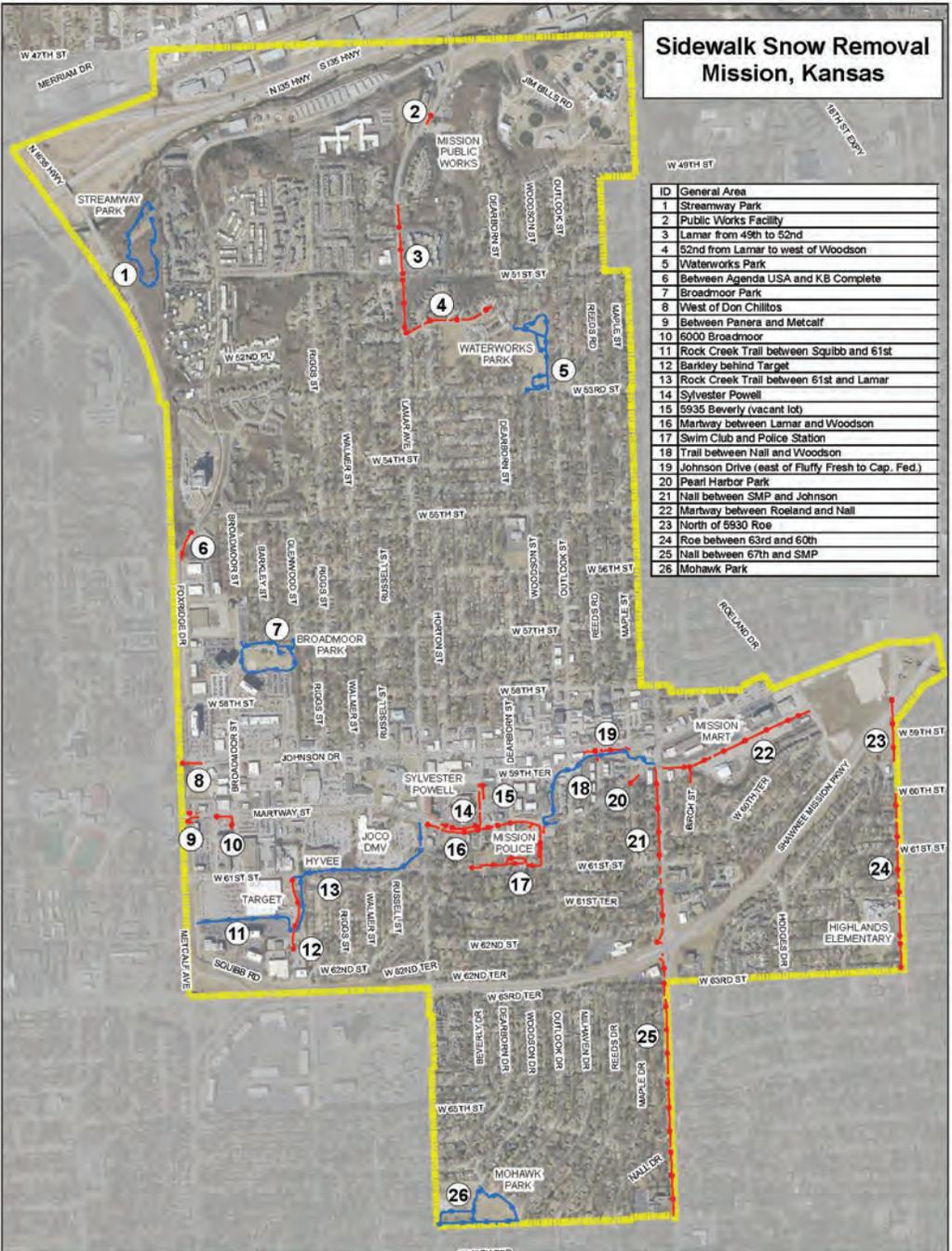
Public Works does not remove snow from the sidewalks. Snow removal on sidewalks remains the responsibility of the adjacent property owner.

Miscellaneous Snow Removal Locations

Location	Property	Address/Direction	Notes
1	SPJCC	6200 Martway	Includes parking adjacent to SPJCC and Mission Square
2	City Hall	6090 Woodson	Includes Parking Lots
3	Waterworks	53rd & Woodson	Parking areas
4	Broadmoor	5701 Broadmoor	Parking Lot
5	Mohawk	67th & Lamar	Parking Lot
6	Streamway	51st & Foxridge	Parking Lot

Sidewalk Snow Removal Mission, Kansas

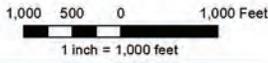
ID	General Area
1	Streamway Park
2	Public Works Facility
3	Lamar from 49th to 52nd
4	52nd from Lamar to west of Woodson
5	Waterworks Park
6	Between Agenda USA and KB Complete
7	Broadmoor Park
8	West of Don Chillos
9	Between Panera and Metcalf
10	6000 Broadmoor
11	Rock Creek Trail between Squibb and 61st
12	Barkley behind Target
13	Rock Creek Trail between 61st and Lamar
14	Sylvester Powell
15	5935 Beverly (vacant lot)
16	Martway between Lamar and Woodson
17	Swim Club and Police Station
18	Trail between Nail and Woodson
19	Johnson Drive (east of Fluffy Fresh to Cap. Fed.)
20	Pearl Harbor Park
21	Nail between SMP and Johnson
22	Martway between Roeland and Nail
23	North of 5930 Roe
24	Roe between 63rd and 60th
25	Nail between 67th and SMP
26	Mohawk Park



Legend

Snow Removal Type

- Sidewalk
- Trail
- Mission City Limits



GBA

MISSION
Kansas