

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:

PETER F. MEITZNER

AYE

MICHAEL B. O'DONNELL, II
DAVID T. DENNIS
LACEY D. CRUSE
JAMES M. HOWELL

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DATED this 2nd day of October, 2019.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

David T. Dennis
Chairman
Commissioner - Third District

ATTEST:

APPROVED AS TO FORM:

Kelly B. Arnold
County Clerk

Kevin T. Stamper
Assistant County Counselor