

(Published once in the Marion Record on \_\_\_\_\_)

**RESOLUTION NO.** \_\_\_\_\_

**A RESOLUTION INCORPORATING, BY REFERENCE, VARIOUS  
CONSTRUCTION CODES FOR MARION COUNTY, KANSAS.**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE COUNTY OF  
MARION, KANSAS AS FOLLOWS:**

**Section 1.** That for the purpose of regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures in Marion County; providing for the issuance of permits and collection of fees therefore; repealing any and all Marion County resolutions and parts of resolutions in conflict therewith, pursuant to K.S.A. 12-3301, 12-3304 and 12-3305, certain documents by reference, of which not less than one (1) copy is on file in the office of the Department of Planning, Zoning and Environmental Health of Marion County, Kansas are hereby adopted by reference for the entire unincorporated area of Marion County, Kansas.

- A. The 2006 editions of the International Building Code, International Residential Code, International Plumbing Code, International Mechanical Code, International Existing Building Code, International Property Maintenance Code, International Fuel Gas Code, International Fire Code, all of which are published as model codes in book form by the International Code Council; and
- B. The 2005 edition of the National Electrical Code (NFPA 70) and the 2006 edition of the Life Safety Code (NFPA 101), published as model codes in book form by the National Fire Protection Agency.

**Section 2.** That the entire model codes, including all Appendixes unless specifically omitted, are adopted by reference as fully as if set out herein, except for the following revisions or insertions:

**International Building Code Revisions:**

- Section 1612.3 – Insert **August 22, 1978**
- Section 3410.2 – Insert **date of adoption**

**International Residential Code Revisions:**

- Section R301.2(1) Appropriate Design Criteria shall be inserted as follows:

Ground Snow Load	15
Wind Speed (mph)	90
Seismic Design Category	B
Damage from Weathering	Severe
Damage from Frost Line Depth	30"
Damage from Termite	Moderate
Damage from Decay	Slight to None
Winter Design Temp	0°-10°(F)
Ice Shield Underlayment Required	Yes
Flood Hazards	5-1-1999
Air Freezing Index	0-1000
Mean Annual Temp	50-55°(F)

**Existing Text is hereby amended as follows:**

AI101.1 Scope. Private sewage disposal systems shall conform to the **Marion County Sanitation Code and the Kansas Department of Health and Environment (KDHE) Bulletin 4-2 as adopted and as they may be amended.**

**International Plumbing Code Revisions**

904.1 – Insert 12 inches

**International Fuel Gas Code**

Section 303.7 – Insert the following text at the end of existing text:

**Liquified petroleum gas-burning appliances shall not be installed in a pit, basement or similar location where heavier-than-air gas might collect. Appliances so fueled shall not be installed in an above-grade under-floor space or basement unless such location is provided with an approved means for removal of unburned gas. Approved means shall be interpreted as being in compliance with the adopted Fire Code or as approved by the Code Official.**

**International Property Maintenance Code**

Section 304.14 Insect screens - from April 1<sup>st</sup> to October 31<sup>st</sup>,

Section 602.3 Heat supply - from November 1<sup>st</sup> to March 31<sup>st</sup>

***\*Additional Text to be inserted as follows:* This requirement shall not be construed to mean the owner or operator is responsible for utility costs in providing the heat source, but only for the mechanical apparatus to be in working condition and capable of supplying the required heat.**

Section 602.4 Occupiable work spaces - November 1<sup>st</sup> to March 31<sup>st</sup>

***\*Additional Text to be inserted as follows:* This requirement shall not be construed to mean the owner or operator is responsible for utility costs in providing the heat source, but only for the mechanical apparatus to be in working condition and capable of supplying the**

**required heat.**

**Section 3.** That all other resolutions or parts of resolutions in conflict herewith are hereby repealed.

**Section 4.** That if any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this resolution. The Governing Body of Marion County hereby declares that it would have passed this resolution, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 5.** That nothing in this resolution or in the Various Codes hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or resolution hereby repealed as cited in Section 2 of this resolution; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this resolution.

**Section 6.** That pursuant to K.S.A. 12-3305, any violations of the codes adopted by reference in Resolution \_\_\_\_\_ shall be enforced by the following penalties and remedies:

- A. Penalties: According to State Statutes, any violation of these regulations shall be deemed to be a misdemeanor. The owner or agent of a building, structure or premises in or upon which a violation of any provision of these regulations has been committed or shall exist or the lessee or tenant of an entire building or entire premises in or upon which a violation has been committed or shall exist; or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building, structure or premises in or upon which a violation has been committed or shall exist, shall be punished by a fine not to exceed \$500 or by imprisonment for not more than 30 days or by both such fine and imprisonment. Each day's violation shall constitute a separate offense.
- B. Remedies: In case any building or structure is erected, constructed, reconstructed, structurally altered, converted or maintained; or any building, structure or land is used or is proposed to be used in violation of these regulations, the appropriate authorities of Marion County, in addition to using other remedies, may institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or to correct or abate such violation, or to prevent the occupancy of any such building, structure or land. In addition to the County, any person, the value of use of whose property is or may be affected by such violation,

shall have the authority to maintain suits or actions in any court of competent jurisdiction to enforce these regulations and to abate nuisances in violation thereof.

**Section 7.** That Official Notice of a Public Hearing was published once in the Marion Record on Wednesday, \_\_\_\_\_ and that two (2) Public Hearings were held by the Marion County Planning Commission on \_\_\_\_\_ and \_\_\_\_\_ to hear comments concerning the adoption of and amendments to referenced codes.

**Section 8.** That this Resolution shall be in full force and effect from and after it's publication once in the official county newspaper and that the Marion County Department of Planning, Zoning and Environmental Health is hereby ordered and directed to cause this resolution to be published in the Marion Record.

**PASSED AND APPROVED** This \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Bob Hein, Chairman

ATTEST:

\_\_\_\_\_  
Carol Maggard, County Clerk