

**RESOLUTION NO. 205-04**

Date Adopted: November 24, 2004

Date Published: January 14, 2005

**A RESOLUTION AMENDING CERTAIN PROVISIONS OF CHAPTER 6,  
ARTICLE II OF THE SEDGWICK COUNTY CODE**

**WHEREAS**, on the 25th day of August, 1993, the Board of County Commissioners adopted Resolution No. 159-1993, which resolution adopted the Sedgwick County Code; and

**WHEREAS**, on the 15th day of January, 2003, the Board of County Commissioners adopted Resolution No. 11-2003, which resolution amended Chapter 6, Article II, of the Sedgwick County Code by incorporating by reference the International Residential Code, 2000 Edition as the one- and two-family dwelling code for the unincorporated area of Sedgwick County; and

**WHEREAS**, the Board of County Commissioners finds that it has been advised by the present Board of Building Examiners, and thereupon deems it necessary to amend Chapter 6, Article II, of the Sedgwick County Code.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:**

**SECTION 1: AMENDMENTS TO CHAPTER 6, ARTICLE II.** Article II of Chapter 6 of the Sedgwick County Code is hereby amended as follows:

**Sec. 6-31. Amendments.**

Changes, additions, and deletions to Sec. 6-31 are adopted only as set forth hereinafter:

***SECTION R318, FOAM PLASTIC*** is hereby amended as follows:

***R318.2.7 Insulating Concrete Forms.*** Insulating concrete forms (ICFs) may be used without the thermal barrier described in Section 318.1 when the foam plastic meets the following criteria:

1. The foam plastic has a minimum self Ignition Temperature of 450 degrees C when tested in accordance with ASTM D 1929;
2. The foam plastic has a flame-spread rating of less than 25 and a smoke-developed rating of less than 450 when tested in accordance with ASTM E 84;
3. The foam plastic has a minimum two (2) hour fire resistance rating when tested in accordance with ASTM E 119; and
4. The ICF has a valid ICCES ER number.

**SECTION R108, FEES** is hereby amended as follows:

**R108.2.2.1 New construction.** For each permit issued for construction of new one and two family dwellings or accessory building thereto, there shall be charged and collected from the applicant a permit fee in accordance with the following defined classifications, defined chargeable floor area, and table of building permit fees:

(a) Classification I means all buildings and structures except those defined hereafter as classification II. The chargeable square feet shall be defined as the total square feet of finished area enclosed by the exterior dimension for each floor thereof. The permit fee charged shall be based on the value of nineteen ~~seventeen~~ cents (19¢ ~~17¢~~) per chargeable square foot.

(b) Classification II means garages, manufactured homes, basements, carports, breezeways, covered walkways, porches, canopies, unfinished areas, and accessory structures to one and two family dwellings. The chargeable square feet shall be defined as the total square feet area enclosed by the exterior dimensions thereof. The permit fee charged shall be based on the value of fifteen ~~thirteen~~ cents (15¢ ~~13¢~~) per chargeable square foot.

**APPENDIX G, SWIMMING POOLS, SPAS AND HOT TUBS** is hereby amended as follows:

**AG105.5 Barrier Exceptions.** Outdoor swimming pools, spas, or hot tubs with a safety cover that complies with ASTM F 1346, shall be exempt from the provisions of this appendix.

## **SECTION 2: SAVING CLAUSE.**

All rights and remedies of Sedgwick County, and the property owners and residents thereof, are expressly saved as to any and all violations of the Sedgwick County Code, Chapter 6, Article II, Resolution Nos. 74-1975, 91-1977, 201-1977, 166-1979, 83-1983, Sec. I of 219-1983, 382-1983, 12-1991, 97-1991, 280-1995, and 233-1998, 11-2003, or any prior commercial building code or residential building code adopted as resolutions that have accrued at the time of the effective date of this resolution. The court shall have all the powers that existed prior to the effective date of this resolution as to all such accrued violations.

## **SECTION 3: SEVERABILITY CLAUSE.**

Should any section, clause or provision of this resolution be declared by any court of competent jurisdiction to be invalid, the same shall not affect the validity of this resolution as a whole, or any part thereof, other than the part so declared to be invalid.

## **SECTION 4: PUBLICATION AND EFFECTIVE DATE.**

The Sedgwick County Clerk is directed to publish this resolution once in the official county newspaper. This resolution shall take effect on January 1, 2005.

Commissioners present and voting were:

DAVE UNRUH	<u>X</u>
TIM R. NORTON	<u>X</u>
THOMAS G. WINTERS	<u>X</u>
CAROLYN McGINN	<u>absent</u>
BEN SCIORTINO	<u>X</u>

Dated this 24<sup>th</sup> day of November, 2004.

BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

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THOMAS G. WINTERS, Chairman  
Third District

ATTEST:

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DAVE UNRUH, Commissioner  
First District

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DON BRACE, County Clerk

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TIM R. NORTON, Commissioner  
Second District

APPROVED AS TO FORM:

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BEN SCIORTINO, Commissioner  
Fifth District

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AARON T. BLASE  
Assistant County Counselor

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CAROLYN McGINN, Commissioner  
Fourth District