

RESOLUTION NO. 218-2019

Date Adopted: 10-2-2019

Date Published/Effective: - - 2019

A RESOLUTION AMENDING CHAPTER 12, ARTICLE II OF THE SEDGWICK COUNTY CODE IN ITS ENTIRETY THROUGH THE REPEAL OF THE EXISTING FIRE CODE AND THE ADOPTION OF THE SEDGWICK COUNTY FIRE CODE, 2019 EDITION, WHICH INCORPORATES THE INTERNATIONAL FIRE CODE, 2018 EDITION, INCLUDING APPENDICES B, C, D, E, F, G, AND N, WITH CERTAIN PROVISIONS DECLARED TO BE OMITTED, AMENDED OR MODIFIED; AND PROVIDING FOR PENALTIES AND PROSECUTION OF VIOLATIONS THEREOF; PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE, FROM EXPLOSION, AND FROM THE POSSESSION, STORAGE, SALE, DISPLAY, USE, AND DISCHARGE OR EXPLOSION OF FIREWORKS; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; TO BE EFFECTIVE WITHIN THE UNINCORPORATED AREAS OF SEDGWICK COUNTY, KANSAS, INCLUDING THOSE CITIES LOCATED WITHIN SEDGWICK COUNTY WHICH HAVE BY ACTION OF THEIR GOVERNING BODIES ADOPTED THE SEDGWICK COUNTY FIRE CODE IN THE SAME FORM AS HEREIN INCORPORATED AND WHICH HAVE ENTERED INTO SEPARATE AGREEMENTS WITH SEDGWICK COUNTY FIRE DISTRICT NUMBER ONE PROVIDING FOR ENFORCEMENT WITHIN SUCH CITIES' MUNICIPAL BOUNDARIES BY MEMBERS OF SEDGWICK COUNTY FIRE DISTRICT NUMBER ONE AND CONFERRING JURISDICTION UPON SEDGWICK COUNTY FOR ALL PROSECUTORIAL FUNCTIONS RELATING THERETO.

WHEREAS, pursuant to K.S.A. 19-101d, the Kansas State Legislature granted the Board of County Commissioners of Sedgwick County the authority to enforce all resolutions passed pursuant to county home rule powers; and

WHEREAS, K.S.A. 19-4701 *et seq.* established the code for the enforcement of county codes and resolutions; and

WHEREAS, on the 4th day of September, 2013, the Board of County Commissioners adopted Resolution No. 162-2013, which resolution adopted the *Sedgwick County Code*; and

WHEREAS, Chapter 12, Article II, of the *Sedgwick County Code* incorporates by reference the International Fire Code, 2012 Edition (Resolution); and

WHEREAS, the Board of County Commissioners of Sedgwick County, Kansas, finds that it has been advised by the Fire Chief of Sedgwick County Fire District Number One, and therefore deems it necessary to amend Chapter 12, Article II of the *Sedgwick County Code* in its entirety through the repeal of the existing Fire Code, including its references to the International Fire Code, 2012 Edition; to adopt the Sedgwick County Fire Code, 2019 Edition, which includes the International Fire Code, 2018 Edition, including appendices B, C, D, E, F, G, and N, with certain provisions declared to be omitted, amended or modified; to provide for penalties and prosecution of violations thereof; to prescribe regulations governing conditions hazardous to life and property from fire, from explosion, and from the possession, storage, sale, display, use and

discharge or explosion of fireworks; to provide for the issuance of permits and collection of fees therefor; to be effective within all unincorporated areas of Sedgwick County, Kansas, including those cities located within Sedgwick County which have by action of their governing bodies adopted the Sedgwick County Fire Code, 2019 Edition, in the same form as herein incorporated and which have entered into separate agreements with Sedgwick County Fire District Number One providing for enforcement within such cities' municipal boundaries by members of Sedgwick County Fire District Number One and conferring jurisdiction upon Sedgwick County for all prosecutorial functions relating thereto.

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

SECTION 1. REPEAL AND ADOPTION. Chapter 12, Article II, of the *Sedgwick County Code* is hereby amended in its entirety by the repeal of the existing Fire Code and the adoption of the Sedgwick County Fire Code, 2019 Edition, consisting of the International Fire Code, 2018 Edition, including appendices B, C, D, E, F, G, and N, with certain provisions declared to be omitted, amended or modified, as the standard code. The Sedgwick County Fire Code, 2019 Edition, is hereby adopted and incorporated herein by the Board of County Commissioners of Sedgwick County, Kansas, as the official code for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, from explosion, and from the possession, storage, sale, display, use and discharge or explosion of fireworks, within all unincorporated areas of Sedgwick County, Kansas, including those cities located within Sedgwick County which have by action of their governing bodies adopted the Sedgwick County Fire Code, 2019 Edition in the same form as herein incorporated and which have entered into separate agreements with Sedgwick County Fire District Number One providing for enforcement within such cities' municipal boundaries by members of Sedgwick County Fire District Number One and conferring jurisdiction upon Sedgwick County for all prosecutorial functions relating thereto.

SECTION 2. PUBLICATION AND EFFECTIVE DATE. The Sedgwick County Clerk is directed to publish this Resolution once in the official county newspaper. The Sedgwick County Fire Code, 2019 Edition, shall take effect upon its publication once in the official county newspaper.

SECTION 3. SEVERABILITY. If any provision or section of the Sedgwick County Fire Code, 2019 Edition, as incorporated herein, is deemed or ruled unconstitutional or otherwise illegal or invalid by any court of competent jurisdiction, such illegality shall not affect any other provision of said code. In the event of such a ruling by a court of competent jurisdiction, the Sedgwick County Fire Code, 2019 Edition, shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

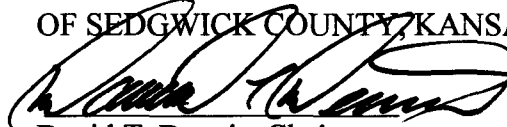
Commissioners present and voting were:

DAVID T. DENNIS
PETE MEITZNER
MICHAEL B. O'DONNELL II
LACEY CRUSE
JAMES M. HOWELL

Aye
Aye
Aye
Aye
Aye


DATED this 2 day of October, 2019.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS



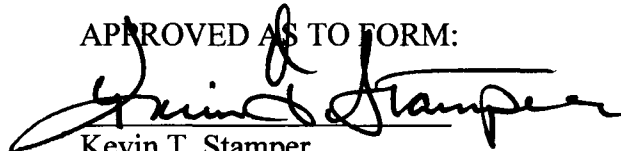
David T. Dennis, Chairman
Commissioner - Third District

ATTEST:


Kelly B. Arnold
County Clerk



APPROVED AS TO FORM:



Kevin T. Stamper
Assistant County Counselor

SEDGWICK COUNTY FIRE CODE, 2019 EDITION (Adopting 2018 IFC as Amended)

Sec. 12-51. Adopted.

The International Fire Code, 2018 edition, including appendices B, C, D, E, F, G, and N published by the International Code Council, Inc., 500 New Jersey Ave., NW, 6th Floor, Washington, DC 20001, save and except such portions as are omitted, amended or modified in this Article, hereinafter altogether referred to as the "I.F.C.", "Fire Code," or "this Code," is hereby adopted in its entirety as the fire code for Sedgwick County, 2019 Edition, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, from explosion, and from the possession, storage, sale, display, use and discharge or explosion of fireworks, to be effective within all unincorporated areas of Sedgwick County, Kansas and those cities located within Sedgwick County which have by action of their governing bodies adopted the Sedgwick County Fire Code, 2019 Edition, in the same form as contained within this Article and which have entered into separate agreements with Sedgwick County Fire District One providing for enforcement within said cities' municipal boundaries by members of Sedgwick County Fire District One, and conferring jurisdiction upon Sedgwick County for all prosecutorial functions relating thereto.

Sec. 12-52 Amendments.

Changes, additions, and deletions to sections of the I.F.C. 2018 Edition and the appendices thereto are adopted only as set forth hereinafter:

101.1 Title. These regulations shall be known as the Sedgwick County Fire Code, 2019 Edition, hereinafter referred to as the "Fire Code," the "I.F.C.," or "this Code." This Code shall be the fire code for all unincorporated areas of Sedgwick County, Kansas and those cities located within Sedgwick County which have by action of their governing bodies adopted the Fire Code in the same form as herein contained and which have entered into separate agreements with Sedgwick County Fire District One providing for enforcement within such cities' municipal boundaries by members of Sedgwick County Fire District One and conferring jurisdiction upon Sedgwick County for all prosecutorial functions relating thereto.

SECTION 101, GENERAL

Sec. 101 is hereby amended by adding a new Section 101.6, which shall read as follows:

101.6 Reference Codes.

1. Whenever used in the Fire Code, the term "*ICC Electrical Code*" shall be construed to mean the current National Electrical Code contained within the current Wichita-Sedgwick County Unified Building and Trade Code.
2. Whenever used in the Fire Code, the term "*International Fuel Gas Code*" shall be construed to mean the current International Fuel Gas Code published by the International Code Council.

3. Whenever used in the Fire Code, the term “*International Mechanical Code*” shall be construed to mean the current International Mechanical Code contained within the current Wichita-Sedgwick County Unified Building and Trade Code.
4. Whenever used in the Fire Code, the term “*International Plumbing Code*” shall be construed to mean the current Uniform Plumbing Code contained within the current Wichita-Sedgwick County Unified Building and Trade Code.
5. Whenever used in the Fire Code, the term “*International Existing Building Code*” shall be construed to mean the current Building Code contained within the current Wichita-Sedgwick County Unified Building and Trade Code.
6. Whenever used in the Fire Code, the term “NFPA Code” shall be construed to mean the current National Fire Protection Association Codes and Standards.

SECTION 103, DEPARTMENT OF FIRE PREVENTION is hereby amended as follows:

103.2 Appointment. The Code Official shall be appointed by the chief appointing authority of the jurisdiction. The Code Official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority. The Code Official and persons so appointed by the Code Official shall be “code enforcement officers” as code enforcement officer is defined in K.S.A. 19-4708(d) and shall have the power to sign, issue and execute uniform complaints and notices to appear as set out by K.S.A. 19-101d, in addition to all other powers and authority granted to them or any of them by any other applicable federal, state or county law, rule, regulation, or resolution.

SECTION 105, PERMITS

Section 105.1 is hereby amended by adding a new Section 105.1.4, which shall read as follows:

105.1.2 Permit fees. Permit fees required by this Code are established as follows:

[Table 105.1.4 begins on following page.]

Table 105.1.2
PERMITS AND OTHER FEES

Operational Permits (Sec. 105.6) - Permit to Operate/Use

Wood Products Storage Permit \$500.00 per year
(in excess of 2500 cubic feet)

Explosive Storage Permit - Outdoor storage units..... \$150.00 per unit

Explosive Storage Permit - Building..... \$200.00 per unit

Explosive Storage Permit - Fireworks sales not to exceed 30 days..... \$75.00 per unit

Flammable and Combustible Liquid Tank at Construction Sites:

<1000 gallons \$75.00 per tank

1001 gallons or more..... \$100.00 per tank

All Burn Permits may be applied for online at www.sedgwickcounty.org/fire

Open Burning Permit..... No Fee

Agricultural Burning Permit..... No Fee

Pyrotechnic Special Effects Display Permit - Indoor/Outdoor..... \$100.00 per event

(The fee shall increase \$25 per day each day the application is submitted less than 10 days prior to the event)

Pyrotechnic Special Effects Display re-inspection fee..... \$100.00 per inspection

Special Amusement Facility or similar operations - Indoor/Outdoor..... \$75.00 per event

Special Amusement Facility or similar operations - re-inspection fee..... \$100.00 per inspection

Storage of scrap tires and tires byproducts \$500.00 per year
(in excess of 1,000 cubic feet)

Mobile Food Preparation Vehicles..... \$75.00 per year/per unit

Construction Permits (Sec. 105.7) - Permit to Install/Alter

Plan Review Fees addressed in Section 114.5

Fire Alarm and Detection Systems..... \$75.00

Fire Extinguishing system - Cooking Hood System (New Install)..... \$75.00 per system

Fire Extinguishing system - Spray Finishing Operation (New Install)..... \$75.00 per system

Fire Sprinkler System..... \$75.00

Private water supply lines for fire protection \$75.00

Temporary membrane structures, tents and canopies \$75.00 per structure

Table 105.1.2
PERMITS AND OTHER FEES

<u>Fire Alarm and Sprinkler System Plan Review Fees (Sec. 114)</u>		
Fire Alarm System and Fire Sprinkler System (based upon number of devices or sprinkler heads):		
1-19	devices or heads.....	\$75.00
20-100	devices or heads.....	\$125.00
101-200	devices or heads.....	\$175.00
201-300	devices or heads.....	\$225.00
301-400	devices or heads.....	\$275.00
401-500	devices or heads.....	\$325.00
501-600	devices or heads.....	\$375.00
601-700	devices or heads.....	\$425.00
701-800	devices or heads.....	\$475.00
801-900	devices or heads.....	\$525.00
> 900 *	devices or heads.....	\$575.00
(*plus \$0.50 per every device or head greater than 900)		
<u>Other Fees</u>		
Fire Incident Reports, Investigative reports, and/or medical reports		
0 to 2 years after date of incident.....		\$25.00 per incident
2 to 4 year after date of incident.....		\$35.00 per incident
5 or more years after date of incident		\$75.00 per incident
FOIA/KORA requests for data will be calculated at a rate of \$25.00 a hour.		
Any re-inspection that is required shall be subject to a.....		\$200.00 re-inspection fee
Additional Plan Review Fee resulting from an incomplete submittal or denial of plans.....		One-half of original fees
(minimum charge - \$35)		
Return Check Fee.....		\$30.00. plus original fees
Reproduction cost of 35mm. digital. video or audiocassette.....		\$35.00 per hour, plus actual cost of reproduction cost
(minimum charge - \$35)		

Section 105 Permits is further amended 105.6.32 and 105.6.50 which shall read as follows:

105.6.32 Open burning. An operational permit is required for the kindling or maintaining of any open fire or a fire on any street, alley, road, or other public or private ground in accordance with Section 307. Instructions and stipulations of the permit shall be adhered to. Permits can be obtained online or at any Sedgwick County Fire District One fire station.

Exception: Recreational Fire. An outdoor fire burning material other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbecue grill or pit, and has a total fuel area of 3 feet or less in diameter and 2 feet or less in height and utilized for pleasure, religious, ceremonial cooking, warmth or similar purpose.

105.6.50 Wood Products. An operational permit is required to store chips, hogged material, lumber, plywood or wooden pallets in excess of 2500 cubic feet.

Section 106 Fees is further amended with the addition of new Section 106.1.2, which shall read as follows:

106.1.2 Payment of fees. Cash, personal check, cashier's check, or money order may be used for the payment of permits and other fees required by this Code. Also, when permitted by the administration of Sedgwick County Fire District One, credit cards may be used for the payment of permits and other fees required by this Code. In any case where a check issued for payment of permits or other fees required by this code is returned marked "insufficient funds" or "account closed" or otherwise dishonored, the remitter of the check shall be liable for a \$30.00 return check service charge, in addition to the permit or other fee. The amount of the returned check, together with the service charge shall constitute a debt due the County, which may be collected by suit or otherwise. Nothing in this subsection shall be construed so as to exclude criminal prosecutions as in other cases involving dishonored checks. A returned check shall void and nullify any approval granted by the Fire Department until such time as a new permit application is reviewed and approved by the Fire Department. Payment of those fees shall be either by certified check or by cash.

SECTION 109, BOARD OF APPEALS is hereby deleted in its entirety and a new Section 109 is hereby adopted, which shall read as follows:

109.1 Board of Appeals established. In order to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the provisions of the I.F.C, there shall be and hereby is created a Board of Appeals consisting of six (6) members who are qualified by experience and training to pass upon pertinent matters and who are not employees of Sedgwick County or Sedgwick County Fire District One, who shall be qualified, appointed and sworn to the office before the Sedgwick County Clerk. The Board of Appeals shall be appointed by the governing body of Sedgwick County Fire District One to serve at its pleasure and each board member so appointed shall serve for a term of three (3) years. In the event of the death, resignation or disqualification of any member of the Board of Appeals, such member's successor shall be appointed as herein provided to fill only the unexpired term caused by the vacancy. The Board of Appeals shall adopt reasonable rules, procedures, and regulations for conducting its investigations and hearing appeals and the Board of Appeals shall appoint one of its members to serve as secretary whose duty shall be to keep

accurate written minutes of each meeting, and the Board of Appeals shall render all findings and decisions in writing to the Fire Chief with a duplicate copy to the applicant or appellant. The Board of Appeals members' terms in place at the time of the enactment of this Code are unaffected by said enactment.

The Board of Appeals shall consist of at least one individual from each of the following professions:

1. Registered design professional that is a registered architect with at least ten years of experience, five of which shall have been in responsible charge of work.
2. Registered design professional with structural engineering or architectural experience.
3. Registered design professional with mechanical or plumbing engineering experience; or a mechanical or plumbing contractor with at least ten years of experience, five of which shall have been in responsible charge of work.
4. Registered design professional with electrical engineering experience; or an electrical contractor with at least ten years of experience, five of which shall have been in responsible charge of work.
5. Registered design professional with fire protection engineering experience; or a fire protection contractor with at least ten years of experience, five of which shall have been in responsible charge of work.
6. Licensed General contractor with at least ten years of experience regularly engaged in the construction, alteration, maintenance, repair or remodeling of buildings or building services and systems regulated by the code.

109.1.1 Application for appeal. All appeals shall be made in writing to the Chief of the Fire Department within ten (10) calendar days of the pronouncement of the decision being appealed from, or be forever barred. Any applicant or appellant desiring to use alternate materials or types of construction shall guarantee payment of all expenses for any tests deemed necessary by the Board of Appeals. Any appeal shall be heard by the Board of Appeals not less than 30 calendar days from the date upon which the Fire Department received said applicant's or said appellant's written notification to appeal the matter.

109.2 Limitations on authority and jurisdiction. An application for appeal shall be based on a claim that the intent of this Code or the rules legally adopted thereunder has been incorrectly interpreted, the provisions of this Code do not fully apply, or an equivalent method of protection or safety is proposed. The Board shall have no authority to waive requirements of this Code. In making its decision, the Board of Appeals shall consider the degree of safety to be achieved and any resulting detriment to the public welfare, and if available, the Board of Appeals shall use established standards of nationally recognized laboratories and research organizations. The Board, in cooperation with the Fire Chief, shall make a review of the Fire Code as deemed necessary and appropriate and they shall make a report to the governing body of Sedgwick County Fire District One regarding recommendations for changes thereto.

109.3 Conflict of interest. Board members with a material or financial interest in a matter before the Board of Appeals shall declare such interest and refrain from participating in discussions, deliberations, and voting on such matters.

109.4 Appeal of Board of Appeals Decision. Within 30 days of the final decision of the Board, any person aggrieved thereby may maintain an action in the District Court of Sedgwick County to determine the reasonableness of such final decision.

SECTION 110, VIOLATIONS is hereby amended and additions shall read as follows;

110.1 Unlawful acts. Any person who shall violate any of the provisions of the I.F.C. hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Board of Appeals or by the Sedgwick County Court, within the time fixed for correction of the violation by the Board of Appeals or the Sedgwick County Court, shall be, severally for each and every such violation and noncompliance, respectively, guilty of a violation of the Sedgwick County Code, punishable by a fine according to the fine schedule in Section 8-5 of the Sedgwick County Code, which is included immediately below, along with any Special Class Violations that are specific to the Fire Code. The imposition of a 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 violations or defects. The number of the offense in the table below corresponds with the number of convictions for that specific violation, which occurred within a 12-month period.

<u>Class</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>
A	\$ 5.00	\$ 10.00	\$ 15.00
B	15.00	30.00	45.00
C	20.00	40.00	60.00
D	30.00	60.00	90.00
E	40.00	80.00	120.00
F	50.00	100.00	150.00
G	75.00	150.00	225.00
H	150.00	300.00	450.00
I	500.00		
Special Class Violations	1,000.00		

110.3.1.1 Issuance of uniform complaint and notice to appear. Whenever the Code Official or a code enforcement officer authorized under this article has probable cause to believe that a person, firm, or corporation is committing or has committed a violation of any provision of the Fire Code, the Code Official or such code enforcement officer may serve upon such accused

person a uniform complaint and notice to appear, or in the alternative, may sign a complaint against the accused person and cause a notice to appear to be issued according to the provisions of Section 8-2 of the Sedgwick County Code. Pursuant to K.S.A. 19-101d, prosecution for any such violation shall be conducted in the manner provided by law in Chapter 8 of the Sedgwick County Code. Writs or processes necessary for the prosecution of such violations shall be substantially in the form of writs and process as described in K.S.A. 19-4738 and as set forth by the Kansas Judicial Council. The County shall provide all necessary supplies, forms and records at its own expense.

110.3.3.1 Procedures. Procedures for prosecution of violations of the Fire Code and this article shall be pursuant to Chapter 8 of the Sedgwick County Code.

110.4.2 Classification of violations and schedule of fines. An accused person who has been convicted for violation of any provision of the Fire Code shall be deemed guilty of a violation thereof and in accordance with K.S.A. 19-4716, shall be subject to payment of a fine which shall be fixed by the Court; provided further, the maximum fine for any violation of this article shall be assessed according to the classification of violations and schedules of fines in Section 8-5 of the Sedgwick County Code and Section 109.1 of the Fire Code (which includes special class violations specific to the Fire Code and that are meant to supplement the table within Section 8-5 of the Sedgwick County Code) and subject to the enhancements contained therein. Every violation of this article shall be a class I violation, except that those violations separately listed in Schedules A & B of the Fire Code shall be classified as set forth in said Schedules. Violations listed in Schedule B are special class violations, which shall carry a maximum fine of \$1,000.00 each.

110.4.3 Separate Offense. With respect to violations of the Code that are continuous with respect to time, each day the violation continues is a separate offense and shall be punishable as a separate violation. Provided, however, that if any person, firm or corporation is found guilty of a violation hereunder and it shall appear to the Court that the violation complained of as prescribed in the Fire Code is continuing, then in addition to the penalty as set forth, the Court may enter such order as it deems appropriate to cause the violation to be abated.

SECTION 114, PLAN REVIEW is hereby added, establishing a system of plan review and fees for same.

114.1 Plan review mandatory. All building plans required by law to be submitted to the Metropolitan Area Building and Construction Department ("MABCD") for plan review shall also be submitted to Sedgwick County Fire District One, whenever the location of the project described in the building plans is within the taxing district boundaries of Sedgwick County Fire District Number One, or in a jurisdiction that has entered into a separate agreement with Sedgwick County Fire District One for the purpose of the Fire Department's service or review and determination whether the building plans are in compliance with the provisions of this Code. When building plans are not required to be submitted to the MABCD for plan review, but are required to be submitted to the Sedgwick County Fire District One by another building code enforcement agency, the building plans shall be submitted in such form and detail as approved by Sedgwick County Fire District One.

Exception: Building plans for projects other than roofed and walled structures built for permanent use are not required to be submitted to Sedgwick County Fire District One pursuant to this Section.

114.2 Applicant to state value of construction. The person, firm or corporation submitting the building plans shall state thereon, or on an attachment thereto, the value of the construction reflected on the plans, and by that person's, individual's or authorized corporate representative's signature thereon, shall certify that the value of construction so stated truly, accurately and within a reasonable degree of certainty describes the value of construction.

114.3 Plans and Specifications. Whenever plans are submitted in accordance with Section 114.1, An electronic set of all plans, engineering calculations, diagrams and other data shall be submitted. All plan designs and calculations concerning an automatic sprinkler system shall be submitted by individuals who comply with the licensing requirements of Section 901.3.1. Engineers and architects submitting plans shall be licensed by the State of Kansas to practice in their respective professions.

114.4 Information Required. All plans and specifications shall be drawn to scale when possible and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed. All plans and specifications shall show in detail that the proposed work conforms to the provisions of the Fire Code and all relevant laws, resolutions or ordinances, rules and regulations of the jurisdiction for which the work is conducted

114.5 Fee assessed. Sedgwick County Fire District One shall assess a plan review fee for the service, and the fee shall be based on the value of construction as certified pursuant to Section 114.2 and shall be twenty-five percent (25%) of the plan review fee assessed by the MABCD as established in the current Wichita/Sedgwick County Unified Building and Trade Codes. The MABCD shall remit twenty-five percent (25%) of the plan review fee it collects to the Sedgwick County Fire District One to satisfy this fee amount. Whenever another building code enforcement agency does not use the plan review fee schedule as established in the current Wichita/Sedgwick County Unified Building and Trade Codes, Sedgwick County Fire District One shall assess a plan review fee in accordance with Schedule C of the Fire Code, which shall be the result of multiplying the value of the construction by the applicable multiplier.

114.6 Payment of fee. The plan review fee shall be paid by the person, individual or corporation submitting the building plans by cash, personal check, cashier's check, debit/credit card or money order made payable to Sedgwick County Fire District One and shall be paid at the time the building plans are delivered to Sedgwick County Fire District One. The plan review fee due to the Sedgwick County Fire District One may be included in the payment of fees due to the MABCD for the purpose of presenting only one check for payment thereof. MABCD shall deposit the appropriate amount of the plan review fee into the account of Sedgwick County Fire District Number One, as payment is received.

114.7 Payment of fee required prior to plan review. The plan review required in Section 112.1 shall not be completed until the required plan review fee has been paid.

114.8 Plan review required. It shall be unlawful for a person to proceed with construction until building plans have been approved by the Sedgwick County Fire District One, whenever such plan review is required by the Fire Code.

114.9 Dishonored checks. In any case where a check issued for payment of plan review fees is returned marked "insufficient funds" or "account closed" or otherwise dishonored, the remitter of the check shall be liable for a \$30.00 return check charge, in addition to the plan review fee. The amount of the returned check, together with the service charge shall constitute a debt due the county, which may be collected by suit or otherwise. Nothing in this subsection shall be construed so as to exclude criminal prosecutions as in other cases involving dishonored checks.

SECTION 302.1, DEFINITIONS is hereby amended as follows:

AERIAL LUMINARY. Commonly known as a sky lantern or a floating lantern, an aerial luminary refers to an airborne paper object containing a device for fuel that heats air from the inside causing it to rise into the air and remain airborne until extinguished, or any other unmanned free floating device which includes a flame or other heating device to heat air as a lifting mechanism.

BONFIRE. An outdoor fire utilized for ceremonial purposes, which does not meet the criteria for a recreational fire. A burn permit is required for a bonfire.

SECTION 304, COMBUSTIBLE WASTE MATERIAL is hereby amended as follows:

304.3.2 Capacity exceeding 7.33 cubic feet. Containers with a capacity exceeding 7.33 cubic feet (55 gallons) shall be provided with screen/spark arrester with maximum one quarter inch openings. Containers and screens shall be constructed of noncombustible materials.

SECTION 307, OPEN BURNING AND RECREATIONAL FIRES AND PORTABLE OUTDOOR FIREPLACES is hereby amended as follows:

307.2 Permit required. A permit shall be obtained from Sedgwick County Fire District One in accordance with Section 105.6.32 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, a bonfire, or any open burning. Application for such approval shall only be presented by and permits shall only be issued to the owner of the land upon which the fire is to be kindled, or said owner's designee. The individual that applies for a permit must be at least 18 years old. Any fire for which a permit is required by this Section must be tended to by an individual not less than 18 years old and of suitable intelligence. Instructions and stipulations indicated on the permit shall be adhered to. Permits can be obtained online or at any Sedgwick County Fire District One fire station. Any burning operation that does not fit the standard burn permit requirements must be approved by the Sedgwick County Fire Marshal's office prior to burning.

307.4 Location. Open burning shall not be conducted within 100 feet of any structure or other combustible material. Conditions which could cause the fire to spread to within 100 feet of a structure shall be eliminated prior to ignition.

307.4.1 Bonfires. A bonfire shall not be conducted within 100 feet of a structure or combustible material unless the bonfire is contained in a barbecue pit. Conditions that could cause a fire to spread within 100 feet of a structure shall be eliminated prior to ignition.

307.6 Illegal Materials. Burning of any heavy smoke-producing material is strictly prohibited. Pursuant to Kansas Administrative Regulation 28-19-647(e)(2) and this Section, burning of tires, pallets, railroad or bridge lumber, any treated lumber, plastics or rubber is considered to be the burning of heavy smoke-producing material. When burning wood products, only wood which has not been painted, cleaned, stained, and is not or has not been furniture, may be burned.

SECTION 308, OPEN FLAMES is hereby amended by adding new Section 308.3.3

308.3.3 Aerial luminaries. It shall be unlawful to sell, ignite, possess or otherwise use an aerial luminary, also known by the name sky lantern.

SECTION 311, VACANT PREMISES is hereby amended as follows:

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

SECTION 503, FIRE APPARATUS ACCESS ROADS is hereby amended as follows:

503.1 Where required. Fire apparatus access to single family, agriculture or accessory structures shall be provided and maintained in accordance with the current Sedgwick County Service Drive Code, located within Chapter 12, Article III of the Sedgwick County Code. In all other cases, fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3.

SECTION 507, FIRE PROTECTION WATER SUPPLIES Section 507.5.1.1 is amended and shall read as follows:

507.5.1.1 Hydrant for standpipe systems. Buildings equipped with a standpipe system installed in accordance with Section 905 shall have a fire hydrant within 150 feet of the Fire Department connection.

Exception: The distance shall be permitted to exceed the 150 feet where approved by the Fire Code Official.

SECTION 603, FUEL-FIRED APPLIANCES is hereby amended as follows:

603.8.3 Restrictions. Use of free-standing incinerators is prohibited, except that the occupant of a single family dwelling may burn only the combustible residential trash of the occupant of such single family dwelling in a free-standing incinerator of a design that is in accordance with specifications provided by Sedgwick County Fire District One and provided further that such free-standing incinerator is located and operated at least one hundred feet (100') from any dwelling, structure, or building, whether occupied or not, and ten feet (10') from any property line. Free-standing incinerator operations shall not be conducted on a parcel of land less than 5 acres unless owner has obtained prior approval from the Fire Code Official.

603.8.4 Time of burning. Burning of residential trash shall only be conducted one hour after sunrise to one hour before sunset.

SECTION 607, COMMERCIAL KITCHEN HOODS is hereby amended as follows:

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

607.2.1 Domestic cooking appliances used for noncommercial purposes may be permitted. These noncommercial domestic cooking appliances shall be equipped with an exhaust hood with a fire suppression system.

SECTION 901, FIRE PROTECTION AND LIFE SAFETY SYSTEMS

901.3.1 Authorized Installers. No person or business entity shall install any system regulated by this section unless said person or business entity is a licensed fire protection contractor who has passed an appropriate examination. The International Code Council test for general contractors in the state of Kansas located at 5360 S Workman Mill Road, Whittier, California 90601, and the "Block Test" administered by Experior, 2100 NW 53rd Avenue, Gainesville, Florida 32653-2149, are designated as the standard examinations for determining the qualifications of persons seeking licensure.

901.6.1.1 Authorized Inspectors, test and maintenance personnel. No person or business entity shall inspect, test or maintain any system regulated by this section unless said person or business entity is a licensed fire protection contractor who has passed an appropriate examination. The International Code Council test for general contractors in the state of Kansas located at 5360 S Workman Mill Road, Whittier, California 90601 and the "Block Test" administered by Experior, 2100 NW 53rd Avenue, Gainesville, Florida 32653-2149, are designated as the standard examinations for determining the qualifications of persons seeking licensure.

SECTION 903, AUTOMATIC SPRINKLER SYSTEMS is hereby amended as follows:

Section 903, Automatic Sprinkler Systems is further amended with the editing of Sections 903.2.1.2, 903.2.8, 903.2.11.1.1, 903.2.11.3 and 903.3.7, which shall read as follows:

903.2.1.2 Group A-2. *An automatic sprinkler system shall be provided throughout stories containing Group A-2 occupancies and throughout all stories from the Group A-02 occupancy to and including the level of exit discharge serving that occupancy where one of the following conditions exists:*

- 1.** *The fire area exceeds 5,000 square feet (464 m²).*
- 2.** *The fire area has an occupant load of 100 or more.*

Exception: the fire area occupant load may go to 299 people if a 3rd exit or fire alarm is added that is approved by the Fire Code Official or the Building Official or duly authorized representative.

- 3.** *The fire area is located on a floor other than a level of discharge serving such occupancies.*

903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

Exception: Automatic sprinkler systems are not required when K.S.A. 12-16,219 applies. ("Residential structure" referring to a single-family dwelling or multi-family dwelling of two attached living units or less or any manufactured home.)

903.2.11.1.1 Opening dimensions and access. Openings shall have a minimum dimension of not less than 30 inches (762 mm) in width and 48 inches (1219 mm) in height. Such openings shall be accessible to the Fire Department from the exterior and shall not be obstructed in a manner that firefighting or rescue cannot be accomplished from the exterior.

903.2.11.3 Buildings of 30 feet or more in height. An automatic sprinkler system shall be installed throughout buildings with a floor level having an occupant load of 30 or more that is located 30 feet or more above the lowest level of fire department vehicle access.

Exceptions:

- 1.** Airport control towers.
- 2.** Open parking structure.
- 3.** Occupancies in Group F-2.

SECTION 904, ALTERNATIVE AUTOMATIC FIRE-EXTINGUISHING SYSTEMS

Section 904 is amended by adding new Section 904.12.5.4, which shall read as follows:

904.12.5.4 Inspection and cleaning. The entire exhaust system, including hoods, grease-removal devices, fans, ducts and other appurtenances, shall be inspected in accordance with the schedule set forth in Table 904.12.5.4. Inspections shall be recorded on an inspection card permanently attached to the system, and the record shall state the time and date of inspection. Upon inspection, if found to be contaminated with deposits from grease-laden vapors, the entire exhaust system shall be cleaned in accordance with this section and N.F.P.A. 96 by a qualified kitchen exhaust system cleaner. The cleaning shall meet the following requirements:

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

13. Certificates of inspection and cleaning shall be maintained on the premises and are subject to inspection during regular business hours by the Sedgwick County Fire Department.

Table 904.12.5.4
EXHAUST SYSTEM CLEANING SCHEDULE

TYPE OR VOLUME OF COOKING FREQUENCY	FREQUENCY
Systems serving solid fuel cooking operations.	Monthly
Systems serving high-volume cooking operations such as 24-hour cooking, charbroiling, or wok cooking.	Quarterly
Systems serving moderate-volume cooking operations.	Semi-annually
Systems serving low-volume cooking operations, such as churches, day camps, seasonal businesses, or senior centers.	Annually

SECTION 905, STANDPIPE SYSTEMS, Section 905 is amended and shall read as follows:

Section 905.3.1 Height. Class III standpipe systems shall be installed throughout buildings where the floor level of the highest story is located more than 20 feet above the lowest level of the Fire Department vehicle access, or where the floor level of the lowest story is located more than 20 feet below the highest level of Fire Department access.

Exceptions 1-7 will remain unaltered.

SECTION 912, FIRE DEPARTMENT CONNECTION

Section 912.2.1.1 is hereby created and shall read as follows:

912.2.1.1 Horn/Strobe Device. A horn/strobe device shall be installed directly above the Fire Department connection and shall activate in conjunction with the fire alarm system.

912.2.3 Fire department connections. The maximum distance shall be 150 feet (45 720 mm) from a fire hydrant. The required hydrant shall be no closer than 40 feet (12 192 mm) to the structure. A horn and strobe will be located above the FDC. Any variances to this requirement shall be approved by the Code Official.

SECTION 1010, DOORS, GATES, AND TURNSTILES 1010.1.9.4.1 is hereby created, and shall read as follows:

1010.1.9.4.1 Unapproved hardware. Any hardware added to a door, gate or turnstile that prevents or alters the intended operation of the door, gate or turnstile shall not be permitted.

SECTION 3108, USE AND OCCUPANCY-RELATED REQUIREMENTS

Section 3108 is created by adding new Section 3108.12, which shall read as follows:

3108.12 Special amusement operations. Special Amusement operations shall comply with the requirements of Sections 3101 through 3108, and the following additional requirements:

Exception: Amusement buildings or portions thereof that are without walls or a roof and constructed to prevent the accumulation of smoke.

3108.12.1 Special amusement building. A special amusement building is any temporary or permanent building, or portion thereof, that is occupied for amusement, entertainment or educational purposes, and that contains a device or system that conveys passengers or provides a walkway along, around or over a course in any direction so arranged that the means of egress path is not readily apparent due to visual or audio distractions or is intentionally confounded or is not readily available because of the nature of the attraction or mode of conveyance through the building or structure. This term shall include any structure, facility or area or any part thereof operated as a special amusement operation, haunted house, fun house, spook house, haunted cave or mansion, spook walk, haunted forest, whether or not such operation or use is for profit.

3108.12.2 Automatic fire detection. Special amusement buildings shall be equipped with an automatic fire detection system in accordance with Section 907.

3108.12.3 Automatic sprinklers. Special amusement buildings shall be equipped throughout with an automatic sprinkler system in accordance with Section 903.

Exception: Automatic fire sprinklers are not required where the total floor area of a temporary special amusement building is less than 1,000 square feet (93 m²) and the travel distance from any point to an exit is less than 50 feet (15 240 mm).

3108.12.4 Alarm. Actuation of a single smoke detector, the automatic sprinkler system or other automatic fire detection device shall immediately sound an alarm at the building at a

constantly attended location from which emergency action can be initiated including the capability of manual initiation of requirements in Section 907.

3108.12.5 Emergency voice/alarm communications system. An emergency voice/alarm communications system shall be provided in accordance with Section 907, which is also permitted to serve as a public address system and shall be audible throughout the entire special amusement building.

3108.12.6 Exit marking. Exit signs shall be installed at amusement building required exit or exit access doorways. Approved directional exit markings shall also be provided. Where mirrors, mazes or other designs are utilized that disguise the path of egress travel such that they are not apparent, approved low-level exit signs and directional path markings shall be provided and located not more than 8 inches (203 mm) above the walking surface and on or near the path of egress travel. Such markings shall become visible in an emergency. The directional exit marking shall be activated by the automatic fire detection system and the automatic sprinkler system in accordance with Section 907.2.11.2.

3108.12.7 Interior finish. The interior finish shall be Class A in accordance with Section 803.1.

3108.12.8 General requirements. When the maze concept is used, there shall be no dead-end corridors and there shall be an obvious exit out of the maze every twenty feet (20') of linear travel. All stairways shall be illuminated at a level of at least one foot-candle.

3108.12.8.1 Groups of children age 12 and under must be accompanied or supervised by a staff person who is 18 years of age or older. Such groups shall consist of not more than 20 persons. The staff person must have in his/her possession an operable flashlight and shall be completely familiar with the special amusement operation or other similar installation.

3108.12.8.2 There shall be no smoking allowed at any time by anyone inside the special amusement operation or other similar installation. No smoking signs shall be posted.

3108.12.8.3 All electrical installations shall meet the requirements of the ICC Electrical Code.

3108.12.8.4 Sedgwick County Fire District One shall be contacted prior to the operation of the special amusement operation or other similar installation for an inspection and planning of evacuation procedures. A plan shall be provided to the Sedgwick County Fire District One to accommodate these procedures, which shall show all entries and exits

3108.12.8.5 The total number of occupants at any time shall be limited to the number allowed by the Sedgwick County Fire District One after the inspection has been performed.

3108.12.8.6 There shall be no open flame devices or temporary heaters used.

3108.12.8.7 Emergency lighting shall be provided.

3108.12.8.8 Tunnels shall not be lower than three feet (3'), or longer than four feet (4') with a removable lid.

3108.12.8.9 Parking shall not limit access to emergency apparatus.

3108.12.8.10 A telephone shall be installed for emergency use, unless an exception is granted by Sedgwick County Fire District One for the use of a mobile phone.

3108.12.8.11 The use of Visquene plastic sheeting or other black plastic sheeting shall be strictly prohibited.

SECTION 5006, HAZARDOUS MATERIALS-UNATTENDED PARKING OF VEHICLES, is hereby created, and shall read as follows:

5006.1 Unattended Parking. No operator of a commercial delivery vehicle such as a box van, bob tail, truck trailer or tank truck containing products classified by federal, state or local regulatory agencies as hazardous materials, including but not limited to explosives and blasting agents, compressed gases, flammable and combustible liquids, flammable solids, oxidizers, organic peroxides, pyrophoric material, unstable reactive materials, water reactive materials, cryogenic fluids, highly toxic and toxic materials, radioactive materials, corrosives, health and biomedical hazards and irritating materials, shall park or leave such vehicle unattended on any street, highway, avenue or alley within five hundred feet (500') of any residential area, apartment or hotel complex or educational, hospital or health care facility at any time, or at any other place that would, in the opinion of the Chief of the Fire Department, present a life or property hazard

EXCEPTIONS: This shall not prohibit parking or absence of the operator, (1) in connection with loading or unloading, (2) for meals during the day or night if the street is well lit at the place of parking, and (3) for the purpose of securing assistance in case of emergency.

SECTION 5601, EXPLOSIVES & FIREWORKS- GENERAL is hereby amended as follows:

Section 5601.1.3 Fireworks, is hereby deleted in its entirety and a new Section 5601.1.3 is hereby adopted, which shall read as follows:

Section 5601.1.3 Fireworks. No person shall possess, manufacture, store, offer or expose for retail sale, use, discharge, explode, or handle fireworks.

Exceptions:

1. Storage and handling of fireworks as permitted by Sections 5604 and 5609.

2. Manufacture, assembly and testing of fireworks as allowed by 5605.
3. The use of fireworks for display as permitted by the 2018 International Fire Code, Section 5608.
4. The possession, storage, sale, handling and usage of specific types of Division 1.4G fireworks where allowed by applicable laws, ordinances and regulations, provided such fireworks comply with NFPA 1124, CPSC 16 CFR Parts 1500 and 1507, and DOTn 49 CFR Parts 100-185, for consumer fireworks.
5. The "Section 5610, Specific Exceptions" included within this Article.

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 \$1,000,000.00 or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property, which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The 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. Said bond or certificate of insurance shall name as additional insureds the Board of County Commissioners of Sedgwick County, Kansas, Sedgwick County Fire District One, their agents, officers, and employees. Any display on property not owned by Sedgwick County shall also include that facility, location, and/or property owner as an additional insured.

5601.4 Qualifications. Persons in charge of magazines, blasting, fireworks display, or pyrotechnic special effect operations shall provide proof of licensure by the State of Kansas and comply with NFPA 495 (Kansas edition), 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.

SECTION 5608, FIREWORKS DISPLAY is hereby amended as follows:

5608.2.1 Outdoor Displays. A permit for an outdoor pyrotechnic display shall be granted only to a licensed pyrotechnic operator. Permit applications shall be submitted only by a licensed pyrotechnic operator, and shall be made no less than 10 days prior to the scheduled date of the display. Applications submitted less than 10 days prior to the scheduled date of display may be accepted at the discretion of the Code Official. No permit shall be submitted more than 60 days prior to the scheduled date of the display unless a signed contract for such display is in the applicant's possession and presented at the time of application. In addition to the requirements of Section 403, the permit application shall include a diagram of the grounds on

which the display is to be held showing the point which the fireworks are to be discharged; the locations of buildings, highways and other lines of communication; the lines behind which the audience is to be restrained; and the location of nearby trees, telegraph or telephone lines and other overhead obstructions. No permit shall be transferable. Permits shall be issued by Sedgwick County Fire District One. The permit fee to engage in a public display of fireworks shall be \$100.00 per event, except that the permit fee shall increase by \$25.00 for each day the application is submitted less than the 10 days as set forth above.

Section 5608.2 is further amended by adding new Sections 5608.2.3 and 5608.2.4, which shall read as follows:

5608.2.3 Indoor Displays. A permit for an indoor pyrotechnic display shall be granted only to a licensed pyrotechnic operator. Permit applications shall be made not less than 10 days prior to the scheduled use or date of the display. Applications submitted less than 10 days prior to the scheduled date of display may be accepted at the discretion of the Code Official. No permit shall be submitted more than 60 days prior to the scheduled date of a use or display unless a signed contract for such display is in the applicant's possession and presented at the time of application. The permit application shall include a diagram of the location and a plan for the use of the pyrotechnic material. At the time of the permit application, the Code Official shall be consulted regarding requirements for standby fire personnel. After the permit has been issued, possession, storage and use of pyrotechnic material for the purpose indicated in the plan at the location shown shall be lawful for that purpose only. No permit shall be transferable. Permits shall be issued by the Sedgwick County Fire District One. The permit fee to engage in an indoor pyrotechnic display shall be \$100.00 per event, except that the permit fee shall increase by \$25.00 for each day the application is submitted less than the 10 days as set forth above.

5608.2.4 Fireworks display permits. All fireworks display permits are required to be in the possession of the licensed pyrotechnic operator of the display at the time of the display, and are not transferable to any other person or location.

Section 5610, CONSUMER FIREWORKS, is hereby created and shall read as follows:

Section 5610 is hereby adopted, which shall read as follows:

5610.1 Sale of Fireworks Prohibited. Retail sale of fireworks, Consumer Fireworks (1.4G) within the confines of the unincorporated area of Sedgwick County, Kansas is prohibited. This shall not apply to municipalities within the confines of Sedgwick County that have authorized such sales by ordinance.

5610.2 Retail display and sale. Fireworks displayed for retail sale, where allowed by applicable municipal ordinances, shall be provided with a minimum of one (1) pressurized-water portable fire extinguisher complying with Section 906 shall be located not more than fifteen (15) feet (4572 mm) and not less than ten (10) feet (3048 mm) from

the hazard. "No Smoking" signs complying with Section 310 shall be conspicuously posted in areas where fireworks are stored or displayed for retail sale.

5610.3 Distributors. A distributor of fireworks shall not sell, or otherwise exchange by any means, fireworks within the county, except to a person who exhibits a current fireworks display permit granted by Sedgwick County Fire District One for a supervised public display of fireworks or to a person who exhibits a current fireworks display permit granted by a municipality located within the county for a fireworks display within that municipality if such fireworks display permit is required by that municipality.

5610.4 Business Operations. Persons, corporations, partnerships or other entities engaged in the business of manufacture, storage and sale at wholesale of fireworks shall be permitted to manufacture, to possess, to store and to offer for bona fide sale at wholesale to a bona fide purchaser at wholesale who is regularly engaged in the business of selling fireworks, any fireworks, provided that it shall be the duty of such person, corporation, partnership or other entity engaged in the business of manufacture, storage or sale at wholesale of fireworks to ascertain with reasonable certainty that the purchaser of such fireworks is a bona fide purchaser at wholesale and is regularly engaged in the business of selling fireworks. Such determination shall be ascertained after requiring and recording the name and address of the purchaser, proof of the purchaser's state sales tax number and a list of outlets at which the purchaser will sell such fireworks at retail.

5610.5 Unlawful Acts. It shall be unlawful for any person to use, utilize or occupy any structure, building, part thereof or appurtenance thereto, to manufacture, store, offer for sale at wholesale, expose for sale at wholesale or sell at wholesale any fireworks without a permit for such use, utilization or occupancy issued by Sedgwick County Fire District One. No such permit shall be issued unless and until each structure, building, part thereof or appurtenance thereto shall have been inspected by Sedgwick County Fire District One and each are determined to be suitable for such occupancy pursuant to the I.F.C. Each structure, building, part thereof or appurtenance thereto shall be required to have a permit. Permits issued in accordance with this provision or its predecessor provision shall be valid for one (1) year from the date of issuance, at which time said permit(s) shall expire and such structure, building, part thereof or appurtenance thereto shall again be subject to passing such inspection before a new permit may be issued and such use, utilization or occupancy continued. No such permit shall be issued prior to payment by the owner or occupant of such premises of a permit fee in accordance with Table 105.1.4. Application for a permit shall be made at least fourteen (14) days prior to time it is required hereunder.

5610.6 Illegal discharge. A person shall not, at any time, ignite or discharge fireworks within 1,000 feet of any hospital, sanitarium, infirmary, retirement or nursing home, wildlife reserves, parks or zoo; into, under or on a car, vehicle, motorcycle, or other means of transportation, whether moving or standing still; or on a public road or the

right-of-way adjoining a public roadway. Fireworks shall not be discharged within 100 feet of any facility where fireworks are stored.

5610.7 *Illegal possession of fireworks.* No person shall possess Consumer Fireworks (1.4G) except as provided for during the time period established in Section 5610, Exceptions.

5610.8 *Seizure of fireworks.* Fireworks which are illegally offered, used, discharged, possessed or transported in violation of the provisions of this code shall be subject to seizure by the Fire Marshal or designee, and/or any Sedgwick County Sheriff Officer. Seizure of said fireworks is at the discretion of the Fire Marshal, the Fire Marshal's designee, and/or any Sedgwick County Sheriff Officer.

5610.9 *Disposition of seized fireworks.* Fireworks seized under this section may be disposed of by summary destruction at any time subsequent to 15 days from the seizure of the fireworks, unless a petition is filed by the owner thereof under Section 5610.9.1.

5610.9.1 *Petition by owner for possession.*

1. Any person whose fireworks are seized under the provisions of this code may, within 10 days after the seizure, submit a written petition to the Sedgwick County Court by filing the petition with the County Court Clerk, upon the grounds that the fireworks were illegally or erroneously seized. Upon the filing of the petition, the County Court Clerk shall set a hearing date on the regular court calendar and notify any involved local fire or law enforcement agency. The proper filing of the petition shall stay the disposal of the fireworks until the County Court enters a final order, unless a timely appeal is taken thereafter, then disposal shall not occur until a final judgment is rendered.
2. If any petition filed requests a hearing, the County Court Judge shall hear the person on the scheduled court date. The County Court Clerk shall give written notice of the hearing to the petitioner by regular US mail. The hearing shall be held in accordance with the Sedgwick County Code and K.S.A. 19-4723. The Court shall rule upon the petition after completion of the hearing.
3. If the petitioner fails to appear at the date and time set for the hearing, the fireworks seized shall be forthwith disposed of in the manner determined by the Fire Marshal or designee.

4. The County Court may order the fireworks seized under these regulations disposed of, or, if illegally or erroneously seized, returned to the petitioner.
5. The judgment of the County Court may be appealed to the District Court in the same manner as allowed by K.S.A. 19-4737.

Section 5610, Specific Exceptions: Possession and proper discharge allowed.

1. Beginning 8:00 a.m. (0800) on June 27th and ending 12:00 a.m. (0000), midnight, July 5th, the possession of Consumer Fireworks (1.4G) shall be allowed, unless otherwise restricted by this code.
2. Beginning at 8:00 a.m. (0800) and ending at 12:00 a.m. (0000), midnight, on July 1, 2, 3 and 4th, the discharge of Consumer Fireworks (1.4G) shall be allowed, unless otherwise restricted by the code. In the event the Fourth of July Federal Holiday falls on July 5th of any particular year, the discharge of Consumer Fireworks (1.4G) shall be allowed one additional day, beginning at 8:00 a.m. (0800) and ending 12:00 a.m. (0000), midnight on July 5th.
3. Discharge of Consumer Fireworks (1.4G) is allowed on private or residential property located within the unincorporated area of Sedgwick County during the dates and time established herein. and only with permission of any person or entity having an ownership interest therein. An adult residing on the property or having an ownership interest therein shall supervise the use, explosion and/or discharge of fireworks on such property.
4. Discharge, explosion or use of fireworks of any kind shall not be allowed upon any public road, street, highway, avenue or alley or in any public

park or public place within unincorporated Sedgwick County, unless expressly approved in writing by the Sedgwick County Board of County Commissioners. Discharge, explosion or use of fireworks on any property owned by Sedgwick County shall not be allowed, unless expressly approved in writing by the Sedgwick County Board of County Commissioners.

SECTION B105, FIRE-FLOW REQUIREMENTS FOR BUILDINGS (APPENDIX B) is hereby amended as follows:

Section B.105.1 is hereby deleted in its entirety.

B.105.2 Buildings other than one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses. The minimum fire flow and flow duration for buildings other than one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses shall be as specified in Table B105.2 and B105.1 (2).

SECTION C102, LOCATION (APPENDIX C) is hereby amended as follows:

C102.1 Number of Fire hydrant. The number of fire hydrants available to a building shall be not less than the minimum specified in Table C102.1

Exception: In those areas not served by a municipal or rural water supply system, alternate means of fire protection may be considered by the Code Official.

SECTION D101, GENERAL (APPENDIX D) is hereby amended as follows:

D101.1 Scope. Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the International Fire Code. Access to single-family residences, agriculture or accessory structures shall be in compliance with the current Sedgwick County Service Drive Code, located within Chapter 12, Article III of the Sedgwick County Code.

SECTION D107, ONE- OR TWO-FAMILY RESIDENTIAL DEVELOPMENTS (APPENDIX D)

Section D.107.1 is hereby amended by deleting Exception 1.

Schedule A
(to Sedgwick County Fire Code, 2019 Edition – Adopting the 2018 IFC as Amended)

Adopted by Resolution No. _____ -18

CLASSIFICATION OF VIOLATIONS

Section	Description of Violation	Class
105.3.1	Use permit after expiration	H
105.3.5	Fail to post required permit	H
107.2	Fail to have required equipment tested	H
304.1	Allow combustible waste to accumulate which creates a fire hazard	H
304.1.3	Allow combustible waste storage underneath seats	H
307.2	Permit required. Fail to obtain burn permit	H
307.4	Burn at an unapproved location. 100' from structures or 10' from property lines	H
307.5	Attendance. Leave fire unattended	H
310.4	Remove or tamper with no smoking sign	H
310.5	Fail to comply with no smoking sign	H
311.2.1	Fail to secure and protect vacant premises	H
505.1	Fail to properly identify building address (4' x 1/2" numbers)	H
603.8.1	Residential incinerators. (approved type only)	H
603.8.2	Spark arrestor. (approved type only)	H
603.8.3	Restrictions. Distance from structures 100', property lines 10' and minimum of five acres to conduct the operation.	H
603.8.4	Time of burning. (one hour after sunrise until one hour before sunset)	H
605.3	Working space and clearance around electrical panels.	H
605.5	Extension cords and flexible cords shall not be a substitute for permanent wiring	H
605.6	Unapproved conditions. Open junction boxes and open wire-splices shall be prohibited	H
906.2	Annual servicing. Maintain portable fire extinguishers	H
906.7	Portable fire extinguishers shall be installed on the hangers or brackets supplied	H

Schedule B
(to Sedgwick County Fire Code, 2019 Edition– Adopting the 2018 IFC as Amended)

Adopted by Resolution No. _____-18

CLASSIFICATION OF VIOLATIONS

***The violations listed below are special class violations. Violations of these code sections shall carry a fine of \$1,000.00 each.**

Section	Description of Violation	Class
102.3	Change use of building	*
104.3	Deny right of entry	*
104.11	Fail to comply with fire department authority	*
104.11.2	Obstruct firefighting operations	*
104.11.3	Render system or device inoperable during an emergency	*
105.3.3	Occupancy prohibited before approval	*
107.4	Render portable or fixed fire extinguishing system, device or fire warning system inoperable or inaccessible	*
107.5	Allow a building or portion thereof to be overcrowded beyond the approved capacity	*
110.1	Fail to comply with notice on unsafe building	*
110.1.1	Allow unsafe condition to remain	*
110.2	Fail to evacuate building or structure as directed	*
110.4	Fail to abate unsafe condition	*
111.4	Fail to comply with work stop order	*
305.4	Cause the burning of combustible material in a manner to endanger the safety of persons or property	*
307.1.1	Burning during a burn ban	*
308.3.9	Aerial luminaries	*
401.3.1	Fail to report unwanted fire emergency to the fire department	*
401.3.2	Fail to notify fire department of a fire alarm activation	*
401.3.3	Delay notification by written or verbal directive	*
401.5	Making a false report	*
403.1	Fail to provide fire watch personnel	*
407.3	Fail to properly identify hazardous materials	*
408.12.2	Fail to provide required fire detection in an amusement building	*
408.12.3	Fail to provide required automatic sprinklers in an amusement building	*
408.12.4	Fail to provided required fire alarm in an amusement building	*
408.12.8.3	Fail to contact the fire department prior to the operation of an amusement building	*
408.12.8.6	Allow an open flame device or temporary heater in an amusement building	*
408.12.8.11	Use visquene plastic or other black plastic sheeting in an amusement building	*
604.3	Fail to maintain emergency and standby power systems	*

901.6	Fail to maintain fire detection, alarm, or extinguishing system in an operative condition at all times	*
901.6.7	Fail to notify fire department of a fire systems being out of service	*
901.8	Removal of or tampering. Hydrants, detection, alarms, suppression systems.	*
901.8.1	Remove, tamper or otherwise disturb any lock, gate, barricade, sign, tag or seal installed by or at the direction of the fire department	*
903.4	Fail to electronically supervise sprinkler system, pump, tank, or water flow device in an approved manner	*
Chapter 10	MEANS OF EGRESS—Chapter 10. All violations occurring within Chapter 10, shall be considered <i>Special Class Violations</i> .	*
Part IV	Special Occupancies and Operations—Chapters 20 through 36. All violations occurring within chapters 20 – 36, shall be considered <i>Special Class Violations</i> .	*
Part V	HAZARDOUS MATERIALS-- Chapters 50 through 67. All violations occurring within chapters 50 – 67, shall be considered <i>Special Class Violations</i> .	*

Schedule C
(to Sedgwick County Fire Code, 2019 Edition– Adopting the 2018 IFC as Amended)

Adopted by Resolution No. _____-18

The plan review fee required by Section 114.5 of this resolution shall be determined by multiplying the value of the construction by the applicable multiplier as set forth in the below schedule.

SCFD PLAN REVIEW FEE SCHEDULE

Valuation			Multiplier
\$0.00	to	\$50,000.00	0.0015*
\$50,001.00	to	\$100,000.00	0.0012
\$100,001.00	to	\$150,000.00	0.00098
\$150,001.00	to	\$200,000.00	0.000975
\$200,001.00	to	\$300,000.00	0.00082
\$300,001.00	to	\$400,000.00	0.000785
\$400,001.00	to	\$500,000.00	0.00075
\$500,001.00	to	\$600,000.00	0.00072
\$600,001.00	to	\$700,000.00	0.0007
\$700,001.00	to	\$800,000.00	0.00068
\$800,001.00	to	\$900,000.00	0.00067
\$900,001.00	to	\$1,000,000.00	0.00065
\$1,000,001.00	to	\$2,000,000.00	0.00063
\$2,000,000.00 +			0.0006

*minimum charge \$50.00