

**MERRIAM CITY COUNCIL AGENDA**  
**CITY HALL**  
**9001 WEST 62<sup>ND</sup> STREET**  
**October 26, 2020**  
**7:00 P.M.**  
**This is a virtual meeting.**  
**The public may participate by joining the meeting at:**

<https://us02web.zoom.us/j/82466777479?pwd=YXVFY2RjVDdZSkgxUG1taUlZMIJJZ09>

1-929-205-6099

Webinar ID: 824 6677 7479

Passcode: 204680

If you require any accommodation (i.e. qualified interpreter, large print, reader, hearing assistance) in order to attend this meeting, please notify the Administrative Office at 913-322-5500 no later than 24 hours prior to the beginning of the meeting.

**I. CALL TO ORDER - PLEDGE OF ALLEGIANCE**

**II. ROLL CALL**

**III. PUBLIC ITEMS**

In response to COVID-19 and remote City Council meetings, the public comment process that normally occurs during the City Council meeting has temporarily changed. Members of the public are still encouraged to share comments about matters that may or may not appear on the agenda by the following process below:

Submit public comment to the City Clerk at [jpinnick@merriam.org](mailto:jpinnick@merriam.org) by 6 p.m. on the date of the meeting; comments are limited to 500 words; must include "Public Comment" in the subject line; commenters must include their name and their address. Late submissions, submissions without "Public Comment" in the subject line; and comments without name and address will not be read into the public record. In accordance with the *Governing Body Rules of Procedure*, the City reserves the right to refuse Public Comments that are personal, impertinent or slanderous.

**IV. CONSENT AGENDA**

All items listed under the heading are considered to be routine by the City Council and may be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which case that item will be removed from the Consent Agenda and considered separate.

1. Consider approval of the minutes of the City Council meeting held October 12, 2020.
2. Consider approval of the 2021 Official City Holidays.

3. Authorize final payment to Mayer Specialty Services, LLC for the repairs to damaged corrugated metal pipe (CMP) on 55<sup>th</sup> St East of Switzer.
4. Confirm the appointment of a representative and alternate to the Johnson County Stormwater Management Council (SMAC).

## **V. MAYOR'S REPORT**

1. Confirm the appointment of Anthony Scott (W1) to the Parks and Recreation Advisory Board for the term expiring December 31, 2021.

## **VI. COUNCIL ITEMS**

1. Consider approval of an ordinance adopting the 2018 Building and Fire Codes (first reading)
2. Monthly Finance Report. (September)
3. Community Development Update.

## **VII. STAFF ITEMS**

## **VIII. EXECUTIVE SESSION**

## **IX. ADJOURNMENT**

Respectfully submitted,

*Juliana Pinnick*

City Clerk

**MERRIAM CITY COUNCIL MINUTES  
CITY HALL  
9001 WEST 62<sup>ND</sup> STREET  
October 12, 2020  
7:00 P.M.**

**This was a virtual meeting via Zoom.**

**I. CALL TO ORDER**

Mayor Ken Sissom called the meeting to order at 7:00 P.M.

**II. ROLL CALL**

The following Councilmembers were present via Zoom meeting:

Scott Diebold  
Chris Evans Hands  
Bruce Kaldahl  
Brian Knaff  
David Neal  
Bob Pape  
Jason Silvers  
Whitney Yadrich

Staff present via Zoom meeting: Chris Engel, City Administrator; Ryan Denk, City Attorney; Meredith Hauck, Assistant City Administrator; Jim MacDonald, Public Works Director; Jenna Gant, Communication and Public Engagement Manager; Bryan Dyer, Community Development Director; Donna Oliver, Finance Director; and Juli Pinnick, City Clerk.

**I. PUBLIC ITEMS**

In response to COVID-19-19, public comment that normally occurs during the City Council meeting has been temporarily suspended. Members of the public are still

encouraged to share comments about matters that may or may not appear on the agenda. Public Comments are limited to five (5) minutes or a maximum of 850 words for written submissions.

**Please note: Public Comments will only be taken *via email* to the City Clerk at [jpinnick@merriam.org](mailto:jpinnick@merriam.org) prior to 6:00pm on the date of the meeting. In accordance with the Governing Body Rules of Procedure, the City reserves the right to refuse Public Comments that are personal, impertinent or slanderous.**

The flowing public comments were read:

Joann Atchity, no address provided, commented, no elected or appointed official has the authority to require anyone to veil their face.

Rachel Baker, Lifelong resident of Kansas, commented, this proposed public uniform code that includes fines and possibly jail time for not wearing a mask is egregious. It's draconian. Total overreach. Please vote no.

Kate Grace, no address provided, commented, your mandate is unconstitutional and any so called law you pass will be too. Me and my family will not comply.

Bonnie Morris, no address provided, commented, I think people should use their own judgement on this matter. If you feel that if you are at risk, by all means, wear a facemask, but to make it mandatory is wrong. There are people that cannot wear a mask for medical reasons, PTSD, etc. And to fine these people or make them prove it over and over again is wrong. Maybe they should tell us what we need to do in case we catch the virus, better diet, extra vitamins, supplements, sun, exercise etc. instead of hiding behind a mask and hiding in our homes. I read this morning that 70% of people that got COVID-19 - were wearing a mask and 3.9% of people that got COVID-19 were not wearing a mask. Kids are getting strep throat from wearing masks all day, my sister in-law got pneumonia from wearing a mask all day. Doesn't make sense to me. If I am not allowed in a store, because I cannot wear a mask, that is fine and I am ok taking my business elsewhere but to force me to wear a mask is government over-reach as far as i am concerned. What if our city council, government worked on making companies get rid of the toxic crap that they put in your household cleaners, candles, air fresheners, etc. that cause cancer, asthma, seizures etc. Our bodies are made to fight off the common cold, flu etc. Building a stronger immune system by eating right, exercise, vitamins, supplements etc. would be the smart way of going about it. What's next, only one car per household, one pet per household, seriously give them an inch they will take a mile. I'm sorry if I offend anyone but enough is enough. Our rights are slowly getting taken away and once they are gone, there is no getting them back. Ridiculous.

Jessica Moore, no address provided, commented, I am a lifetime resident of Johnson County, KS. I am now raising my own children here in Merriam and I want them to grow up not fearing illness and disease- it is a part of the circle of life. The factual mortality numbers are unknown because there were not strict guidelines on

how to qualify COVID-19 and this continues to be a very blurry line which should be the very first priority on everyone's list. Now we are living in a world where mothers are afraid to let their children play outdoors on a playground with my children. Leaving both children confused as the unnatural state of self-isolation is not human nature. We need one another to survive and thrive. But now the fear that has been instilled in these families and children's brains, without proper causation (6 months' worth) is disenfranchising our city of community.

Flatten The Curve campaign is out the window. What is next? Where are the guidelines stating real numbers, outlining the end to this governmental imposition on our "free" country and medical and health autonomy?

As a registered nurse in the great state of Kansas, I am pleading that you remove the mask mandate. That clear guidelines and numbers are set so that we are all on the same page- when does isolation begin and when does it end? Where are the studies being done, second and third party non-affiliated research being done with virus appropriate masks? How does the virus really work/spread/die/thrive/etc. This isn't stuff that's never been done before, why aren't we doing it?

Our State should step up as a role model for the rest of this country and honor freedom of speech and physical freedoms as well as lead research into effective PPE for this and any other virus that has a mortality rate, because apparently one death is too many. Perhaps share tips for building, supporting and maintaining a healthy immune system so when people do get sick, they can run the course of illness and continue to thrive on.

So many more thoughts, but my main concern today is that you vote no on punishing those who wish to live a life of freedom and autonomy, without fear until a clear outline of how we are defining COVID-19 deaths, infection trends and effective PPE is addressed. No more throwing shots in the dark. Turn on the light and let's get this done right. The idea that Merriam would choose to throw their citizens in jail for choosing what is best for themselves and their family is frightening. The people that choose to wear masks should have the right to do so, even if it is deteriorating the general population's health in a slower, less noticeable manner. I beg that you do not go down this slippery slope of criminally enforcing a Public Uniform.

Mark Peterson, no address provided, commented, we, the citizens of Johnson County will boycott the City of Merriam, should you chose communism over liberty. Make not wearing a mask, a criminal offense, you will lose. You cannot jail us all and you cannot survive without revenue. Concerned American us.

Daniela Hermann, no address provided, commented, I got word that the council is voting on whether or not to fine and/or jail people for not wearing masks. Do not do this. It's absolutely absurd and utterly infringes on the Constitutional rights and freedoms of American citizens. My kids and I have several medical reasons why wearing a mask is dangerous for us. So it's not physically or medically possible for everyone to wear a mask. Also, people will choose to not shop in Merriam and will simply take their business elsewhere. My family and I will never set foot in Merriam again. And neither will many other families I know. We are many. And we will make sure that everyone knows not to go to Merriam. This will hurt your town financially and hurt its businesses. It'll hurt the schools, churches, businesses & anyone else in Merriam. And it'll hurt Shawnee too, because these towns are so close as we're not always sure where Shawnee ends and Merriam begins. You'll hurt the entire area. Can your town suffer this massive revenue loss?

People certainly won't want to buy their house in Merriam .I'm sure property values will decrease. I'm about to buy a new home and I will definitely leave the Shawnee/Merriam area if you do this. I'll take my money to another part of the county or outside the county.

You've already deterred me from buying anywhere close to Merriam. So the damage has already been done. Let's hope other new buyers don't get wind of this, for your sake. But we are prolific on social media this this won't be quiet for long. Also, police have far better things to do. And this will create an unpleasant, antagonistic, nasty relationship between law enforcement and the people. Is that what you want?

You'll turn Merriam into an unfriendly, hostile, morose, fearful, negative, unwelcome, nasty place. And your town will be shunned by 1000's of people. It'll just be too much trouble & such a headache to go to Merriam for any reason. And people will just stay away. Can your town afford that? Think carefully. It would be a big mistake if you did this.

Brian Hague, Overland Park (but with plenty of money to spend wherever I choose), commented, if you vote to make not wearing a mask punishable by fine and/or jail time, this Johnson Countian will be sure and never spend one dime in your city again. Focus on the real problems your city faces, like schooling and mental health, and quit wasting the taxpayers' (and voters', don't forget) money talking about mandating face diapers.

Martin Oehm勒 Jr., Ward 1 resident, commented, as a resident of Ward 1 in the City of Merriam, Ks I do not agree with the changes proposed to the Uniform Public Offense Code for the state of Kansas by adding Section 10.29 " violation of a Public Health Order" I feel it is an overreach of any City to make it a Criminal offense to not follow an order that the county health officials thinks is best when it has the likelihood of negatively affecting more than it might help.

Amy Hall, no address provided, commented, I want to weigh in on the addition of language making non-mask use a criminal offense punishable by jail time and/or fine.

Wearing a mask is believed by some to have a positive benefit for their health; it is also widely documented to have potential negative effects for the wearer. For that reason no city has any business making it a criminal offense not to wear one. In addition, there are many people who cannot wear them due to medical conditions and mental health reasons. And there is no way to know just by looking at someone if they fall into one of those categories.

Please educate yourselves on the negative consequences of mask use. Such as what the CDC just put out documenting that 85% of those who have tested positive for COVID-19 said they wore a mask all the time. People literally have a higher risk of testing positive if they wear a mask than if they don't. Which is understandable if you read the studies and papers written on mask use in the last decade prior to when there was political and monetary motivation to say it was an appropriate response to a virus.

"Those who got sick with SARS-CoV-2:

Wear a mask always: 70.6%

Never wear a mask: 3.9%

There is not a single randomized controlled test that found masks effective. On the contrary, every single one says masks are ineffective at preventing virus transmission. Every. One. And every health organization in the world understood this until a few months ago. The data did not change. There has been a wave of staph infections around the mouth. Pleurisy of the lungs. Both due to constant mask use of the public. I do not live in Merriam but I shop there weekly. If this goes into effect I will shop elsewhere.

Melissa Campbell, no address provided, commented, I would appreciate you not mandating a health procedure and protocol when you're not a medical professional. We Americans like freedom to breathe. Since the CDC readily admits the COVID-19 positive patients are made up of 70% always mask wearers and 3% non-mask wearers, it makes no sense to push for a dangerous filthy mask. My family and I are not interested in a mandate that threatens jail time for breathing God-given oxygen. The numbers do not support masking. I do not consent. I am sovereign over my own body. You are not sovereign over my body.

Chad and Kathy Rowe, no address provided, commented, it has come to our attention that the City Council will be considering an ordinance tonight that would make wearing mask in public mandatory and not wearing one a criminal offense. We believe this is beyond our reach as a City. We personally are very

conscientious about wearing masks in public, however, we think it should be a choice. Our police have better things to do than trying to enforce an ordinance that is by and large unenforceable.

We also value our personal and public freedom. Liberty is a fragile thing, not long maintained by many nations. We can lose it piecemeal with well-meaning but unwise ordinances that go far beyond the intended consequences. If citizens want businesses etc. to enforce mask wearing, and they don't, then they are free to go elsewhere. That is the American way. We will surely lose as we implement force in our city and country. We'd suggest the Council vote against this tonight.

Catherine Siler, 9800 W. 53rd St., commented, I am imploring you not to vote in favor of criminalizing those who cannot wear a mask. I have a disease that affects my lungs. Wearing a mask leaves me terribly out of breath. I have a special needs son that has significant sensory issues. Getting him to wear a mask is a real struggle. My daughter suffers from panic attacks and anxiety when she has to wear one. These are real problems our family struggles with. If this passes, I will be forced to spend my money in other cities besides Merriam.

Billy Croan, 6633 Wedd Street, commented, I read the agenda for tonight and want to applaud the project to make our public spaces safer by making touchless upgrades to city facilities. Better door openers on all exterior doors will benefit residents for years, not just during COVID-19, but every flu and cold season, and every day for the physically challenged or even just making it safer and easier for people whose hands are full. Additionally, making all of the sinks and soap dispensers touchless makes our restrooms more convenient, sanitary, attractive, and modern, and I'm actually excited to think about that upgrade being completed.

Touchless sinks, soap, and door openers on external doors are expensive at around 75 thousand dollars in total, but a great investment which I'm glad to see in our city. Thank you. Curiously though, I didn't see any Step-n-Pulls on the shopping list, and thought I'd write in to request them. Step-n-Pulls are a single piece of metal that screws onto the bottom corner of bathroom doors and functions like a handle that you can use with your shoe if you want to avoid touching the normal handle with your hand. They're very simple. They have no moving parts. They require no maintenance.

I think Merriam should add them to all of our city-owned restroom doors. They were invented by a NE JoCo resident, and while there are a few companies selling similar products today, Step-n-Pull is the largest and operates a semi-local manufacturing plant in Springfield, MO. They cost very little, at around \$20 per door for the fancy ones. This simple upgrade will reduce all germ transmission in a KEY location, restrooms. Step-n-Pulls will support 2020 council objective 1.3 (Environmental sustainability initiatives) by reducing paper waste, and save money

as well by reducing the cost of restroom paper used to open doors. Step-n-Pulls are fiscally and environmentally responsible. Please add Step-n-Pulls for restrooms to the touchless upgrade project.

Also, and perhaps more importantly, I need to cover one of the items proposed to be adopted from this year's Universal Public Offense Code updates. As excited as I am to give people the ability to avoid touching dirty restroom door handles, and as much as I utilize and appreciate face coverings myself, I must object completely to criminalizing American citizens who do not wear a mask on the order of an unelected health official.

Section 10.29 of the UPOC for your consideration tonight would do just that. 10.29 criminalizes citizens who don't wear masks when a health official tells them to, and sanctions the use of force against these citizens to imprison them for up to 30 days, and to fine them as much as \$500. I'm sure our police will use their discretion and compassion in these matters. But I feel that merely having giving this law your approval is something to take seriously, and it's un-American. If someday, less compassionate officers joined our police force or directed its operations, this law could cause real harm. It could even be used selectively against the poor, or those with difficulty breathing.

America is the oldest country today that was originally founded with a constitution requiring democratic consent of the governed via public elections. Laws like this dull the brilliant luster of the uniquely American traditions of Liberty and Freedom which generations of soldiers have given their lives to preserve. Let us not sign that away now, less than a year after COVID-19 began just because we feel overwhelmed by this crisis in this moment. We are a strong people. The lens of history will not look wisely upon laws like this.

You need look no further than our response to the tragedy of 2001 to see how small over-reactions like this can add up over time to wildly change the character of the nation. It would sadden me to see Merriam going along with this. Using force via UPOC 10.29 to punish people who don't comply with orders from an unelected health official is wrong. An equal people must not use force against each other, so with equality, necessarily comes a mutual trust and respect. I urge you to trust and respect your neighbors to make the best decisions for themselves regarding how they change their lives to fight COVID-19. We will get through this together. I promise.

I apologize if a city council meeting is an unusual venue to voice concern for American Liberty but I feel comfortable writing you, and perhaps more importantly: Your specific choice to adopt section 10.29 of the UPOC, or not, tonight, right here, is a very real local issue which is why I took the time to talk to my neighbors who have so far agreed 100%, and the time to write you today.

Mask requirements should be a private matter between property owners and their guests, not a matter of government force. Please reject section 10.29 of the 2020 Uniform Public Offense Code. Wishing you good health and Liberty.

## **II. CONSENT AGENDA**

All items listed under the heading are considered to be routine by the City Council and may be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which case that item will be removed from the Consent Agenda and considered separate.

1. Consider approval of the minutes of the City Council meeting held September 28, 2020.
2. Consider approval of the purchase of public safety radios.
3. Consider approval of touchless upgrades to city facilities.
4. Consider approval of an agreement with American Specialty Health for Community Center membership.

Item 2 was removed from the consent agenda per a councilmembers request.

**COUNCILMEMBER PAPE MOVED THAT THE COUNCIL APPROVE CONSENT AGENDA ITEMS 1, 3 AND 4. COUNCILMEMBER DIEBOLD SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

There was a question regarding the life expectancy of the radios.

Police Chief Darren McLaughlin stated that the life expectancy of the radios is approximately 10-15 years. The current radios are 10 years old and technology has changed in the past 10 years. The new radios will have better inter-operability with other law enforcement agencies in Johnson County and the Kansas City metropolitan area. Other agencies such as fire and public works will have improved capabilities with the new radios.

**COUNCILMEMBER PAPE MOVED THAT THE COUNCIL APPROVE CONSENT AGENDA ITEM 2. COUNCILMEMBER YADRICH SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

### III. MAYOR'S REPORT

#### 1. Employee Service Awards 4<sup>th</sup> Quarter 2020.

The following employees were recognized for their years of service:

5 Years - Tony Adamson, Community Development

Jared Ruby, Police Department

20 Years - David Easley, Community Development

#### 2. Police Contacts and Legal Authority Presentation.

Police Chief Darren McLaughlin presented information regarding police contacts with the public and explained the 4<sup>th</sup> Amendment Right which states: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

He commented that the police officers make many contacts with people and those contacts are the first level of contact done on a consent basis. Police officers can converse with people, without asking identification, and those individuals are free to engage in conversation and answer questions or they can simply walk away and refuse to talk.

The second level of police contact is done under reasonable suspicion. The Supreme Court defines reasonable suspicion in the 1968 case Terry vs. Ohio, which is often referred to as a Terry Stop. This type of contact allows an officer to stop a person if, based on the officers' training and experience, there is reason to believe the person is engaging in criminal activity. The facts are looked at in the perspective of, would a reasonable officer believe criminal activity is possible based on the same set of facts.

This is a temporary detention. The officer is allowed to ask questions and further investigate. The time is not indefinite. If the officer cannot establish probable cause to arrest, the officer must release the person. The officer must have facts greater than a hunch that a crime has been committed.

Chief McLaughlin reviewed Probable Cause:

Probable cause is defined as the officer has knowledge of facts that would lead a reasonable person to believe a person has committed, is committing, or is

about to commit a crime. The facts to detain are in the perspective of a reasonable officer. The facts to arrest are in the perspective of a reasonable person. Probable cause can be thought of there is a 51% chance or greater the person committed the crime.

The officers receive training on this annually and receive daily training bulletins as well on many subjects such as use of force, review of case law, search and seizure, and reasonable suspicion.

There was some discussion regarding no knock warrants. Chief McLaughlin commented that the Merriam Police Department does not do no knock warrants.

### 3. Traffic Complaints and Speed Enforcement Presentation.

Police Chief Darren McLaughlin explained the process of handling traffic complaints. When a citizen complaint is received, it is documented and sent to the patrol commander. The first step is to monitor the area by putting out traffic counting devices to measure traffic flow and speed. The devices are radar sign boards which are the large sign boards that check and display the speed. The department also has a few small radar sin devices that fit on the speed limit signs. In addition, they use mechanical devices, whack are hoses that are laid across the roadway. This data is collected for 1-2 weeks, then the data is analyzed for number of cars speeding, number of cars and peak times that the majority of speeding occurs, and times of day when traffic is the heaviest.

After that, there are two methods implemented to reduce speeding. Those methods include leaving the radar signs up and enforcement action. The radar signs are effective as long as they are in place. Typically, when the signs are removed, the speeds go back up. Enforcement action will place an officer in the area to catch speeders.

The department faces many challenges that effect their ability to enforce complaints. There are currently 8 traffic complaint areas being monitored. The peak time for violations are during morning and evening rush hour. Accident peak times also occur during morning and evening rush hour, however the

accident peak areas are in different areas of the city from the monitored speed complaint areas.

Chief McLaughlin displayed a map depicting the traffic complaint areas and the top accident areas. Once an accident occurs, officers are pulled off of speed enforcement to respond to the accident.

There was a question about installing an additional stop sign on Knox.

Chief McLaughlin stated that the city has a traffic engineer, and stop signs and other traffic control devices are installed at the recommendation of the traffic engineer based on studies completed by the engineer. Putting a stop sign where one is not needed may cause further problems in the future.

City Administrator Chris Engel added that the traffic engineer has looked at the 57<sup>th</sup> and Knox area and did not recommend putting in a stop sign. The area has been studied and that study was shared with council. In accordance with APWA standards which has criteria for installing stop signs; speed control is not one of those criteria. There are a variety of methods of slowing down speed but a stop sign is not one of those.

Mayor Sissom commented that sometimes during a street project, there can be design changes that will help in slowing down traffic.

#### **IV. COUNCIL ITEMS**

1. Consider approval of an ordinance adopting the 2020 Uniform Public Offense Code (UPOC). (Recommend waiving the first reading)

Mayor Sissom commented that there were many public comments submitted regarding this item, specifically section 10.29, which is related to a public health order. This is not a mask mandate, and many people appear to be misinformed about what 10.29 is really about. The ordinance change will allow our police department to enforce a public health order issued by the county. When COVID-19 hit and the county ordered many businesses to close, there were businesses who refused to comply with that order. While cities received many phone calls about these businesses not complying with the public health order, only the county had the authority to enforce that order. Adopting 10.29 of the Public Offence Code gives cities the authority to enforce those public health orders. Because cities across the state had their hands tied with no authority to enforce these orders, and the counties were overwhelmed with trying to enforce, it was added to the Uniform Public Offence Code so cities who adopt this code can now enforce those public health orders.

Police Chief Darren McLaughlin reviewed some of the changes to the 2020 Uniform Public Offence Code:

Section 1.1 - Added a definition for explosives

Section 5.7 -Changed the prohibited age tobacco products could be furnished, sold or given from under 18 to under 21 years of age. (The State Law is now the same as our City Code Ordinance 44-2.1)

It is suggested deleting the following sections from the UPOC due to conflict with our City Code:

Section 6.21 - Taking of Wildlife without permission on Posted Land: *Being deleted with the passage of the Criminal Hunting 44-5 in City Code.*

Section 6.22 - Criminal Hunting. *No longer needed due to passage of Criminal Hunting 44-57 in City Code.*

It was discovered that there was a loophole in our City Code and UPOC involving hunting. The Chief received an inquiry from a citizen asking if they could squirrel hunt in the city limits during the state authorized hunting season and with a hunting license. Our current laws did not prohibit such activity. Merriam is too densely populated to allow hunting with firearms within its boundaries. Therefore adding the suggested language below to the ordinance is necessary for public safety reasons.

Addition to Merriam Municipal Code Section 44—57 Criminal Hunting:

(a) It shall be unlawful for any person to shoot, hunt, trap or pursue any bird or animal within the City of Merriam.

(b) Exceptions. Nothing in this section shall:

1. Be deemed to prohibit any action taken by a law enforcement officer, community service or animal control officer pursuant to the interests of public health and safety; or
2. Be interpreted as prohibiting any act done in self-defense or done to defend another person.
3. This section shall not apply to lawful fishing or frogging.
4. This section shall not prohibit the trapping of animals deemed to be a public nuisance as defined in Chapter 8, Section 8-80 of the Code of Ordinances.

(c) Criminal hunting is a Class C Public Offense.

Councilmember Hands asked about the Criminal Hunting which prohibits trapping and then also refers to nuisance animals and if passing the criminal

hunting still allows private companies to trap nuisance animals such as squirrels.

Chief McLaughlin commented that section 8-80 of the Municipal Code still allows live trapping of nuisance animals.

The Kansas League of Municipalities deleted the sections from the UPOC on regulations related to the possession or distribution of firearms. However, the League felt passing these ordinances in the UPOC violates K.S.A. 12-16.124 which prohibits Cities from passing laws enforcing or regulating the governing the requirement of fees, license or permits, for the commerce in or the sale, purchase, transfer, ownership, storage, carrying, transporting or taxation of firearms or ammunition or any component or combination thereof. This does not mean we lose the ability to enforce the statutes being removed from the UPOC. These violations will be enforced through District Court.

Councilmember Neal asked for clarification on the firearms sections that were deleted from the code and the ability to charge these offenses in District Court.

Chief McLaughlin commented that all laws defined by state statute are enforceable through the District Courts. Cities and municipalities also have the authority to enforce city ordinances and misdemeanors which is where the UPOC comes in. Certain crimes like battery are typically charged at the District Court level, however since battery is in the adopted UPOC ordinance at the city level, that crime can be charged and prosecuted at the municipal level as well. Because items have been removed from the UPOC, but since they are still state laws they can be prosecuted at the District Court.

Section 10.29 - Violating a County Health Order. Chief McLaughlin explained that this is not a mask mandate enforcement and the police department would not have the resources to enforce, if it were. The departments philosophy is to educate and get voluntary compliance, not to arrest, ticket or fine.

City Attorney Ryan Denk commented in regard to Section 10.29 does not include enforcement of masking. The mask order was adopted by the Kansas Governor through an Executive Order 20-52. After that Executive Order, the Attorney General rendered an opinion that counties could opt out of some of the provisions of that order. Johnson County did not opt out of the mask mandate and 10.29 is related to a public health order, not the Governor's Executive Order. He further commented that it is unclear where folks got this information that 10.29 was related to masks. If the County Health Officer issued a written order then that would be enforceable under 10.29 but currently the mask mandate as the Governors order does not fall under 10.29.

Councilmember Hands asked what other area cities have adopted the 2020 UPOC and if they had any pushback from residents over the 10.29 section.

City Administrator Chris Engel commented that Mission, Hayes, Leavenworth all approved the UPOC with section 10.29 included. Edwardsville approved the 2020 UPOC but did not include section 10.29.

Councilmember Neal asked if the public health orders are enforceable at the county level.

City Attorney Ryan Denk commented that the enforcement of a county health order is now a civil penalty to be enforced by the District Attorney after passage of House Bill 2016, which removed the criminal penalty and made a civil penalty with an associated fine. This section of the UPOC is in regard to county orders, if that was removed, the state statute still exists which allows the District Attorney of Johnson County to determine if he is going to enforce the county's order so those orders are still enforceable. If our police department would take action on this provision of the UPOC it would still go through the District Attorney for civil penalty. So essentially, approving or removing this provision of the UPOC has the same effect. If council were to decide to remove it, it could be added at a later time if it was determined down the road it was needed.

Discussion among the council included that while many councilmembers have struggled with deciding whether to include 10.29 UPOC, they also recognize that it appears that a group of people are trying to politicize section 10.29 into something that it is not and that they trust that the Merriam Police Department will use proper discretion when responding to any complaint of a violation of any public health order which can include a multitude of factors not necessarily related to the current pandemic.

**COUNCILMEMBER PAPE MOVED THAT THE COUNCIL WAIVE THE CUSTOMARY FIRST READING OF AN ORDINANCE ADOPTING THE 2020 UNIFORM PUBLIC OFFENSE CODE. COUNCILMEMBER YADRICH SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

**COUNCILMEMBER PAPE MOVED THAT THE COUNCIL APPROVE AN ORDINANCE APPROVING AN ORDINANCE ADOPTING THE 2020 UNIFORM PUBLIC OFFENSE CODE. COUNCILMEMBER HANDS SECONDED AND THE MOTION WAS APPROVED. COUNCILMEMBER KNAFF VOTED NAY.**

2. Community Center Update.

Assistant City Administrator Meredith Hauck proved the monthly Community Center update. The project remains on budget; once final invoices have been paid, a final budget number will be provided. The indoor pool opened last week and it looks great. The first week of the indoor pool being opened resulted in 59 reservations for lap swimming and 13 reservations for water walking. The

fitness programs for the indoor pool will begin soon. Memberships continue to increase with 407 memberships sold to date and 1800 visits in September.

Final pieces for the project include completing the landscaping, public art installation, interior paint and graphics, and working through the final punch list. The art pieces are finished, we are just waiting for delivery and installation of the pieces.

### 3. CIP Update.

Public Works Director Jim MacDonald provided the following CIP Updates:

Street & Storm Drainage 2020 - Johnson Dr. (BNSF to East City Limits) Mastin St. Improvements (Johnson Drive to Shawnee Mission Parkway) Project - Mastin Street is substantially complete, and sod was completed the week of October 5<sup>th</sup>. The contractor is working on punch list items for that section of the project. The Johnson Drive portion is substantially complete, with the contractor finishing up the sod work and island planting, and they are currently working on punch list items for that portion. Currently, we are waiting on Evergy to energize the street light controller, once that is done, the existing old-style streetlights will be removed.

East Frontage Road - 67<sup>th</sup> to 75<sup>th</sup> Project, Affinis Engineering has started field surveying East Frontage Road

## V. STAFF ITEMS

## VI. EXECUTIVE SESSION

## VII. ADJOURNMENT

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COUNCIL,  
COUNCILMEMBER HANDS MOVED TO ADJOURN AT 9:28 PM.  
COUNCILMEMBER PAPE SECONDED AND THE MOTION WAS  
UNANIMOUSLY APPROVED.**

Respectfully submitted,

*Juliana Pinnick*

City Clerk

**Holidays to be observed by City Offices  
and Employees during the Year 2021**

<b>Holiday</b>	<b>Observance Date</b>
New Year's Day	January 1, 2021 - Friday
Martin Luther King Day	January 18, 2021 - Monday
Memorial Day	May 31, 2021 - Monday
Independence Day	July 5, 2021 - Monday
Labor Day	September 6, 2021 - Monday
Thanksgiving	November 25, 2021 - Thursday November 26, 2021 - Friday
Christmas Day	December 24, 2021 – Friday
Three Personal Days	The employee's choosing with approval of department head

Regular full and part time employees hired during 2021 will receive personal days in 2021 based upon their hire date.

The employee shall request usage of personal days according to applicable City and departmental policies for paid time off, and the personal days will be forfeited if not used by the end of the year.

The above holidays will be observed by City employees in 2021, as recommended by the Mayor and approved by the Council on \_\_\_\_\_, 2020.

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Ken Sissom  
Mayor



## AGENDA ITEM INFORMATION FORM

**AGENDA ITEM:** Authorize final payment to Mayer Specialty Services, LLC for the repairs to damaged corrugated metal pipe (CMP) on 55<sup>th</sup> St. East of Switzer

**SUBMITTED BY:** Jim MacDonald, Public Works Director

**MEETING DATE:** October 26, 2020

### PROJECT BACKGROUND/DESCRIPTION:

Mayer Specialty Services has completed the lining of 235 feet of failed 36" CMP and 124 feet of failed 24" CMP on 55<sup>th</sup> St. East of Switzer, and staff is requesting an approval to issue a final payment of \$55,750.00 The total construction expenditure will be \$55,750.00

Contractor submitted post installation video inspection, staff along with the City Engineer have reviewed the post construction videos and are satisfied with the repairs.

Approval of this final payment denotes the City's acceptance of the project and triggers the three-year maintenance warranty period.

### CITY COUNCIL GOALS AND OBJECTIVES

3.2 Sustain capital improvement efforts.

### FINANCIAL IMPACT

**Amount of Contract:** \$55,750.00

**Amount Budgeted:** \$100,000.00

**Funding Source/Account #:** Capital Improvement Fund/Drainage repairs  
301-0000-512-45.10, Project No. GM1103

### SUPPORTING DOCUMENTS

### ACTION NEEDED/STAFF RECOMMENDATION

Staff recommends the Council authorize the final payment to Mayer Specialty Services, LLC in the amount of \$55,750.00.



## AGENDA ITEM INFORMATION FORM

**AGENDA ITEM:** Confirm the appointment of a representative and alternate to the Johnson County Stormwater Management Council (SMAC).

**SUBMITTED BY:** Jim MacDonald, Public Works Director

**MEETING DATE:** October 26, 2020

### PROJECT BACKGROUND/DESCRIPTION:

The purpose of SMAC shall be to review recommendations of the Stormwater Management Program (Program), to advise the Board of County Commissioners (Board), and to coordinate the efforts on stormwater management issues and projects. SMAC shall be composed of participating (voting) members and ex officio (non-voting) members. Each City or other governmental entity which is, and remains, a signatory to the Stormwater Management and Flood Control Interlocal Agreement, shall appoint one representative to serve as the participating voting member of SMAC. Additionally, each City has the option to appoint an alternate voting member who shall represent the City at SMAC meetings in the event that the voting member cannot attend. No other individual may vote on behalf of the City except the voting member or the alternate voting member.

Voting and alternate voting members of SMAC shall be appointed by their governing body and shall serve until the governing body provides the Program Manager, in writing, the name of the members' replacement. Due to personnel changes we are required to make the necessary appointments.

### CITY COUNCIL GOALS AND OBJECTIVES

3.2 Sustain capital improvement efforts.

### FINANCIAL IMPACT

**Amount of Request/Contract:** N/A

**Amount Budgeted:** N/A

**Funding Source/Account #:** N/A

### SUPPORTING DOCUMENTS

Letter

### ACTION NEEDED/STAFF RECOMMENDATION

Recommend that the City Council appoint Jim MacDonald, Director of Public Works, as the voting member and Bryan Dyer, Community Development Director as the alternate voting member.



*just right.*

CITY OF MERRIAM

**10/26/2020**

Mr. Lee Kellenberger  
Johnson County Public Works  
1800 W. Old Highway 56  
Olathe, Kansas 66061

Dear Mr. Kellenberger

I am writing to you to update our representatives to the Johnson County Stormwater Management Advisory Council (SMAC). Jim MacDonald, Public Works Director will serve as the City of Merriam primary voting representative and Bryan Dyer, Community Development Director will serve as our alternate voting representative.

Please add both to the appropriate mailing lists and databases. Their contact information is listed below.

Jim MacDonald. [jimacdona@merriam.org](mailto:jimacdona@merriam.org) 913-322-5571  
Bryan Dyer, [bdyer@merriam.org](mailto:bdyer@merriam.org) 913-322-5527

Thank you and if you need any additional information, please let me know.

Sincerely,

Mayor Ken Sissom

Property Address:

**From:** [Juliana Pinnick](#)  
**To:** [Anna Slocum](#)  
**Subject:** Ward 1 Park Board app  
**Date:** Wednesday, September 30, 2020 3:41:10 PM

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**From:** noreply@civicplus.com <noreply@civicplus.com>  
**Sent:** Wednesday, September 30, 2020 2:56 PM  
**To:** Juliana Pinnick <jpinnick@merriam.org>  
**Subject:** Online Form Submittal: Board, Commission, and Committee Volunteer Application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

## Board, Commission, and Committee Volunteer Application

Board/Commission	Parks & Recreation Board
Name	Anthony Scott
Address	8724 w 49th st
Home Phone	<i>Field not completed.</i>
Mobile Phone	
E-mail	
Employment Status	Employed
Employer	HHS—Administration for Children and Families
Position	Program Specialist
Product or Service Rendered by Employer	US Government
Please provided a brief description of work duties/responsibilities:	I work for the Federal Government assigned to work with the State of Missouri in Child Welfare improvement efforts and monitor Federal funding usage towards those efforts.
Related Education/Certification/Licenses/Other:	Bachelor degree in social work and masters degree in public administration.
Past Related Work/Experience/Skills:	Prior deputy director for the KS Department for Children and Families.

Why do you wish to serve on this board or commission? This is my community and I want great things for my children and all the children and families in our great community!

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Please list any previous volunteer experience: *Field not completed.*

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Email not displaying correctly? [View it in your browser.](#)



MERRIAM

## AGENDA ITEM INFORMATION FORM

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**AGENDA ITEM:** Consider approval of ordinances adopting the 2018 Building Codes and 2018 Fire Code (first reading).

Bryan P. Dyer, Community Development Director

**SUBMITTED BY:** Tony Adamson, Building Inspector

Bryan Dehner, Overland Park Fire Chief

**MEETING DATE:** October 26, 2020

### PROJECT BACKGROUND/DESCRIPTION:

After extensive evaluation, the Community Development and Overland Park Fire Departments recommend the approval of ordinances amending and adopting the 2018 building and fire codes. With the exception of the National Electric Code (NEC), the code books listed below are published by the International Code Council (ICC) and are commonly referred to as the “building code” and “fire code”. The NEC is published by the National Fire Protection Association, but is still considered part of the “building codes”.

The proposed building and fire code ordinances adopt the below listed code books. The proposed ordinances contain language to be inserted or deleted from the respective code books listed below. The proposed additions and deletions must be placed in the context of the specific code book that is referenced.

- 2018 International Fire Code (IFC)
- 2018 International Building Code (IBC)
- 2018 International Residential Code for One & Two Family Dwellings (IRC)
- 2018 International Plumbing Code (IPC)
- 2018 International Mechanical Code (IMC)
- 2018 International Fuel Gas Code (IFGC)
- 2017 National Electrical Code (NEC)
- 2018 International Energy Conservation Code (IECC)
- 2018 International Property Maintenance Code (IPMC)
- 2018 International Existing Building Code (IEBC)
- 2018 International Swimming Pool and Spa Code (ISPSC)

The building and fire codes encompasses 11 books with more than 4000 pages of information. In order to provide Council with the opportunity to review the ordinances and, if they desire, meet with staff to discuss the ordinances, the second readings are scheduled for November 23, 2020. Because of the building and fire codes complexity and amount of information, Councilmembers wanting an in-depth review and education on the codes will need to schedule time to meet with Community Development and Overland Park Fire Department staff. This will allow for a more efficient use of City Council meeting time.

A number of typical household maintenance and repair items do not require a building permit. Items such as a shed no larger than 150 square feet, replacing an electrical outlet, and repairing existing plumbing.

On August 11, 2014, the City of Merriam adopted the 2012 building and fire codes. Since that adoption, the ICC published the 2018 building and fire codes. The 2018 building and fire codes have been adopted, with amendments, by many of the Johnson County jurisdictions, including Overland Park. The Johnson County Building Officials organization has reviewed and suggested many of the 2018 building and fire code amendments that are in the draft ordinances.

Since Overland Park provides the city's fire protection services, including fire code inspections, city staff utilized Overland Park's adopted 2018 building and fire codes as the starting point for Merriam's codes. Additionally, Overland Park vetted their code revisions with a large amount of public input from builders, developers, and residents.

The 2018 building and fire codes incrementally improve all aspects of fire prevention, energy efficiency, convenience, longevity, safety, and livability in building construction. Below are some of the highlights of the differences between Merriam's proposed 2018 building and fire codes from the 2012 versions.

1. Building permits for new homes can only be issued to a person that has the appropriate Johnson County Contractor License (JCCL)
2. In order for a homeowner to pull a building permit to work on their own home, they must be the owner and current occupant
3. Group home definition is eight or fewer residents, not including staff
4. Includes standards for residential driveways
5. Set the energy rating index (ERI) for a new home from 85 to 70
6. Adopting the International Swimming Pool and Spa Code
7. Aligning Merriam and Overland Park Fire Codes. Examples being consistent markings for fire lanes and stairways, building and site design, etc.

Items #1 and #2 closes a "loophole" that allows persons without a JCCL to build a new home or remodel an existing home by stating that they will live in it. It is staff's experience that this "loophole" creates the opportunity for a home to be constructed or remodeled to by individuals that do not have the skills, knowledge, or experience needed to do those tasks and then immediately "flip" the residence to an unsuspecting homeowner. If a building permit is required, landlords are still required to have a JCCL or engage a contractor with a JCCL to perform the work on their rental property. A homeowner can still pull a building permit to work on a home the own and are living in.

Item #3 brings the building code's group home definition and regulations in-line with state statutes and Merriam Code. Item #4 increases the energy efficiency requirements for a new home. In comparison, many municipalities adopting the 2018 code set their ERI between 68 and 80. (A lower number means a more energy efficient residence.) Overland Park adopted a ERI of 68. Merriam staff believes that a ERI of 70 best balances the issues of energy efficiency, new home affordability, long-term maintenance, and livability.

The swimming pool and spa regulations have been removed from the IRC and placed in a separate book; hence the need to adopt the Swimming Pool and Spa Code.

The new building and fire codes will go into effect January 1, 2021. This will allow time for staff to notify contractors of the change and give builders, contractors, and design professional to adjust to the new building and fire codes.

### **Vetting Process**

In addition to the vetting done by Overland Park, the local building officials formed the Johnson County Code Committee to review and make recommendations on adoption and amendments to the 2018 building and fire codes.

- Johnson County Code Committee – Consisted of area Building Officials from Leawood, Olathe, Shawnee, Lenexa, Gardner, Mission Hills, Merriam, DeSoto, and Johnson County Unincorporated working together to evaluate all the 2018 code changes with the purpose of reaching consistent standards throughout the jurisdictions. The committee members met over a dozen times and were in constant communication during the 15 months spent evaluating code modifications.
- Model Code – The Code Committee created a “model code” with suggested additions and deletions. The purpose of the model code was to give each community a starting point in adopting the 2018 building and fire codes.

### **Residential energy efficiency significant changes from 2012 to 2018**

Many changes have occurred over the past two code cycles to address the energy efficiency of homes and the sustainability of resources.

**Energy Efficiency New Homes** – New homes permitted after the effective date of the new building codes, will require a blower door test in order to verify air changes per hour (ACH) of the residence, and verify that bringing in outside air into the home is not required. Contractors will need to meet prescriptive requirements for energy efficiency in the 2018 International Residential Code (IRC) or meet an Energy Rating Index (ERI) score of 70 or less. The contractor must have a qualified third-party energy rater provide documentation that the new home meets the ERI rating. These approaches to energy compliance have met with approval of the Home Builders Association (HBA) as a potential alternate path to the prescriptive 2018 IRC requirements.

## **Highlighted items recommended to be amended out of Merriam's fire and building code books**

In an effort to work with local builders and to meet state obligations, many ICC building code and fire code items were amended out locally. Most local jurisdictions made the following amendments to their building codes. Merriam City staff also recommends that these amendments be made with the adoption of the 2018 building code and fire code.

- **Sprinkler Systems for One- and Two-Family Dwellings** – The State of Kansas passed legislation prohibiting jurisdictions from mandating sprinkler systems in one- and two-family dwellings, unless used as an alternate method for compliance with other code requirements. Staff recommends no changes be made to this section of the ICC building code with the understanding that state law prohibits its enforcement. This section should be left in the proposed building code for the possibility that a property owner may wish to use it as an option for meeting other code requirements.
- **Whole-house mechanical ventilation** – The 2018 IECC requires whole house ventilation system when the dwelling has a natural ventilation of less than five (5) Air Changes per Hour. Local jurisdictions have agreed to amend the building code to require whole house ventilation systems only if a dwelling has a natural ventilation of three (3) or less Air Changes per Hour. This will make it much less likely that whole-house ventilation will be required.

## **Why Update Codes?**

### **Life-Safety**

- There were many changes over the last two (2) code cycles that address life-safety issues.

### **Citizen and Consumer Expectations**

- Home and business owners generally expect that their new house, building or renovation to be built to the most current life-safety and quality standards.
- Citizens and visitors generally expect the new buildings they frequent to have the latest safety, accessibility, and convenience features.

### **Consistency with other local jurisdictions**

- Overland Park and other jurisdictions within Johnson County have, or will be, adopting 2018 provisions for their communities.
- Building and fire codes that are similar will greatly assist the Merriam/Overland Park Fire Department successful partnership.

**CITY COUNCIL GOALS AND OBJECTIVES**

1.3 Encourage participation in sustainability initiatives including economic, environmental, and social sustainability

**FINANCIAL IMPACT**

**Amount of Request/Contract:** \_\_\_\_\_

**Amount Budgeted:** \_\_\_\_\_

**Funding Source/Account #:** \_\_\_\_\_

**SUPPORTING DOCUMENTS**

- Draft ordinance adopting building codes
- Draft ordinance adopting fire codes

**ACTION NEEDED/STAFF RECOMMENDATION**

This is a first reading. No action required.

# Adoption of the 2018 Building and Fire Codes

City Council  
October 26, 2020



# Why do we have building and fire codes

- Building safety
  - Owners
  - Residents
  - Customers
  - First responders
- Efficiency
- Consistency
- Reassurance



# Why update building and fire codes

- Improve safety and efficiency of buildings
- Citizen and consumer expectations
  - Generally expect buildings to be constructed/remodeled to the most current standards for safety, efficiency, convenience, and accessibility
- Consistency with neighboring jurisdictions
  - Contractors and design professionals know that, generally, area building codes are similar
  - Better align with Overland Park Fire code



# What requires a building permit

Type of Work	Building permit required
Install a new fence	YES
New roof or reroof	YES
Fix/repair existing plumbing	NO
New deck <sup>1</sup>	YES
Driveway	YES
Replacing an electrical outlet	NO
HVAC replacement	YES
Electrical panel install/swap	YES
Residential accessory building ≤ 150 sq ft <sup>2</sup>	NO

1. There are instances where a permit for a new deck may not be required
2. Building must meet all other applicable zoning and building code standards



# If a building permit is required, does the permit need to be issued to a person with a Johnson County Contractor License (JCCL)

Type of Work	JCCL required
Doing work on a residence that you own and live in	NO
Roof or re-roof (unless done by the owner that is the occupant of the residence)	YES
Install a new deck (unless done by the owner and occupant of the residence)	YES
Install/replace an electrical panel (unless done by the owner that is the occupant of the residence)	YES
<b>Property owner working on a residence they own, but don't current reside in</b>	YES
Landlord working on a rental unit they own	YES
Work on a non-residential building	YES
Concrete flatwork (sidewalk, driveway, etc)	NO
Installation of a new fence	NO
<b>Constructing a new home</b>	YES



# Highlighted differences between 2012 to 2018 building and fire codes

- New home permits only issued to JCCL holder
- Remodel permits for home renovations will require a JCCL if the property owner is not also the CURRENT resident
- Group home definition is eight or fewer residents, not including staff
- Energy rating index (ERI) for a new home changed from 85 to 70
- Set standards for residential driveways
- Adopt International Swimming Pool and Spa Code
- Align with Overland Park fire code



# Next Steps

- Meet with staff, if needed
- Second reading November 23, 2020

# Questions?

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE RELATING TO CONSTRUCTION AND MAINTENANCE OF BUILDINGS AND OTHER IMPROVEMENTS WITHIN THE CITY OF MERRIAM, KANSAS, AMENDING CHAPTER 11 OF THE CODE OF ORDINANCES OF THE CITY OF MERRIAM, KANSAS, RELATING TO AMENDMENTS TO THE BUILDING CODE**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MERRIAM, KANSAS THAT:**

**SECTION 1.** The following sections of Chapter 11 of the Code of Ordinances of the City of Merriam, Kansas, are hereby amended to read as follows:

**Sec. 11-56. International Building Code.**

(a) The 2018 Edition of the International Building Code, excluding Appendices (Appendices may be used as references when approved by the Building Official), as published by the International Code Council, Inc. is hereby adopted and incorporated by reference, save and except such portions as are hereinafter or may be hereinafter deleted or amended. At least one copy of said International Building Code shall be marked or stamped "official copy as incorporated by Ordinance No. \_\_\_\_\_" to which shall be attached a copy of the incorporating ordinance and filed with the city clerk to be open to inspection and available to the public at all reasonable business hours.

(b) The 2018 Edition of the International Building Code, adopted in this article is hereby amended in the following respects:

*Chapter 1, Section [R] 105.2 is hereby replaced with the following:*

**105.2 Work exempt from permit.** Exemptions from permit requirements of this code shall not be deemed to grant authorization of any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdictions. Permits shall not be required for the following:

**Building:**

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided that the floor area is not greater than 150 square feet.
2. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
3. Temporary motion picture, television and theater stage sets and scenery.
4. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches deep, are not greater than 5,000 gallons and are installed entirely above ground.

5. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
6. Swings and other playground equipment accessory to detached one- and two-family *dwellings*.
7. Window awnings in Groups R-3 and U occupancies, supported by and exterior wall that do not project more than 54 inches from the *exterior wall* and don not require additional support.
8. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.

**Electrical:**

1. **Repairs and maintenance:** Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to *approved* permanently installed receptacles.
2. **Radio and television transmitting stations:** The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.
3. **Temporary testing systems:** A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

**Gas:**

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

**Mechanical:**

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by the code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds or less of refrigerant and actuated by motors of 1 horsepower or less.

**Plumbing:**

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided that such repairs do not involve or require the replacement of rearrangement or valves, pipes or fixtures.

***Chapter 1, Section [R] 105.3 is hereby amended to add the following:***

8. Provide proof that the permit applicant has a current City occupational license as required by Chapter 14 of the City Code.
  1. **Exception.** A City occupational license is not required for the issuance of a permit to do work regulated hereby in an existing one-or two-family dwelling used exclusively for living purposes, provided that the permit applicant signs an affidavit certifying that he/she is a bona fide owner and current occupant of such dwelling, that he/she will be performing the work and that no contractors will be utilized to perform the work regulated hereby.
  2. **Denial of permit application.** The Building Official is authorized to deny a building permit to any applicant that does not provide adequate proof of satisfying this requirement. The Building Official is further authorized to deny a building permit to any person who has an outstanding failure to appear in court (Bench Warrant), with respect to any violation of the Merriam Municipal Code.
9. Provide proof that the permit applicant has a current, valid contractor's license issued by Johnson County, Kansas in accordance with the provisions of the Johnson County Contractors Licensing Program and the Contractor Licensing Regulations adopted by the Board of County Commissioners by Resolution 058-01 on August 9, 2001, and any regulations subsequently adopted by the Contractor Licensing Review Board as authorized by said County Licensing Regulations, as said Resolution and regulations may be amended from time to time by said Boards.

**Exceptions:**

- 1.. Work regulated hereby in an existing one-or two-family dwelling used exclusively for living purposes, provided that the permit applicant signs an affidavit certifying that he/she is a bona fide owner and current occupant of such dwelling, that he/she will be performing the work and that no contractors will be utilized to perform the work regulated hereby.

2. Installation, repair or replacement of driveways or any other flatwork.
  3. Installation, repair or replacement of fences.
10. **Inactive Permit.** No additional building permit shall be issued for a property for which there is an existing inactive building permit.

***Chapter 3, Section 310.4.1 is hereby replaced with the following:***

**310.4.1 Care facilities within a dwelling.** Care facilities for eight or fewer persons receiving care that are within a single-family dwelling are permitted to comply with the *International Residential Code* provided an automatic sprinkler system is installed in accordance with Section 903.3.1.3 or Section P2904 of the *International Residential Code*.

**310.4.2 Lodging houses.** Owner occupied lodging houses (in which the owner lives in common with the guests) with five or fewer guest rooms and 10 or few total occupants shall be permitted to be constructed in accordance with the International Residential Code.

***Chapter 3, Section 310.5 is hereby replaced with the following:***

**310.5 Residential Group R-4.** Residential Group R-4 occupancy shall include building, structures or portions thereof for more than eight but not more than 16 persons, excluding staff, who reside on a 24-hour basis in a supervised residential environment and receive custodial care. Buildings of Group R-4 shall be classified as one of the occupancy conditions specified in Section 310.5.1 or 310.5.2. This group shall include, but not be limited to, the following:

- Alcohol and drug centers
- Assisted living facilities
- Congregate care facilities
- Group homes
- Halfway houses
- Residential board and care facilities
- Social rehabilitation facilities

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3, except as otherwise provided for in the code.

***Chapter 5, Section 503.1.4 Exceptions is hereby amended to add the following:***

3. An occupied roof shall be permitted to have one unisex restroom not to exceed 80 square feet in area without increasing the story height of a building.

***Chapter 7, section 716.2.1 is amended to add the following:***

**716.2.1.5 Fire Door and Shutter Assemblies.** If a fire alarm system is provided throughout the building, then the fire door or shutter assembly shall be connected to the fire alarm system and detection devices shall be placed on both sides of the fire door or shutter assembly to automatically close the fire door or shutter assembly upon activation of the device.

*Chapter 9, [F] Section 903.3.5 is amended to add the following:*

**903.3.5.3 Main control valves.** Water supply lines for automatic sprinkler system shall be provided with a control valve located on the riser. The valve shall be capable of isolating the underground fire service main from automatic sprinkler system.

**903.3.5.3.1 Main control valve access.** The isolation control valve shall be accessible. To be considered accessible, a clear space three feet (3') by three feet (3') by seven feet (7') high shall be provided in front of the valve. Access to the clear space shall be provided by an unobstructed aisle not less than three feet (3') wide and seven feet (7') high. The valve shall be operable from the floor level.

*Chapter 9, Section [F] 903.4 Exceptions is amended to add the following:*

8. On existing installations, isolation valves for the backflow prevention devices remotely located in pits which are locked and/or chained in the open position.

*Chapter 9, Section [F] 903.4.2 is hereby replaced with the following:*

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

**903.4.2.1 Notification devices.** When an automatic fire sprinkler system is installed in a building, audible and visible notification appliances shall be installed throughout the building as follows:

1. Audible notification appliances shall be installed so as to be audible at 15 dba above average sound pressure level throughout the building.
2. Visible notification devices shall be installed in all areas of the building in accordance with the location and spacing requirements of NFPA 72.

*Chapter 9, Section [F] 903.4.3 is hereby replaced with the following:*

**903.4.3 Floor control valves.** Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor of a multi-story building.

**Exception:** Automatic sprinkler systems designed in accordance with Sections 903.3.1.2 or 903.3.1.3.

*Chapter 9, Section [F] 905.4 is hereby replaced with the following:*

**905.4 Location of Class I standpipe hose connections.** Class I standpipe hose connections shall be provided in all of the following locations:

1. In every required interior exit stairway, a hose connection shall be provided for each story above and below grade plane. Hose connections shall be located at the intermediate floor landing unless otherwise approved by the fire code official.

**Exception:** A single hose connection shall be permitted to be installed in the open corridor or open breezeway between open stairs that are not greater than 75 feet apart.

2. On each side of the wall adjacent to the exit opening of a horizontal exit.

**Exception:** Where floor areas adjacent to a horizontal exit are reachable from an interior exit stairway hose connection by a 30-foot hose stream from a nozzle attached to 100 feet of hose, a hose connection shall not be required at the horizontal exit.

3. In every exit passageway, at the entrance from the exit passageway to other areas of a building.

**Exception:** Where floor areas adjacent to an exit passageway are reachable from an interior exit stairway hose connection by a 30-foot hose stream from a nozzle attached to 100 feet of hose, a hose connection shall not be required at the entrance from the exit passageway to other areas of the building.

4. In covered mall buildings, adjacent to each exterior public entrance to the mall and adjacent to each entrance from an exit passageway or exit corridor to the mall. In open mall buildings, adjacent to each public entrance to the mall at the perimeter line and adjacent to each entrance from an exit passageway or exit corridor to the mall.

5. Where the roof has a slope less than four units vertical in 12 units horizontal, a hose connection shall be located to serve the roof or at the highest landing of an interior exit stairway with access to the roof provided in accordance with Section 1011.12.

6. Where the most remote portion of a non-sprinklered floor or story is more than 150 feet from a hose connection or the most remote portion of a sprinklered floor or story is more than 200 feet from a hose connection, the fire code official is authorized to require that additional hose connections be provided in approved locations.

**Chapter 9, Section [F] 906.1 is hereby replaced with the following:**

**906.1 Where required.** Portable fire extinguishers shall be installed in the following locations:

1. In Group A, B, E, F, H, I, M, R-1, R2 dormitories, R-4 and S occupancies.

**Exceptions:**

1. In Group R2 dormitories, portable fire extinguishers shall be required only in locations specified in Items 2 through 6 where each dwelling unit is provided with a portable fire extinguisher having a minimum rating of 1A:10-b:C.

In Group A, B and E occupancies equipped throughout with quick-response sprinklers, portable fire extinguishers shall be required only in locations specified in Items 2 through 6. Extinguishers shall have a minimum rating of 2-A:20-B:C.

2. Within 30 feet distance of travel from commercial cooking equipment and from domestic cooking equipment in Group I-1, I-2, Condition 1 and R2 college dormitory occupancies.
3. In areas where flammable or combustible liquids are stored, used or dispensed.
4. On each floor of structures under construction, except Group R-3 occupancies, in accordance with Section 3315.1 of the *International Fire Code*.
5. Where required by the *International Fire Code* Sections indicated in Table 906.1.
6. Special-hazard areas, including but not limited to laboratories, computer rooms, and generator rooms, where required by the Fire Code Official.

**Chapter 9, [F] Section 907.6.6 is hereby replaced with the following:**

**907.6.6 Monitoring.** Fire alarm systems required by this Chapter or by the International Fire Code shall be monitored by an approved supervisory station in accordance with NFPA 72. The fire alarm system shall be monitored by an approved entity that has been listed by a nationally recognized agency to perform such service.

Fire alarm systems that require two or more zones, or have addressable fire alarm panels, shall report a signal to the monitoring company wherein the fire alarm initiating device and its location can be determined. The monitoring company shall then report this information to the emergency communication center dispatch.

**Exceptions:** Monitoring by a supervising station is not required for:

1. Single and multiple station smoke alarms required by Section 907.2.10.
2. Smoke detectors in Group I-3 occupancies.
3. Automatic sprinkler systems in one and two family dwellings.
4. Proprietary systems as approved by the Fire Department.

***Chapter 9, Section 907.2 is hereby replaced with the following:***

**907.2 Where required—new buildings and structures.** An approved fire alarm system installed in accordance with the provision of this code and NFPA 72 shall be provided in new buildings and structures in accordance with Sections 907.2.1 through 907.2.24 and provide occupant notification in accordance with Section 907.5 unless other requirements are provided by another section of this code.

Not fewer than one manual fire alarm box shall be provided in an approved location in initiate a fire alarm signal for fire alarm systems employing automatic fire detectors or waterflow detection devices. Where other sections of this code allow elimination of fire alarm boxes due to sprinklers, a single fire alarm box shall be installed.

**Exceptions:**

1. The manual fire alarm box is not required for fire alarm systems dedicated to elevator recall control and supervisory service.
2. The manual fire alarm box is not required for Group R-2 occupancies unless required by the fire code official to provide a means for fire watch personnel to initiate an alarm during a sprinkler system impairment event. Where provided, the manual fire alarm doz shall not be located in an area that is open to the public.

***Chapter 9, Section 907 is hereby amended to add following:***

**907.2.24 Notification devices.** When an automatic fire sprinkler system is installed in a building, audible and visible notification appliances shall be installed throughout the building as follows:

1. Audible notification appliances shall be installed so as to be audible at 15 dba above average sound pressure level throughout the building.
2. Visible notification devices shall be installed in all areas of the building in accordance with the location and spacing requirements of NFPA 72.

***Chapter 9, Section [F] 912.2 is hereby amended to add the following:***

**912.2.3 Fire Department Connections** shall be located within 100 feet of a hydrant.

***Chapter 9, Section [F] 913.4 is hereby amended to replace the following:***

**Section 913.4 Valve Supervision.** Where provided, the fire pump suction, discharge and bypass valves, and isolation valves on the backflow prevention device or assembly shall be supervised open by one of the following methods:

1. Central-station, proprietary or remote-station signaling service.
2. Local signaling service that will cause the sounding of an audible signal at a constantly attended location.

*Chapter 9, Section [F] 917 Mass Notification Systems is hereby deleted.*

*Chapter 10, Section 1010.1.9.12 is hereby replaced with the following:*

**1010.1.9.12 Stairway doors.** Interior stairway means of egress doors shall be openable from both sides without the use of a key or special knowledge or effort.

**Exceptions:** (Note: doors complying with exceptions 3 and 4 shall unlock upon loss of power to the electrical system.)

1. Stairway discharge doors shall be openable from the egress side and shall only be locked from the opposite side.
2. This section shall not apply to doors arranged in accordance with Section 403.5.3.
3. Stairway exit doors are permitted to be locked from the side opposite egress side, provided that they are openable from the egress side and capable of being unlocked simultaneously without unlatching upon a signal from the fire command center, if present, or a signal by emergency personnel from a single location inside the main entrance to the building.
4. Stairway exit doors shall be openable from the egress side and shall only be locked from the opposite side in B, F, M and S occupancies where the only interior access to the tenant space is from a single exit stairway where permitted in Section 1006.3.3.
5. Stairway exit doors shall be openable from the egress side and shall only be locked from the opposite side in Group R-2 occupancies where the only interior access to the dwelling unit is from a single exit stairway where permitted in section 1006.3.3.

*Chapter 10, Section 1011.5.2 is hereby amended to add the following:*

**1011.5.2 Riser height and tread depth.** Stairs riser shall have a maximum height of seven (7") inches and a minimum height of four (4") inches. The riser height shall be measured from the top of the nosing vertically down to the adjacent tread surface.

*Chapter 10, Section 1011.6 is hereby replaced with the following:*

**1011.6 Stairway landings.** There shall be a floor or landing at the top and bottom of each stairway. The width of landings, measured perpendicularly to the direction of travel, shall be not less than the width of stairways served. Every landing shall have a minimum depth, measured parallel to the direction of travel, equal to the width of the stairway. Doors opening onto a landing shall not reduce the landing to less than one-half the required width. When fully open, the door shall not project more than 7 inches into a landing. Where wheelchair spaces are required on the stairway landing in accordance with 1009.6.3 the wheelchair space shall not be located in the required width of the landing and doors shall not swing over the wheel chair spaces.

**Exception:** Where stairways connect stepped aisles to cross aisles or concourses, stairway landings are not required at the transition between stairways and stepped aisles constructed in accordance with Section 1029.

*Chapter 10, Section 1023.9 is hereby replaced with the following:*

**1023.9 Stairway identification signs.** A sign shall be provided at each floor landing in an interior exit stairway and ramp connecting more than three stories designating the floor level, the terminus of the top and bottom of the interior exit stairway enclosure and the identification of the stair or ramp. The signage shall also state the story of, and the direction to the exit discharge and the availability of roof access from the interior exit stairway for the Fire Department. The signs shall be color coded or have colored borders that are identified as follows: red shall be used for the primary exit enclosure with roof access, yellow for the secondary stairwell, blue for the third stairwell, white for the fourth, and green for the fifth. The sign shall be located five (5') feet above the floor landing in a position which is readily visible when the doors are in the open and closed positions. In addition to the stairway identification sign, a floor-level sign in raised characters and Braille complying with ICC A117.1 shall be located at each floor level landing adjacent to the door leading from the interior exit stairway and ramp into the corridor to identify the floor level.

*Chapter 11, Section 1103.2.11 is hereby replaced with the following:*

**1103.2.11 Residential Group R-3.** Buildings of Group R-3 containing not more than five sleeping units for rent or hire that are also occupied as the residence of the proprietor are not required to comply with this chapter.

*Chapter 12, Section 1202.1 is hereby replaced with the following:*

**1202.1 General.** Buildings shall be provided with natural ventilation in accordance with Section 1202.5, or mechanical ventilation in accordance with the International Mechanical Code.

Where the air infiltration rate of a dwelling unit is less than 3 air changes per hour when tested with a blower door at a pressure of 0.2-inch w.c (50 Pa) in accordance with

Section 402.4.1.2 of the International Energy Conservation Code, then the dwelling unit shall be ventilated by mechanical means in accordance with Section 403 of the International Mechanical Code.

***Chapter 17, Section 1705 is hereby amended to add the following:***

**1705.19 Testing of interior and exterior stairways.** The testing of all interior and exterior stairways, in accordance with 1011.5.2 Riser height and tread depth as amended, shall be performed by either a registered architect, Professional Engineer or an inspection agency approved by the Building Official in accordance with section 110.4.

***Chapter 31, Section 3103.1, 3103.1.1, and 3103.1.2 are hereby replaced with the following:***

**3103.1 General.** The provisions of Sections 3103.1 through 3103.4 shall apply to structures erected for a period of less than 180 days. Tents and other membrane structures erected for a period of less than 180 days shall comply with the *International Fire Code*. Those erected for a longer period of time shall comply with applicable sections of this Code.

**3103.1.1 Conformance.** Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure public health, safety and general welfare.

**3103.1.2 Permit required.** Temporary structures that cover an area greater than 900 square feet including connecting areas or spaces with a common means of egress or entrance which are used or intended to be used for the gathering together of 50 or more persons, shall not be erected, operated or maintained for any purpose without obtaining a permit from the Building Official.

***Chapter 33, Section 3303 is hereby amended to add the following:***

**3303.8 Fences.** Every construction site where upon a structure or building is being demolished shall be enclosed with a barrier not less than six feet (6') high to prevent the entry of unauthorized persons. All barriers shall be of adequate strength to resist wind pressure.

**Exception:** The Building Official may waive the requirements for the six foot (6') fence for small structures that can be demolished in a short time period. Demolition debris or partially demolished structures always be protected.

**Sec. 11-57 International Residential Code**

(a) The 2018 Edition of the International Residential Code, excluding Appendices (Appendices may be used as references when approved by the Building Official), as published by the International Code Council, Inc. is hereby adopted and incorporated by reference, save and except such portions as are hereinafter or may be hereinafter deleted or amended. At least one copy of said International Residential Code shall be marked or stamped "official copy as incorporated by Ordinance No. \_\_\_\_\_," to which shall be attached a copy of the incorporating ordinance and filed with the city clerk to be open to inspection and available to the public at all reasonable business hours.

(b) The 2018 Edition of the International Residential Code, adopted in this article is hereby amended in the following respects:

***Chapter 1, Section R105.2 is hereby replaced with the following:***

**R105.2 Work exempt from permit.** Exemptions from *permit* requirements of this code shall not be deemed to grant authorization of any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdictions. *Permits* shall not be required for the following:

**Building:**

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided that the floor area is not greater than 150 square feet.
2. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
3. Prefabricated swimming pools that are less than 24 inches deep.
4. Swings and other playground equipment.
5. Window awnings supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support.
6. Decks not exceeding 200 square feet in area, that are not more than 30 inches above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.

**Electrical:**

1. Listed cord-and-plug connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles but not the outlets therefor.
3. Replacement of branch circuit overcurrent devices of the required capacity in the same location.
4. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.

5. Minor repair work, including the replacement of lamps of the connection of approved portable electoral equipment to approved permanently installed receptacles.

**Gas:**

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

**Mechanical:**

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot- or chilled-water piping within any heating or cooling equipment regulated by the code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds or less of refrigerant and actuated by motors of 1 horsepower or less.
8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

**Plumbing:**

1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement of rearrangement or valves, pipes or fixtures.

***Chapter 1, Section R105.3 is hereby amended to add the following:***

8. Provide proof that the permit applicant has a current City occupational license as required by Chapter 14 of the City Code.
  1. **Exception.** A City occupational license is not required for the issuance of a permit to do work regulated hereby in an existing one-or two-family dwelling used exclusively for living purposes, provided that the permit applicant signs an affidavit certifying that he/she is a bona fide owner and current occupant of such dwelling, that he/she will be performing the work and that no contractors will be utilized to perform the work regulated hereby.
  2. **Denial of permit application.** The Building Official is authorized to deny a building permit to any applicant that does not provide adequate proof of satisfying this requirement. The Building Official is further authorized to deny a building permit to any person who has an outstanding failure to appear in court (Bench Warrant), with respect to any violation of the Merriam Municipal Code.
9. Provide proof that the permit applicant has a current, valid contractor's license issued by Johnson County, Kansas in accordance with the provisions of the Johnson County Contractors Licensing Program and the Contractor Licensing Regulations adopted by the Board of County Commissioners by Resolution 058-01 on August 9, 2001, and any regulations subsequently adopted by the Contractor Licensing Review Board as authorized by said County Licensing Regulations, as said Resolution and regulations may be amended from time to time by said Boards.

**Exceptions:**

1. Work regulated hereby in an existing one-or two-family dwelling used exclusively for living purposes, provided that the permit applicant signs an affidavit certifying that he/she is a bona fide owner and current occupant of such dwelling, that he/she will be performing the work and that no contractors will be utilized to perform the work regulated hereby.
  2. Installation, repair or replacement of driveways or any other flatwork.
  3. Installation, repair or replacement of fences.
10. **Inactive Permit.** No additional building permit shall be issued for a property for which there is an existing inactive building permit.

**Chapter 3, Table R301.2(1) is hereby amended to add the following:**

Roof Snow Load:	20 + 5 for rain on snow
Wind Speed (mph):	115 (3 second gust)
Seismic Design Category:	A
Subject to damage from Weathering:	Severe
Subject to damage from Frost Line Depth:	36"
Subject to damage from Termite:	Moderate to Heavy
Subject to damage from Decay:	Slight to Moderate
Winter Design Temp.:	50 degrees / 60 degrees
Ice Shield Underlayment Required:	Yes
Flood Hazards:	100-year floodplain per FEMA Maps
Air Freezing Index:	1500 or less
Mean Annual Temperature:	54.8

**Chapter 3, Section R302.3 is hereby replaced with the following:**

**R302.3 Two-Family dwellings.** Dwelling units in a two-family dwelling shall be constructed in accordance with R302.2 for Townhouses, as amended.

**Exceptions:** A fire-resistance rating of one hour shall be permitted in buildings equipped throughout with an automatic sprinkler system installed in accordance with NFPA 13.

**Chapter 3, Section R302.3 is hereby amended to add the following:**

**R302.3.2 Two-Family Lot splits.** For the purposes of Two-Family Lot splits that are done in accordance with all relevant standards contained in the Merriam Zoning Regulations and Merriam Subdivision Regulations, Section R302.3 shall not apply to two-family dwellings or townhouses for which a building permit has been issued prior to December 31, 2010.

**Chapter 3, Section R302.13 is hereby replaced with the following:**

**R302.13 Fire protection of floors.** Floor assemblies that are not required elsewhere in this code to be fire-resistance rated, shall be provided with a  $\frac{1}{2}$ -inch gypsum wallboard membrane,  $\frac{5}{8}$ -inch wood structural panel membrane, or equivalent on the underside of the floor framing member. Penetrations or openings for ducts, vents, electrical outlets, lighting, devices, luminaires, wires, speakers, drainage, piping and similar openings or penetrations shall be permitted.

**Exceptions:**

1. Floor assemblies located directly over a space protected by automatic fire sprinklers. The sprinklers are permitted to be installed on a  $\frac{3}{4}$ -inch domestic water line.

2. Floor assemblies located directly over a crawl space.
3. Portions of floor assemblies shall be permitted to be unprotected where complying with the following:
  - 3.1. The aggregate area of the unprotected portions does not exceed 80 square feet per story.
  - 3.2. Fireblocking in accordance with Section R302.11.1 is installed along the perimeter of the unprotected portion from the remainder of the floor assembly.
4. Wood floor assemblies using dimension lumber or structural composite lumber equal to or greater than 2-inch by 10-inch nominal dimension, or other approved floor assemblies demonstrating equivalent fire performance.

***Chapter 3, Section R303.4 is hereby replaced with the following:***

**R303.4 Ventilation.** Where the air infiltration rate of a dwelling unit is 3 air Changes per hour or less where tested by a blower door at a pressure of 0.2 inch w.c. (50 Pa) in accordance with Section N1102.4.1.2, the dwelling unit shall be provided with whole-house mechanical ventilation in accordance with Section M1505.4

***Chapter 3, Section R309 is hereby amended to add the following:***

**R309.6 Residential driveways.** Residential concrete and asphalt driveway slabs shall be a minimum of 4" thick. For concrete driveways, 4 inches of gravel shall be added as a base along with  $\frac{1}{2}$  inch rebar spaced thirty inches (30") on center each way over the base prior to the driveway concrete being poured. The driveway shall have a constant slope to avoid ponding of water. The slope shall be away from the house or building, or drain by a means approved by the Building Official.

***Chapter 4, Section R401.1 is hereby replaced with the following:***

**R401.1 Application.** The provisions of this chapter shall control the design and construction of the foundation and foundation spaces for all buildings. In addition to the provisions of this chapter, the design and construction of foundations in flood hazard areas as established by Table R301.2(1) shall meet the provisions of Section R322. Wood foundations shall be designed and installed in accordance with AWC PWF. Foundation designs for one and two-family dwellings may use the approved standards and designs provided in the Johnson County Residential Foundation Guidelines in lieu of the prescriptive requirements of Chapter 4 of this Code as approved by the Building Official.

**Exception:** The provisions of this chapter shall be permitted to be used for wood foundations only in the following situations:

1. In buildings that have no more than two floors and a roof.

2. When interior basement and foundation walls are constructed at intervals not exceeding 50 feet.

Wood foundations in Seismic Design Category D<sub>0</sub>, D<sub>1</sub> or D<sub>2</sub> shall be designed in accordance with accepted engineering practice.

**R401.2.2 Foundation anchorage.** The spacing of anchor bolts or foundation anchor straps required by Section 403.1.6 shall be reduced to a maximum of 3' (feet) on center for basement foundation walls.

*Chapter 4, Section R401.4 is hereby amended to add the following:*

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

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

*Chapter 4, Section R403.1.1 is hereby amended to add the following:*

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

**R403.1.1.2 Column pads.** Column pads shall be a minimum of 24 inches by 24 inches and 8 inches deep. Reinforcement shall consist of a minimum of three No. 4 bars each way, uniformly spaced.

*Chapter 4, Section R404.1.3 is hereby replaced with the following:*

**R404.1.3 Design required.** A design in accordance with accepted engineering practice shall be provided for concrete or masonry foundation walls when any of the conditions listed below exist. Where applicable, a standard design approved by the County may be used in lieu of a design from the design professional. For new single-family dwellings where standard designs approved by the County are used, the design professional sealing the plans shall specify the use of those designs on the approved plans or through a separate report.

1. Walls are subject to hydrostatic pressure from ground water.

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

***Chapter 5, Section R506 is hereby amended to add the following:***

**R506.3 Design required.** A design in accordance with accepted engineering practice shall be provided for concrete floors when the limitations for fill material set forth in section R506.2.1 are exceeded. Where applicable, a standard design approved by the City may be used in lieu of a design from the design professional.

***Chapter 5, Section R506.2 is hereby amended to add the following:***

**R506.2.5 Basement floor slab isolation.** Basement floor slabs shall be isolated from column pads, interior columns, and interior bearing walls to facilitate differential movement. Nonbearing walls supported on basement floor slabs shall be provided with a minimum one-inch expansion joint to facilitate differential movement between the floor slab and the floor framing above. Isolation and/or an expansion joint is not required within six inches of the exterior walls.

***Chapter 6, Section R602.6.1 is hereby replaced with the following:***

**R602.6.1 Drilling and notching of top plate.** Where piping or ductwork is placed in or partly in an exterior wall or interior load-bearing wall, necessitating cutting, drilling or notching of the top plate by more than 50 percent of its width, a galvanized metal tie not less than 0.054 inch thick (16 ga) and 1½ inches wide shall be fastened across and to the plate at each side of the opening with not less than four 10d (0.148 inch diameter) nails having a minimum length of 1 ½ inches at each side or equivalent. The metal tie must extend a minimum of 6 inches past the opening. See Figure R602.6.1.

***Chapter 11, Section N1101.1 is hereby replaced with the following:***

**N1101.1 Scope.** This chapter regulates the energy efficiency for the design and construction of buildings regulated by this Code.

As an alternative to the provisions of Chapter 11 of this Code, structures validated by an accepted certified energy auditor to meet a HERS rating score of 70 or less shall be deemed to meet this Code. The energy auditor shall present national certification credentials to the Building Official for review and approval prior to issuance of the building permit, and no Certificate of Occupancy shall be issued for the structure until all documentation has been received and accepted that compliance is met.

Failure to meet the compliant rating of 70 or less shall result in a “notice” to the owner that the structure has failed to comply with this Code. Such “notice” shall be signed by the contractor and the owner.

*Chapter 11, Section N1101.1 is hereby amended to add the following:*

**N1101.1.1 Additions, alterations, renovations, or repairs.** Additions, alterations, renovations or repairs to an existing building, building system or portion thereof shall conform to the provisions of this Code as they relate to new construction without requiring the unaltered portion(s) of the existing building or building system to comply with this Code. Additions, alterations, renovations or repairs shall not create an unsafe or hazardous condition or overload existing building systems. An addition shall be deemed to comply with this Code if the addition alone complies or if the existing building and addition comply with this Code as a single building.

*Chapter 11, Section N1101.12 (R303.3) is hereby replaced with the following:*

**N1101.12 (R303.3) Maintenance information.** Maintenance instructions shall be furnished for equipment and systems that require preventative maintenance.

**Chapter 11, Table N1102.1.2 (R402.1.2) is hereby replaced with the following:**

**INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT<sup>a</sup>**  
**TABLE N1102.1.2 (R402.1.2)**

CLIMATE ZONE	FENESTRATION U-FACTOR <sup>b</sup>	SKYLIGHT U-FACTOR <sup>b</sup>	GLAZED FENESTRATION SHGC <sup>b,e</sup>	CEILING R-VALUE <sup>g</sup>	WOOD FRAME WALL R-VALUE	MASS WALL R-VALUE <sup>f</sup>	FLOOR R-VALUE	BASEMENT WALL R-VALUE <sup>c</sup>	SLAB R-VALUE & DEPTH <sup>d</sup>	CRAWL SPACE WALL R-VALUE <sup>c</sup>
4	.32	.55	.32	49	13	8/13	19	10/13	10, 2 ft	10/13

For SI: 1 foot – 304.8 mm.

- a. R-values are minimums. U-factors and SHGC are maximums. When insulation is installed in a cavity which is less than the label or design thickness of the insulation, the installed R-value of the insulation shall not be less than the R-value specified in the table.
- b. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.
- c. “10/13” means R-10 continuous insulation on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement walls.
- d. R-5 shall be added to the required slab edge R-values for heated slabs.
- e. Or insulation sufficient to fill the framing cavity, R-19 minimum.
- f. The second R-value applies when more than half the insulation is on the interior of the mass wall.
- g. Loose-fill-insulation shall be installed at the rate recommended by the manufacturer’s statement “so many bags per 1000 sq. ft.” Where the pitch of the roof restricts the “minimum thickness” at the exterior wall line, the insulation shall be blown into the cavity so as to achieve a greater compacted density to a point where the “minimum thickness” can be achieved. An alternative is to install high-density batts around the perimeter edge per N1102.2.
- h. The first value is cavity insulation; the second value is continuous insulation. Therefore, as an example, “13+5” means R-13 cavity insulation plus R-5 continuous insulation.
- i. Mass walls shall be in accordance with Section N1102.2.5. The second R-value applies where more than half of the insulation is on the interior of the mass wall.

*Chapter 11, Table N1102.4.1.1 (R402.4.1.1) is hereby replaced with the following:*

**TABLE N1102.4.1.1 (R402.4.1.1)**  
**AIR BARRIER AND INSULATION INSTALLATION**

COMPONENT	CRITERIA
Air barrier and thermal barrier	A continuous air barrier shall be installed in the building envelope. Exterior thermal envelope contains a continuous air barrier. Breaks or joints in the air barrier shall be sealed. Air-permeable insulation shall not be used as sealing material.
Ceiling/attic	The air barrier in any dropped ceiling/soffit shall be aligned with the insulation and any gaps in the air barrier sealed. Access opening, drop down stair or knee wall doors to unconditioned attic spaces shall be sealed.
Walls	Corners and the junction of the foundation and sill plate shall be sealed. Exterior thermal envelope insulation for framed walls shall be installed in substantial contact and continuous alignment with the air barrier. Knee walls shall be sealed.
Windows, skylights and doors	The space between window/door jambs and framing and skylights and framing shall be sealed.
Rim joists	Rim shall be sealed to prevent air leakage.
Floors (including above-garage and cantilevered floors)	Insulation shall be installed to maintain permanent contact with underside of subfloor decking. The air barrier shall be installed at any exposed edge of insulation.
Crawl space walls	Where provided in lieu of floor insulation, insulation shall be permanently attached to the crawlspace walls. Exposed earth in unvented crawl spaces shall be covered with a Class I vapor retarder with overlapping joints taped.
Shafts, penetrations	Duct shafts, utility penetrations, and flue shafts opening to exterior or unconditioned space shall be sealed.
Narrow cavities	Batts in narrow cavities shall be cut to fit, or narrow cavities shall be filled by insulation that on installation readily conforms to the available cavity space.
Garage separation	Air sealing shall be provided between the garage and conditioned spaces.
Recessed lighting	Recessed light fixtures installed in the building thermal envelope shall be air tight, IC rated, and sealed to the drywall.
Plumbing and wiring	Batt insulation shall be cut neatly to fit around wiring and plumbing in exterior walls, or insulation that on installation readily conforms to available space shall extend behind piping and wiring.

COMPONENT	CRITERIA
Shower/tub on exterior wall	Exterior walls adjacent to showers and tubs shall be insulated and the air barrier installed separating them from the showers and tubs.
Electrical/phone box on exterior walls	The air barrier shall be installed behind electrical or communication boxes or air-sealed boxes shall be installed.
HVAC register boots	HVAC register boots that penetrate building thermal envelope shall be sealed to the sub floor or drywall.
Fireplace	An air barrier shall be installed on fireplace walls.

***Chapter 11, Section N1102.4.1.2 (R402.4.1.2) is hereby replaced with the following:***

**N1102.4.1.2 (R402.4.1.2) Testing.** When required by the Building Official, the building or dwelling unit shall be tested and verified as having an air leakage rate of not exceeding 5 air changes per hour. Testing shall be conducted with a blower door at a pressure of 0.2 inches w.g. (50 Pascals). Testing shall be conducted in accordance with RESNET/ICC 380, ASTM E779 OR ASTM E1827 and reported at a pressure of 0.2 inches w.g. (50 Pascals). Where required by the Building Official, testing shall be conducted by an approved third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the Building Official. Testing shall be performed at any time after creation of all penetrations of the building thermal envelope.

During testing:

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

***Chapter 11, Section 1102.4.2 (R402.4.2) is hereby amended to add the following***

**N1102.4.2.1 Fireplace air barrier.** An air barrier shall be installed on the fireplace wall. This shall be part of the continuous air barrier installed as part of the building

envelope. Breaks or joints in the air barrier shall be sealed. Air permeable insulation shall not be used as sealing material for a fire place wall.

***Chapter 11, Section N1103.3.2 (R403.3.2) is hereby replaced with the following:***

**N1103.3.2 (R403.3.2) Sealing (Mandatory).** Ducts, air handlers, and filter boxes shall be sealed. Joints and seams shall comply with Section M1601.4.1 of this Code.

**Exceptions:**

1. Air-impermeable spray foam products shall be permitted to be applied without additional joint seals.
2. Where a duct connection is made that is partially inaccessible, three screws or rivets shall be equally spaced on the exposed portion of the joint so as to prevent a hinge effect.
3. Continuously welded and locking-type longitudinal joints and seams in ducts operating at static pressures less than two inches of water column (500 Pa) pressure classification shall not require additional closure systems.

***Chapter 11, Section N1103.3.3 (R403.3.3) is hereby replaced with the following:***

**N1103.3.3 (R403.3.3) Duct testing.** When required by the Building Official, duct tightness shall be verified by either of the following:

1. Post construction test: Total leakage shall be less than or equal to 4 cfm (113.3L/min) per 100 square feet (9.29 m<sup>2</sup>) of conditioned floor area when tested at a pressure differential of 0.1 inches w.g. (25 Pa) across the entire system, including the manufacturer's air handler enclosure. All register boots shall be taped or otherwise sealed during the test.
2. Rough-in test: Total leakage shall be less than or equal to 4 cfm (113.3 L/min) per 100 ft<sup>2</sup> square feet (9.29 m<sup>2</sup>) of conditioned floor area when tested at a pressure differential of 0.1 inches w.g. (25 Pa) across the system, including the manufacturer's air handler enclosure. All registers shall be taped or otherwise sealed during the test. If the air handler is not installed at the time of the test, total leakage shall be less than or equal to 3 cfm (85 L/min) per 100 square feet (9.29m<sup>2</sup>) of conditioned floor area.

**Exceptions:**

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

***Chapter 11, Section N1103.3.5 (R403.3.5) is hereby replaced by the following:***

**N1103.3.5 (R403.3.5) Building Cavities (Mandatory).** Building framing cavities shall be permitted to be used as return air ducts or plenums.

***Chapter 11, Section 1103.9, N1103.10, N1103.11, and N1103.12 are hereby deleted.***

***Chapter 11, Section N1104.1 (R404.1) is hereby replaced with the following:***

**N1104.1 (R404.1) Lighting equipment (Mandatory).** Not less than 100 percent of the permanently installed recessed can lights and keyless fixtures shall contain only high efficiency lamps.

***Chapter 11, Section N1104.1.1 (R404.1.1) is hereby deleted.***

***Chapter 11, Section 1106.4 is hereby replaced with the following:***

**N1106.4 (R406.4) ERI-based compliance.** Compliance based on an ERI analysis requires that the rated design be shown to have an ERI less than or equal to 70 when compared to the ERI reference design. Where on-site renewable energy is included for compliance using the ERI analysis of Section N1106.4 the building shall meet the mandatory requirements of section N1106.2 and the building thermal envelope shall be greater than or equal to the levels of efficiency and SHGC in Table N1102.1.2 or Table N1102.1.4

***Chapter 39, Section E3901.12 is hereby deleted.***

***Chapter 39, Section E3902.2 is hereby replaced with the following:***

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

**Exceptions:**

1. Receptacles supplying only garage doors.
2. Receptacles supplying only refrigerators or freezers.
3. A dedicated receptacle supplying a permanently installed fire alarm or security alarm system
4. A dedicated receptacle supplying a sump pump

***Chapter 39, Section E3902.5 is hereby replaced with the following:***

**E3902.5 Unfinished basement receptacles.** All 125 volt, single-phase, 15- and 20-ampere receptacles installed in unfinished basements shall have ground-fault circuit-interrupter protection for personnel. For purposes of this section, unfinished basements are defined as portions or areas of the basement not intended as habitable rooms and limited to storage areas, work areas, and the like.

**Exceptions:**

1. A receptacle supplying only a permanently installed fire alarm or security alarm system.
2. A receptacle supplying only a sump pump.
3. A receptacle supplying only a refrigerator or freezer.

*Chapter 39, Section E3902.16 is hereby replaced with the following:*

**E3902.16 Arc-fault circuit-interrupter protection.** All branch circuits that supply 120-volt, single-phase, 15- and 20-ampere outlets installed in family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sunrooms, recreation rooms, closets, hallways, and similar rooms or areas shall be protected by a combination type arc-fault circuit interrupter installed to provide protection of the branch circuit. For these purposes, a smoke alarm shall not be considered an outlet and shall not be included in the arc-fault circuit.

**Exceptions:**

1. Where an outlet branch-circuit type AFCI is installed at the first outlet to provide protection for the remaining portion of the branch circuit, the portion of the branch circuit between the branch-circuit overcurrent device and the first outlet shall be installed with metal outlet and junction boxes and RMC, IMC, EMT, Type MC, or steel armored Type AC cables meeting the requirements of Section E 3908.8.
2. Where an outlet branch-circuit type AFCI is installed at the first outlet to provide protection for the remaining portion of the branch circuit, the portion of the branch circuit between the branch-circuit overcurrent device and the first outlet shall be installed with metal or nonmetallic conduit or tubing that is encased in not less than 2 inches (51 mm) of concrete.
3. AFCI protection is not required for an individual branch circuit supplying only a fire alarm system where the branch circuit is wired with metal outlet and junction boxes and RMC, IMC, EMT or steel sheathed armored cable Type AC, or Type MC meeting the requirements of Section E3908.8.
4. This section shall not apply where existing dwelling unit premises' wiring circuits make the application of this section impracticable, when approved and acceptable to the Building Official.

Informational Note: One example of the application of this exception is where the existing dwelling unit utilizes a listed panelboard for which there is no listed device for the application of AFCI protection for a multi-wire branch circuit.

***Chapter 39, Section E3902.13 shall be replaced with the following:***

**E3902.17 Arc-fault circuit interrupter protection for branch circuit extensions or modifications.** Where branch-circuit wiring is modified, replaced, or extended in any of the areas specified in Section E3902.12, the branch circuit shall be protected by one of the following:

1. A combination-type AFCI located at the origin of the branch circuit.
2. An outlet branch-circuit type AFCI located at the first receptacle outlet of the existing branch circuit.

**Exception:** This section shall not apply where existing dwelling unit premises' wiring circuits make the application of this section impracticable, when approved and acceptable to the Building Official.

Informational Note: Two examples of the application of this exception are where the existing dwelling unit has a multi-wire branch circuit or utilizes a listed panel board for which there is no listed device for the application of AFCI protection.

**Sec. 11-58. International Mechanical Code**

(a) The 2018 Edition of the International Mechanical Code, excluding Appendices (Appendices may be used as references when approved by the Building Official), as published by the International Code Council, Inc. is hereby adopted and incorporated by reference, save and except such portions as are hereinafter or may be hereinafter deleted or amended. At least one copy of said International Mechanical Code shall be marked or stamped "official copy as incorporated by Ordinance No. \_\_\_\_\_" to which shall be attached a copy of the incorporating ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable business hours.

(b) The 2018 Edition of the International Mechanical Code, adopted in this article is hereby amended in the following respects:

***Chapter 1, Section [A] 102 is hereby amended to add the following:***

**102.12 State Boiler Inspector.** Where permits are issued and portions of the work which require inspection and approval of boilers and pressure vessels by the State of Kansas, those portions of the work shall comply with the state requirements in lieu of compliance with the technical provisions of this Code. Contact the Office of the Kansas State Fire Marshal Boiler Safety Unit for complete information regarding state requirements. State approval is generally required for all boilers that require permits.

**Exceptions:**

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

*Chapter 1, Section [A] 106.3 is hereby amended to add the following:*

**106.3.4 Occupational License.** To obtain a permit, the applicant shall provide proof that the permit applicant has a current City occupational license as deemed necessary by the Building Official or as required by Chapter 14 of the City Code.

1. **Exception.** A City occupational license is not required for the issuance of a permit to do work regulated hereby in an existing one-or two-family dwelling used exclusively for living purposes, provided that the permit applicant signs an affidavit certifying that he/she is a bona fide current owner and occupant of such dwelling, that he/she will be performing the work and that no contractors will be utilized to perform the work regulated hereby.
2. **Denial of permit application.** The Building Official is authorized to deny a building permit to any applicant that does not provide adequate proof of satisfying this requirement. The Building Official is further authorized to deny a building permit to any person who has an outstanding failure to appear in court (Bench Warrant), with respect to any violation of the Merriam Municipal Code.

**106.3.5 Johnson County Contractor's License.** Provide proof that the permit applicant has a current, valid contractor's license issued by Johnson County, Kansas in accordance with the provisions of the Johnson County Contractors Licensing Program and the Contractor Licensing Regulations adopted by the Board of County Commissioners by Resolution 058-01 on August 9, 2001, and any regulations subsequently adopted by the Contractor Licensing Review Board as authorized by said County Licensing Regulations, as said Resolution and regulations may be amended from time to time by said Boards.

**Exceptions:**

Work regulated hereby in an existing one-or two-family dwelling used exclusively for living purposes, provided that the permit applicant signs an affidavit certifying that he/she is a bona fide owner and current occupant of such dwelling, that he/she will be performing the work and that no contractors will be utilized to perform the work regulated hereby.

**106.3.6 Inactive Permit.** No additional building permit shall be issued for a property for which there is an existing inactive building permit.

***Chapter 1, Section [A] 106.5 is hereby deleted:***

***Chapter 5, Section 506.3.2.5 is hereby replaced with the following:***

**506.3.2.5 Grease duct test.** Prior to the use or concealment of any portion of a grease duct system, a leakage test shall be performed. Ducts shall be considered to be concealed where installed in shafts or covered by coatings or wraps that prevent the ductwork from being visually inspected on all sides. The permit holder shall be responsible to provide the necessary equipment and perform the grease duct leakage test. A light test shall be performed to determine that all welded and brazed joints are liquid tight.

A light test shall be performed by passing a lamp having a power rating of not less than 100 watts through the entire section of ductwork to be tested. The lamp shall be open so as to emit light equally in all directions perpendicular to the duct walls. A test shall be performed for the entire duct system, including the hood-to-duct connection. The duct work shall be permitted to be tested in sections, provided that every joint is tested.

## **Sec. 11-59. International Plumbing Code**

(a) The 2018 Edition of the International Plumbing Code, excluding Appendices (Appendices may be used as references when approved by the Building Official), as published by the International Code Council, Inc. is hereby adopted and incorporated by reference, save and except such portions as are hereinafter or may be hereinafter deleted or amended. At least one copy of said International Plumbing Code shall be marked or stamped "official copy as incorporated by Ordinance No. \_\_\_\_\_," to which shall be attached a copy of the incorporating ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable business hours.

Note: As published by International Code Council, the 2018 International Private Sewage Disposal Code is not adopted.

(b) The 2018 Edition of the International Plumbing Code, adopted in this article is hereby amended in the following respects:

***Chapter 1, Section [A] 106.3 is hereby amended to add the following:***

**106.3.4 Occupational License.** To obtain a permit, the applicant shall provide proof that the permit applicant has a current City occupational license as deemed necessary by the Building Official or as required by Chapter 14 of the City Code.

1. **Exception.** A City occupational license is not required for the issuance of a permit to do work regulated hereby in an existing one-or two-family dwelling used exclusively for living purposes, provided that the permit applicant signs

an affidavit certifying that he/she is a bona fide owner and current occupant of such dwelling, that he/she will be performing the work and that no contractors will be utilized to perform the work regulated hereby.

2. **Denial of permit application.** The Building Official is authorized to deny a building permit to any applicant that does not provide adequate proof of satisfying this requirement. The Building Official is further authorized to deny a building permit to any person who has an outstanding failure to appear in court (Bench Warrant), with respect to any violation of the Merriam Municipal Code.

**106.3.5 Johnson County Contractor's License.** Provide proof that the permit applicant has a current, valid contractor's license issued by Johnson County, Kansas in accordance with the provisions of the Johnson County Contractors Licensing Program and the Contractor Licensing Regulations adopted by the Board of County Commissioners by Resolution 058-01 on August 9, 2001, and any regulations subsequently adopted by the Contractor Licensing Review Board as authorized by said County Licensing Regulations, as said Resolution and regulations may be amended from time to time by said Boards.

**Exceptions:**

Work regulated hereby in an existing one-or two-family dwelling used exclusively for living purposes, provided that the permit applicant signs an affidavit certifying that he/she is a bona fide owner and current occupant of such dwelling, that he/she will be performing the work and that no contractors will be utilized to perform the work regulated hereby.

**106.3.6 Inactive Permit.** No additional building permit shall be issued for a property for which there is an existing inactive building permit.

*Chapter 1, Section [A] 106.6 is hereby deleted:*

*Chapter 3, Section 305.4 is hereby replaced with the following:*

**305.4 Freezing.** Water, soil and waste pipes shall not be installed outside of a building, in attics or crawl spaces, concealed in outside walls, or in any other place subjected to freezing temperatures unless adequate provision is made to protect such pipes from freezing by insulation or heat or both. Exterior water supply system piping shall be installed not less than 6 inches (152 mm) below the frost line. The frost line depth for Merriam is thirty-six inches below grade.

*Chapter 4, Section 403.2 is hereby replaced with the following:*

**403.2 Separate facilities.** Where plumbing fixtures are required, separate facilities shall be provided for each sex.

**Exceptions:**

1. Separate facilities shall not be required for dwelling and sleeping units.
2. Separate employee facilities shall not be required in occupancies in which 15 or less people are employed.
3. Separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers, of 15 or less.
4. Separate facilities shall not be required in mercantile occupancies in which the maximum occupant load is 50 or fewer.
5. Separate facilities shall not be required in business occupancies in which the maximum occupant load is 25 or fewer.

*Chapter 7, Section 701.2 is hereby replaced with the following:*

**701.2 Connection to sewer required.** Buildings in which plumbing fixtures are installed and premises having drainage piping shall only be connected to a public sewer. New installations of private sewage disposal systems shall not be permitted or installed. Examples of private sewage disposal systems are septic tanks, lateral fields, etc.

*Chapter 9, Section 903.1 is hereby replaced with the following:*

**903.1 Roof extension.** All open vent pipes that extend through a roof shall be terminated at least six (6") inches above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least seven feet above the roof.

*Chapter 12, Section [F] 1202 is hereby amended to add the following:*

**1202.2 Nonflammable medical gas installation certification requirements.**

No person shall install, improve, repair, maintain or inspect a medical gas piping system within the city unless such person: (a) is licensed under the provisions of K.S.A. 12-1508 et seq., and amendments thereto; and (b) is certified under the appropriate professional qualifications standard or standards of ASSE Series 6000. All installers shall obtain a proper permit from the city in which the medical gas is being installed. All inspections shall be done by a third-party agency certified under the appropriate professional qualification's standard or standards of ASSE Series 6000 for medical gas systems inspectors and all documentation of the inspections and certifications of installers and inspectors shall be provided to the city prior to the occupancy of the building in which the medical gas piping has been

installed. A certificate of occupancy shall not be issued until the aforementioned documentation has been submitted to and approved by the city.

As used in this subsection, “medical gas piping” means the piping used solely to transport gasses used for medical purposes at a health care facility.

## **Sec. 11-60. International Fuel Gas Code**

(a) The 2018 Edition of the International Fuel Gas Code, excluding Appendices (Appendices may be used as references when approved by the Building Official), as published by the International Code Council, Inc. is hereby adopted and incorporated by reference, save and except such portions as are hereinafter or may be hereinafter deleted or amended. At least one copy of said International Fuel Gas Code shall be marked or stamped "official copy as incorporated by Ordinance No. \_\_\_\_\_" to which shall be attached a copy of the incorporating ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable business hours.

(b) The 2018 Edition of the International Fuel Gas Code, adopted in this article is hereby amended in the following respects:

*Chapter 1, Section [A] 106.3 is hereby amended to add the following:*

**106.3.3 Occupational License.** To obtain a permit, the applicant shall provide proof that the permit applicant has a current City occupational license as deemed necessary by the Building Official or as required by Chapter 14 of the Merriam Code.

- 1.. **Exception.** A City occupational license is not required for the issuance of a permit to do work regulated hereby in an existing one-or two-family dwelling used exclusively for living purposes, provided that the permit applicant signs an affidavit certifying that he/she is a bona fide owner and current occupant of such dwelling, that he/she will be performing the work and that no contractors will be utilized to perform the work regulated hereby.
2. **Denial of permit application.** The Building Official is authorized to deny a building permit to any applicant that does not provide adequate proof of satisfying this requirement. The Building Official is further authorized to deny a building permit to any person who has an outstanding failure to appear in court (Bench Warrant), with respect to any violation of the Merriam Municipal Code.

**106.3.4 Johnson County Contractor's License.** Provide proof that the permit applicant has a current, valid contractor's license issued by Johnson County, Kansas in accordance with the provisions of the Johnson County Contractors Licensing Program and the Contractor Licensing Regulations adopted by the Board of County Commissioners by Resolution 058-01 on August 9, 2001, and any regulations subsequently adopted by the Contractor Licensing Review Board as authorized by said

County Licensing Regulations, as said Resolution and regulations may be amended from time to time by said Boards.

**Exception.**

Work regulated hereby in an existing one-or two-family dwelling used exclusively for living purposes, provided that the permit applicant signs an affidavit certifying that he/she is a current bona fide owner and occupant of such dwelling, that he/she will be performing the work and that no contractors will be utilized to perform the work regulated hereby.

**106.3.5 Inactive Permit.** No additional building permit shall be issued for a property for which there is an existing inactive building permit.

*Chapter 1, Section 106.6 is hereby amended deleted.*

*Chapter 3, Section 301 is hereby amended to add the following:*

**301.16 Protection from physical damage.** Where meters supplying fuel gas are located adjacent to parking spaces or vehicular driveways they shall be protected from physical damage per section 312 of the International Fire Code.

**Sec. 11-61. International Existing Building Code**

(a) The 2018 Edition of the International Existing Buildings Code excluding Appendices (Appendices may be used as references when approved by the Building Official) as published by the International Code Council, Inc. is hereby adopted and incorporated by reference, save and except such portions as are hereinafter or may be hereinafter deleted or amended. At least one copy of said International Existing Buildings Code shall be marked or stamped "official copy as incorporated by Ordinance No. \_\_\_\_\_" to which shall be attached a copy of the incorporating ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable business hours.

(b) The 2018 Edition of the International Existing Building Code, adopted in this article is hereby amended in the following respects:

*Chapter 1, Section [A] 105.2 is hereby replaced with the following:*

**105.2 Work exempt from permit.** Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

**Building:**

1. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
2. Temporary motion picture, television, and theater stage sets and scenery.
3. Shade cloth structures constructed for nursery or agricultural purposes, and not including service systems.
4. Window awnings supported by an exterior wall of Group R-3 or Group U occupancies.
5. Movable cases, counters, and partitions not over 69 inches.

**Electrical:**

1. **Repairs and maintenance:** Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
2. **Radio and television transmitting stations:** The provision of this code shall not apply to electrical equipment used for radio and television transmission, but do apply to equipment and wiring for power supply, the installations of towers, and antennas.
3. **Temporary testing systems:** A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

**Gas:**

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

**Mechanical:**

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot, or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds or less of refrigerant and actuated by motors of 1 horsepower or less.

**Plumbing:**

1. The stopping of leaks in drains, water, soil, waste, or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste, or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work, and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves, or fixtures, and the removal and reinstallation of water closets, provided that such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

***Chapter 1, Section [A] 105.3 is hereby amended to add the following:***

**105.3.4 Occupational License.** To obtain a permit, the applicant shall provide proof that the permit applicant has a current City occupational license as deemed necessary by the Building Official or as required by Chapter 14 of the Merriam Code.

- 1.. **Exception.** A City occupational license is not required for the issuance of a permit to do work regulated hereby in an existing one-or two-family dwelling used exclusively for living purposes, provided that the permit applicant signs an affidavit certifying that he/she is a bona fide owner and current occupant of such dwelling, that he/she will be performing the work and that no contractors will be utilized to perform the work regulated hereby.
2. **Denial of permit application.** The Building Official is authorized to deny a building permit to any applicant that does not provide adequate proof of satisfying this requirement. The Building Official is further authorized to deny a building permit to any person who has an outstanding failure to appear in court (Bench Warrant), with respect to any violation of the Merriam Municipal Code.

**105.3.5 Johnson County Contractor License.** Provide proof that the permit applicant has a current, valid contractor's license issued by Johnson County, Kansas in accordance with the provisions of the Johnson County Contractors Licensing Program and the Contractor Licensing Regulations adopted by the Board of County Commissioners by Resolution 058-01 on August 9, 2001, and any regulations subsequently adopted by the Contractor Licensing Review Board as authorized by said County Licensing Regulations, as said Resolution and regulations may be amended from time to time by said Boards.

1. **Exceptions:**

1. Work regulated hereby in an existing one- or two-family dwelling used exclusively for living purposes, provided that the permit applicant signs an affidavit certifying that he/she is a bona fide owner and current

occupant of such dwelling, that he/she will be performing the work and that no contractors will be utilized to perform the work regulated hereby.

2. Installation, repair or replacement of driveways or other flatwork.
3. Installation, repair or replacement of fences.

**105.3.6 Inactive Permit.** No additional building permit shall be issued for a property for which there is an existing inactive building permit.

## **Sec. 11-62. International Energy Conservation Code**

(a) The 2018 Edition of the International Energy Conservation Code excluding Appendices (Appendices may be used as references when approved by the Building Official) as published by the International Code Council, Inc. is hereby adopted and incorporated by reference, save and except such portions as are hereinafter or may be hereinafter deleted or amended. At least one copy of said International Energy Conservation Code shall be marked or stamped "official copy as incorporated by Ordinance No. \_\_\_\_\_," to which shall be attached a copy of the incorporating ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable business hours.

(b) This section shall be governed by the administrative provisions contained in the International Building Code as incorporated and amended in Section 11-56.

(c) The 2012 Edition of the International Energy Conservation Code, adopted in this article, is hereby amended in the following respects:

*Residential Provisions, Chapters 1 through 6 are hereby deleted.*

*Chapter 4, Table C402.1.4 is hereby replaced with the following:*

**Table C402.1.4**  
**OPAQUE THERMAL ENVELOPE ASSEMBLY MAXIMUM REQUIREMENTS FOR**  
**ZONE 4, U-FACTOR METHOD<sup>a,b</sup>**

	All Other	Group R		All Other	Group R
	Roofs			Walls below grade	
Insulation entirely above deck	R-25ci	R-20ci	Below-grade Wall <sup>d</sup>	R-7.5ci	R-7.5ci
Metal buildings (with R-5 thermal blocks) <sup>ab</sup>	R-19 + R-11 LS	R-19 + R-11 LS	Mass	Floors	
				R-10ci	R-10.4ci
Attic and other	R-38	R-38	Joist Framing	R-30	R-30
	Walls above grade			Slab on grade floors	
Mass	R-9.5ci	R-11.4ci	Unheated slabs	R-10 for 24" below	R-10 for 24" below
Metal Building	R13 + R13ci	R13 + R13ci	Heated slabs <sup>d</sup>	R-15 for 24" below	R-15 for 24" below
Metal Buildings	R13 + R7.5ci	R-13+R7.5ci		Opaque Doors	
Wood Framed <sup>f</sup>	R-13	R-13	Swinging	U-0.61	U-0.61
			Roll-up or sliding	R-4.75	R-4.75

- a. Assembly descriptions can be found in ANSI/ASHRAE/IESNA Appendix A.
- b. Where using R-value compliance method, thermal spacer block shall be provided, otherwise use the U-factor compliance method in Table C402.1.2.
- c. R-5.7ci is allowed to be substituted with concrete block walls complying with ASTM C90, un-grouted or partially grouted at 32 inches or less on center vertically and 48 inches or less on center horizontally, with un-grouted cores filled with materials having a maximum thermal conductivity of 0.44 Btu-in/h-f2 °F.
- d. Where heated slabs are below grade, below-grade walls shall comply with the exterior insulation requirements for heated slabs.
- e. Steel floor joist systems shall be insulated to R-38.
- f. The U-factors shown in Table C402.1.2 shall be adjusted to correspond with the R-values shown in this table.

***Chapter 4, Section C402.4.1 is hereby replaced with the following:***

**C402.4.1 Maximum area.** The vertical fenestration area (not including opaque doors and opaque spandrel panels) shall not exceed 40 percent of the gross above grade wall area. The skylight area shall not exceed three percent (3%) of the gross roof area.

***Chapter 4, Section C402.4.1.1 is hereby replaced with the following:***

**C402.4.1.1 Increased vertical fenestration area with daylighting controls.:** In Climate Zones 1 through 6, a maximum of 40 percent of the gross above-grade wall area shall be permitted to be vertical fenestration.

***Chapter 4, Section C402.4.2 is hereby deleted:***

***Chapter 4, Section C406 is hereby deleted.***

### **Sec. 11-63. National Electrical Code**

(a) The National Electrical Code, 2017 Edition, as published by the National Fire Protection Association, is hereby adopted and incorporated by reference and made a part hereof, save and except such portions as are hereinafter or may be hereinafter deleted or amended. Informative Appendices of the 2017 National Electrical Code may be utilized by the Building Official in governing and administering this code. At least one copy of said National Electrical Code shall be marked or stamped "official copy as incorporated by Ordinance No. \_\_\_\_\_" to which shall be attached a copy of the incorporating ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable business hours.

(b) This section shall be governed by the administrative provisions contained in the International Building Code as incorporated and amended in Section 11-56.

(c) The 2017 Edition of the National Electrical Code, adopted in this article, is hereby amended in the following respects:

***Chapter 2, Section 210.12(A) is hereby amended to add the following:***

**Exception:** This section will not apply where existing dwelling unit premises wiring circuits make the application of this section impracticable, as approved and when accepted by the Building Official.

Informational Note: An example of the application this Exception is where the existing dwelling unit utilizes a listed panelboard for which there is no listed device for the application of AFCI protection for a multi-wire branch circuit.

### **Sec 11-64. International Property Maintenance Code**

(a) The 2018 Edition of the International Property Maintenance Code as published by the International Code Council, Inc. is hereby adopted and incorporated by reference, save and except such portions as are hereinafter or may be hereinafter deleted or amended. At least one copy of said International Property Maintenance Code shall be marked or stamped "official copy as incorporated by Ordinance No. \_\_\_\_\_," to which shall be attached a copy of the incorporating ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable business hours.

***Chapter 3, Section 303 is hereby amended to add the following:***

**303.3 Swimming pool drainage.** Backwash from pools serving single-family dwellings may be discharged directly to the ground. Discharge shall be set back a minimum of four (4') feet from the adjacent property lines. Care shall be taken to minimize the impact on adjacent property and discharge shall not flow directly into a stream, pond or storm sewer. Backwash from public, commercial, or semi-public pools shall not drain across adjacent private property.

**303.3.1 Complete or partial draining of single-family dwelling pools and spas.**

Water may be discharged in the manner detailed in Section 303.3 after chemical treatment of the water has been discontinued for at least two (2) weeks to allow the chlorine or other chemicals to be dissipated and/or neutralized. Discharge on the property is permitted provided the water does not flow across the surface of adjoining property.

***Chapter 3, Section 308.2.2 is hereby deleted.***

**Sec. 11-65. International Swimming Pool and Spa Code**

(a) The 2018 Edition of the International Swimming Pool and Spa Code, as published by the International Code Council, Inc. is hereby adopted and incorporated by reference, save and except such portions as are hereinafter or may be hereinafter deleted or amended. At least one copy of said International Mechanical Code shall be marked or stamped "official copy as incorporated by Ordinance No. \_\_\_\_\_," to which shall be attached a copy of the incorporating ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable business hours.

(b) The 2018 Edition of the International Swimming Pool and Spa Code, adopted in this article is hereby amended in the following respects:

***Chapter 1, Section [A] 104.2 is hereby amended to add the following:***

**104.2.1 Occupational License.** To obtain a permit, the applicant shall provide proof that the permit applicant has a current City occupational license as deemed necessary by the Building Official or as required by Chapter 14 of the City Code.

1. **Exception.** A City occupational license is not required for the issuance of a permit to do work regulated hereby in an existing one-or two-family dwelling used exclusively for living purposes, provided that the permit applicant signs an affidavit certifying that he/she is a bona fide current owner and occupant of such dwelling, that he/she will be performing the work and that no contractors will be utilized to perform the work regulated hereby.
2. **Denial of permit application.** The Building Official is authorized to deny a building permit to any applicant that does not provide adequate proof of satisfying this requirement. The Building Official is further authorized to deny a building permit to any person who has an outstanding failure to appear in court (Bench Warrant), with respect to any violation of the Merriam Municipal Code.

**104.2.2 Johnson County Contractor's License.** Provide proof that the permit applicant has a current, valid contractor's license issued by Johnson County, Kansas in accordance with the provisions of the Johnson County Contractors Licensing Program and the Contractor Licensing Regulations adopted by the Board of County Commissioners by Resolution 058-01 on August 9, 2001, and any regulations subsequently adopted by the Contractor Licensing Review Board as authorized by said County Licensing Regulations, as said Resolution and regulations may be amended from time to time by said Boards.

**Exception:**

Work regulated hereby in an existing one-or two-family dwelling used exclusively for living purposes, provided that the permit applicant signs an affidavit certifying that he/she is a bona fide owner and current occupant of such dwelling, that he/she will be performing the work and that no contractors will be utilized to perform the work regulated hereby.

**104.2.3 Inactive Permit.** No additional building permit shall be issued for a property for which there is an existing inactive building permit.

**Sec. 11-66. Fees.**

The fee for each permit issued hereunder shall be as set forth on the schedule of fees described in Section 2-117.

**SECTION 2. Existing Sections.** Those sections of Chapter 11 of the Code of Ordinances of the City of Merriam, Kansas not heretofore repealed or not amended hereby shall remain in full force and effect.

**SECTION 3. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid, such invalidity shall not affect the validity of the remaining portions of this Ordinance and the Governing Body hereby declares that it would have

passed the remaining portions of this Ordinance if it would have known that such part or parts thereof would be declared invalid.

**SECTION 4. Take Effect.** This ordinance shall be in full force and effect from and after its passage, approval, and publication in the official city newspaper, but not prior to January 1, 2021, all as provided by law.

PASSED BY THE City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

APPROVED BY THE Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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Ken Sissom, Mayor

(SEAL)

ATTEST:

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Juliana Pinnick, City Clerk

APPROVED AS TO FORM

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Ryan Denk, City Attorney

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE RELATING TO THE SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION HAZARDS ARISING FROM THE STORAGE, HANDLING, AND USE OF HAZARDOUS SUBSTANCES, MATERIALS AND DEVICES AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF BUILDING AND PREMISES WITHIN THE CITY OF MERRIAM, KANSAS, AMENDING CHAPTER 29 OF THE CODE OF ORDINANCES OF THE CITY OF MERRIAM, KANSAS, RELATING TO AMENDMENTS TO THE FIRE CODE**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MERRIAM, KANSAS THAT:**

**SECTION 1.** The following sections of Chapter 29 of the Code of Ordinances of the City of Merriam, Kansas, is hereby amended to read as follows:

**Sec. 29-20. Automatic aid agreements, mutual aid agreements and civil defense cooperation.**

- (a) The chief of the fire department may enter into mutual assistance agreements with the chiefs of the fire departments of such other cities for the purpose of planning in advance what men and equipment of each department will be made mutually available under the authority of the K.S.A. Section 12-111 upon the occurrence of any emergency.

\***State law reference**--Fire safety and prevention, K.S.A. 31-132 et seq.

- (b) The chief of the fire department is hereby authorized and directed to cooperate with any state, district or local civil defense agency for the purpose of coordinating his mutual assistance agreement with the overall planning of civilian defenses. (Code 1976, § 7-106)
- (c) The chief of the fire department is hereby authorized and directed to cooperate with all agencies who have signed an automatic aid agreement.

**Sec. 29-66. Incorporating International Fire Code.** There is hereby incorporated by reference and adopted as the Fire Code of the City of Merriam, in the state of Kansas, for the purpose of regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling, and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises within the corporate limits of the City of Merriam, Kansas and providing for the issuance of permits and collection of fees therefore; for hazardous uses or operations, that certain code known as the "International Fire Code," 2018 Edition, as published by the International Code Council, save and except such portions as are hereafter deleted, modified or amended.

Furthermore, in the event that a conflict shall arise between the Fire Code adopted and amended herein and the 2018 International Building Code as adopted and amended pursuant to Chapter 11, the more stringent provisions shall apply.

At least one (1) copy of said International Fire Code and one (1) copy of said NFPA 101 Life Safety Code shall be marked or stamped "Official Copy as Incorporated by Ordinance No. \_\_\_\_\_" with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or changes and to which shall be attached a copy of this Ordinance, and filed in the offices of City Clerk of the City of Merriam to be open to inspection and available to the public at all reasonable business hours. (Ord. No. 1420, § 1, 5-20-02, Ord. No. 1477, §111, , , 7-27-98; Ord. No. 1420, §2, 5-20-02).

**Sec. 29-67. Amendments and modifications made to the International Fire Code.**

The following sections of the 2018 International Fire Code are hereby amended and/or modified as follows:

***Chapter 1, Section 101.1 is hereby replaced with the following:***

**101.1 Title.** These regulations shall be known as the Fire Code of City of Merriam, hereinafter referred to as "this code".

***Chapter 1, Section 101.2.1 is hereby amended to add the following:***

**101.2.1.1 Appendices adopted.** The following appendices are hereby adopted as part of the Code.

Appendix B- Fire Flow Requirements for Buildings.  
Appendix C- Fire Hydrant Locations and Distribution.  
Appendix D- Fire Apparatus Access Roads.  
Appendix I- Fire Protection Systems-non compliant.  
Appendix N- Indoor Trade Shows and Exhibitions

***Chapter 1, Section 102.7 is hereby amended to add the following:***

**102.7.3 Electrical Code.** Wherever the term ICC Electrical Code is used in this code it shall be replaced with the term "NFPA-70" (National Electrical Code) as listed in chapter 45.

***Chapter 1, Section 104.1 is hereby replaced with the following:***

**104.1 General.** The fire code official is hereby authorized to enforce the provisions of this Code and shall have the authority to render interpretations of this Code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this Code and shall not have the effect of waiving requirements specifically provided for in this Code.

When in the enforcement of this Code, the fire code official comes across situations where an alteration or repair has been made to an existing building, or an alteration or

repair needs to be made to an existing building for code compliance reasons, and a permit for the work would be required per the Merriam Code, the matter as it relates to the application of the building codes shall be referred to the building official. The building official shall exercise his authority as specified in the Merriam Code.

***Chapter 1, Section 104.2. is hereby replaced with the following:***

**104.2 Applications and permits.** The fire code official is authorized to receive applications and issue permits for operations regulated by this Code, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this Code.

***Chapter 1, Section 105.1 is hereby replaced with the following:***

**105.1 General.** Permits shall be in accordance with Sections 105.1.1 through 105.7.25.

***Chapter 1, Section 105.1.1 is replaced with the following:***

**105.1.1 Permits required.** Permits required by this Code shall be obtained from the Overland Park Fire Department. Permit fees, if any, shall be paid prior to issuance of the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the Fire Department.

***Chapter 1, Section 105.1.2 is replaced with the following:***

**105.1.2 Types of permits.** Operational permit. An operational permit, in addition to a Merriam Occupational License allows the applicant to conduct an operation or a business for which a permit is required by Section 105.6 for either:

1. A prescribed period of time.
2. Until renewed or revoked.

***Chapter 1, Section 105.6 is hereby amended by deleting all operational permits except the following:***

**Section 105.6.14** Explosive

**Section 105.6.20** Hazardous Materials

**Section 105.6.32** Open Burning

**Section 105.6.40** Pyrotechnic Special Effects Material

**Section 105.6.47** Temporary Membrane Structures and tents

***Chapter 1, Section 105.6.20 is hereby replaced with the following:***

**105.6.20 Hazardous materials.** Notification is required for the using, dispensing, transporting, handling, and/or storage of extremely hazardous substances to the Overland Park Fire Department. “Extremely Hazardous Substances (EHS) Facilities”

are defined as facilities subject to the provisions and Superfund Amendments and Reauthorization Act of 1986 (SARA TITLE III), Section 302, for storing, dispensing, using or handling listed chemicals in excess of their threshold planning quantities (TPQ).

***Chapter 1, Section 105.6.32 is hereby replaced with the following:***

**105.6.32 Open burning.** An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations for the permits shall be adhered to. Applications for open burning shall be submitted in writing to the Overland Park Fire Department, before the fire is set and shall be in such form and contain such information as required by the Fire Department. Such applications shall contain information regarding the purpose of the proposed burning, the nature and quantities of material to be burned, the time and date when such burning will take place, the location of the burning site, and the name and phone number of the person responsible for supervision of the burning. Failure to adhere to these stipulations may result in revocation of permit and/or a fine imposed.

**Exception:** Recreational fires.

***Chapter 1, Section 105.7 is hereby replaced with the following:***

**105.7 Required construction permits.** The fire code official is authorized to determine if construction permits are necessary for the work as set forth in Section 105.7.1 through 105.7.16. If the Fire Code Official determines that construction permits are necessary, said permit(s) will be issued by the building official pursuant to relevant Merriam Code provisions.

***Chapter 1, Section 105.7.25 is hereby replaced with the following:***

**105.7.25 Temporary membrane structures, tents and canopies.** An operational permit is required to operate an air-supported temporary membrane structure, a temporary special event structure or a tent having an area in excess of 900 square feet, or a canopy in excess of 900 square feet.

**Exceptions:**

1. Tents used exclusively for recreational camping purposes.
2. Funeral tents and curtains or extensions attached thereto, when used for funeral services.
3. Fabric canopies open on all sides which comply with all of the following:
  - 3.1 Individual canopies having a maximum size of 900 square feet.

3.2 The aggregate area of multiple canopies placed side by side with a fire break of not less than twelve feet (12') shall not exceed 900 square feet total.

3.3 A minimum clearance of twelve feet (12') to structures and other tents.

***Chapter 1, Section 106.2 is hereby replaced with the following:***

**106.2 Schedule of permit fees.** Fees required for permits, inspections, re-inspections and all other Fire Department services or activities provided for in the International Fire Code shall be by the Governing Body.

***Chapter 1, Section 109 is hereby replaced with the following:***

**109.1 Board of Appeals.** An application for appeal of orders, decisions or determinations made by the fire code official shall be made to the Board of Structure Appeals. The appeal shall be based on a claim that this Code or rules legally adopted hereunder has been incorrectly interpreted, the provisions of the Code do not fully apply, or an equivalent method of protection or safety is proposed. The Board shall not have the authority to waive requirements of this Code.

***Chapter 1, Section 109 is hereby amended to delete the following:***

**109.2 Limitations on authority.**

**109.3 Qualifications.**

***Chapter 1, Section 110.4 is hereby replaced with the following:***

**110.4 Violations penalties.** Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof of who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code or building official or of a permit or certificate used under provisions of this code, shall be guilty of misdemeanor punishable by a fine of not more than five-hundred (\$500) dollars or by imprisonment not exceeding 30 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed as a separate offense.

***Chapter 1, Section 112.4 is hereby replaced with the following:***

**112.4 Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than twenty-five dollars (\$25) or more than five hundred dollars (\$500).

***Chapter 3, Section 307.1.1 is hereby replaced with the following:***

**307.1.1 Prohibited open burning.** Open burning, bonfires, recreational fires or portable outdoor fireplaces, shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous (determined using information from the National Weather Service or the National Oceanic and Atmospheric Administration (NOAA)).

**Exception:** Prescribed burning for the purpose of reducing the impact of wildland fire when authorized by the Fire Code Official.

*Chapter 3, Section 308.1.4 is hereby replaced with the following:*

**308.1.4 Open-flame cooking devices.** Charcoal burners and other open flame devices shall not be located or operated on combustible balconies or within ten feet (10') feet of combustible construction.

**Exceptions:**

1. One and two-family dwellings.
2. Where buildings and decks are protected by an automatic sprinkler system.

*Chapter 3, Section 308.3 is hereby replaced with the following:*

**308.3 Open flame.** A person shall not utilize or allow to be utilized, an open flame in connection with a public meeting or gathering for purposes of deliberation, worship, entertainment, amusement, instruction, education, recreation, awaiting transportation or similar purpose in assembly or educational occupancies without meeting the criteria that is found throughout Section 308.

*Chapter 4, Section 403.12.3 is hereby replaced with the following:*

**403.12.3 Crowd managers.** Trained crowd managers shall be provided for facilities or events where more than 1,000 persons congregate. The minimum number of crowd managers shall be established at a ratio of one (1) crowd manager for every 250 persons. Where approved by the Fire Code Official, the ratio of crowd managers shall be permitted to be reduced where the facility is equipped throughout with an approved automatic sprinkler system or based upon the nature of the event.

*Chapter 5, Section 503.3 is hereby replaced with the following:*

**503.3 Marking.** Where required by the fire code official, approved signs or other approved notices shall be posted for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs or notices shall be maintained in a clear and legible condition at all times and shall be replaced or repaired when necessary to provide adequate visibility.

*Chapter 5, Section 503.3 is hereby amended to add the following:*

**503.3.1 Marking requirements.** Each separate fire lane signage, which may consist of one sign or a combination of signs, shall have a cumulative minimum size of 96 square inches and contain the “No Parking” words or symbol with the words “Fire Lane” located directly beneath the “No Parking” words or symbol. Each sign or combination of signs are required to be uniformly mounted between two feet eight inches (2’8”) to seven feet zero inches (7’0”) above the grade to the bottom of the sign, and so located not to obstruct pedestrian traffic. The sign or combination of signs, shall be mounted within six feet (6’) of the curb or striped pavement and are required to face or run parallel with oncoming vehicular traffic. The sign or combination of signs may be mounted on the building, pole base, or any other structure provided the signage meets the setback and minimum and maximum height requirements indicated above. The sign, or combination of signs, are required to be spaced no more than 200 feet (200’) apart. In addition, the curb, or pavement if the curb is absent, is required to be marked with a yellow or red stripe that shall run not less than six feet (6’) of each thirty foot (30’) length of fire lane. Each separate yellow or red striped area shall contain three (3”) inch black lettering indicating “Fire Lane”; provided, however, that the presence of such lettering is not a prerequisite to the enforcement of fire lane parking violations. Furthermore, the exceeding of any standards intended to inform the public of the location of the fire lane shall not affect the enforcement of this Section.

*Chapter 5, Section 503.6 is hereby replaced with the following:*

**503.6 Security Gates** Where security gates are installed an approved means of emergency operation shall be provided. The security gates and the emergency operation shall be maintained operational and shall comply with the following.

1. All gates shall be of the sliding, hinged or counter-balanced type, and where electrically-controlled, such gates shall be capable of being operated to the full open position by emergency responders during a loss of power to the gates’ operating mechanism.
2. Electrical or mechanical operated gates shall be capable of being unlocked or opened with an approved fire department county keyed cylinder installed at an accessible location on the entry side of the gate. The key-operated switch shall bypass the release mechanism to allow the gate to be operated by emergency response personnel.
3. In addition to an approved key cylinder operation device, gates shall be equipped with audible release, set to operate with an emergency yelp tone.
4. Keypads and other entry devices installed on gates shall not interfere with the operation of either the approved key access cylinder or emergency response audible release.

*Chapter 5, Section 505.1 is hereby replaced with the following:*

**505.1 Address numbers.** New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is on the building or on any structure, mail box, sign or monument that is securely fixed to the ground on the property and is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. As required by the fire code official, address numbers shall be posted in additional locations to facilitate emergency response. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102mm) high with a minimum stroke width of 0.5 inch (12.77mm). Numbers shall be a minimum height of four inches (4") in Use Groups R-3 and R-4; eight inches (8") in all other Use Groups. When required by the Building Official, the identifying numbers shall be lighted by an approved light source. Address numbers shall be maintained in a clear and legible condition at all times and shall be replaced or repaired when necessary to provide adequate visibility.

*Chapter 5, Section 505.1 is hereby amended to add the following:*

**505.1.1 Secondary address numbers.** Multi-tenant retail shopping centers in which tenant spaces have secondary entry doors from an exterior façade of the building and have paved vehicle access adjacent to such doors shall have approved numbers or addresses placed on or adjacent to each door. Secondary address numbers shall be a minimum of four inches (4") in height.

**Exceptions:**

1. If more than one entry door is installed on a façade, only one door needs to be marked (entry doors defined as overhead or cargo doors and normal passage doors).
2. Further exceptions shall be permitted by the Building Official after consultation with Merriam Police Department if it can be shown that marking the doors would create a security risk.

**505.1.2 Additional identification.** Where identification of additional exits would be of benefit to emergency response personnel, a sequential numbering system can be required by the fire code official whereby the interior and exterior surfaces of each exit are marked in an approved manner.

*Chapter 5, Section 505.2 is hereby replaced with the following:*

**Section 505.2 Street or road signs.** Street and roads shall be identified with approved signs. The signage shall consist of Arabic numerals or alphabet letters which are reflective and contrast with their background. The numbers and letters shall be a minimum of six inches (6") high with a minimum stroke width of 0.5 inches. Temporary signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles. Temporary signs shall be of an approved size, weather resistant and be maintained until replaced by permanent signs.

*Chapter 5, Section 506.2 is hereby replaced with the following:*

**506.2 Key box maintenance.** The operator of the building shall immediately notify the Overland Park Fire Department and provide the new key when a lock is changed or re-keyed. The key to such lock shall be secured in the key box. The key box shall also be maintained in working order by the operator/owner/occupant of the building.

*Chapter 5, Section 507.1 is hereby amended to add the following:*

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

*Chapter 5, Section 507.5.1 is hereby replaced with the following:*

**507.5.1 Where required.** Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

**Exceptions:**

1. For Group R-3 occupancies, the distance shall be 600 feet.
2. For agricultural structures classified as Group U occupancies, the distance shall be 600 feet or as approved by the fire code official.

*Chapter 5, Section 507.5.2 is hereby amended to add the following:*

**507.5.2.1 Line and hydrant tests.** Line and hydrant test - Private hydrants and supply piping shall be tested as specified in NFPA 25. Hydrants shall comply with the AWWA standards adopted by Water District Number One of Johnson County and maintained to AWWA-M17.

*Chapter 5, Section 507.5.3 is hereby replaced with the following:*

**507.5.3 Private fire service mains and water tanks.** Private hydrants shall be painted red in color. Private fire service mains and water tanks shall be periodically inspected, tested and maintained in accordance with NFPA 25 at the following intervals:

1. Private fire hydrants (all types): Inspection annually and after each operation; flow test and maintenance annually.
2. Fire service main piping: Inspection of exposed, annually; flow test every five (5) years.

3. Fire service main piping strainers: Inspection and maintenance after each use.

***Chapter 5, Section 507.5.4 is hereby replaced with the following:***

**507.5.4 Obstruction.** Unobstructed access to fire hydrants shall be maintained at all times. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants. All hydrants shall be painted and highly visible.

***Chapter 5, Section 509.1. is hereby replaced with the following:***

**509.1 Identification.** Rooms containing equipment identified in Section 509.1 shall be a minimum two-inch (2") letters with a minimum 0.5-inch stroke on contrasting background.

***Chapter 5, Section 509.1.1 is hereby replaced with the following:***

**509.1.1 Utility identification.** Where required by the fire code official, gas shut off valves, electric meters service switches and other utility equipment shall be clearly and legibly marked to identify the unit or space that is served. Identification shall be made in an approved manner, readily visible and shall be maintained.

***Chapter 9, Section 903.3.5 is hereby amended to add the following:***

**903.3.5.3 Main control valves.** Water supply lines for an automatic sprinkler system shall be provided with a control valve located on the riser. The valve shall be capable of isolating the underground fire service main from the automatic sprinkler system.

**903.3.5.3.1 Main control valve access.** The isolation control value shall be accessible. To be considered accessible a clear space of three feet (3') by three feet (3') by seven feet (7') high shall be provided in front of the valve. Access to the clear space shall be provided by an unobstructed aisle not less than three feet (3') wide and seven feet (7') high. The valve shall be operable from the floor.

***Chapter 9, Section 903.4 Exceptions: is hereby amended to add the following:***

**Exceptions:**

8. On existing installations, isolation valves for the backflow prevention devices remotely located in pits which are locked and/or chained in the open position.

***Chapter 9, Section 903.4.2 is hereby replaced with the following:***

**903.4.2 Alarms.** An approved audio/visual device shall be connected to each automatic sprinkler system. Such sprinkler system water-flow alarm device shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest

orifice size installed in the system. Alarm devices shall be provided on the exterior of the building directly above the fire department connection or in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

***Chapter 9, Section 903.4.2 is hereby amended to add the following:***

**903.4.2.1 Notification devices.** When an automatic fire sprinkler system is installed in a building, audible and visible notification appliances shall be installed throughout the building as follows:

1. Audible notification appliances shall be installed so as to be audible at 15 dba above average sound pressure level throughout the building.
2. Visible notification devices shall be installed in all public and common use areas, restrooms, and corridors in accordance with the spacing requirements of NFPA 72.

***Chapter 9, Section 903.4.3 is hereby replaced with the following:***

**903.4.3 Floor control valves.** Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor of a multi-story building.

**Exception:** Automatic sprinkler systems designed in accordance with Sections 903.3.1.2 or 903.3.1.3

***Chapter 9, Section 906.1 Exception 2 is hereby replaced with the following:***

**Exceptions:**

2. In Group A, B, and E occupancies equipped throughout with quick-response sprinklers, portable fire extinguishers shall be required only in locations specified in items 2 through 6. Extinguishers shall have a minimum rating of 2A:20:BC

***Chapter 9, Section 907.6.6 is hereby replaced with the following:***

**907.6.6 Monitoring.** Fire alarm systems required by this Chapter or by the International Building Code shall be monitored by an approved supervisory station in accordance with NFPA 72. Fire alarm systems shall be monitored by an approved entity that has been listed by a national recognized agency to perform such service. Fire alarm systems that require two or more zones, or have addressable fire alarm panels, shall report a signal to the monitoring company wherein the fire alarm initiating device and its location can be determined. The monitoring company shall then report this information to the emergency communication center dispatch.

**Exception:** Monitoring by a supervising station is not required for:

1. Single and multi-station smoke alarms required by section 907.2.10
2. Smoke detectors in Group 1-3 occupancies.
3. Automatic sprinkler systems in one and two-family dwellings.
4. Proprietary systems as approved by the Fire Department.

***Chapter 9, Section 913 is hereby replaced with the following:***

**913.4 Valve supervision.** Where provided, the fire pump suction, discharge and bypass valves, and the isolation valves on the backflow prevention device or assembly shall be supervised open by one of the following methods.

1. Central-station, proprietary, or remote-station signaling service
2. Local signaling service that will cause the sounding of an audible signal at a constantly attended location.

***Chapter 10, Section 1010.1.912 is hereby replaced with the following:***

**1010.1.9.12 Stairway doors.** Interior stairway means of egress doors shall be openable from both sides without the use of a key or special knowledge or effort.

**Exceptions:** Doors complying with exceptions 3 and 4 shall unlock upon loss of power to the electric locking system.

1. Stairway discharge doors shall be openable from the egress side and shall only be locked from the opposite side.
2. This section shall not apply to doors arranged in accordance with Section 403.5.3.
3. Stairway exit doors are permitted to be locked from the side opposite egress side, provided that they are openable from the egress side and capable of being unlocked simultaneously without unlatching upon a signal from the fire command center, if present, or a signal by emergency personnel from a single location inside the main entrance to the building.
4. Stairway exit doors shall be openable from the egress side and shall only be locked from the opposite side in B, F, M and S occupancies where the only interior access to the tenant space is from a single exit stairway where permitted in Section 1006.3.3.
5. Stairway exit doors shall be openable from the egress side and shall only be locked from the opposite side in Group R-2 occupancies where the only interior access to the dwelling unit is from a single exit stairway where

permitted in section 1006.3.3

***Chapter 10, Section 1023.9 is hereby replaced with the following:***

**1023.9 Stairway identification signs.** A sign shall be provided at each floor landing in an interior exit stairway and ramp connecting more than three stories designating the floor level, the terminus of the top and bottom of the interior exit stairway enclosure and the identification of the stair or ramp. The signage shall also state the story of, and the direction to the exit discharge and the availability of roof access from the interior exit stairway for the Fire Department. The signs shall be color coded or have colored borders that are identified as follows: red shall be used for the primary exit enclosure with roof access, yellow for the secondary stairwell, blue for the third stairwell, white for the fourth, and green for the fifth. The sign shall be located five feet above the floor landing in a position which is readily visible when the doors are in the open and closed positions. In addition to the stairway identification sign, a floor-level sign in raised characters and Braille complying with the ICC A117.1 shall be located at each floor level landing adjacent to the door leading from the interior exit stairway and ramp into the corridor to identify the floor level.

***Chapter 11, Section 1103 is hereby amended to delete the following:***

**1103.2 Emergency responder radio coverage in existing buildings**

***Chapter 11, Section 1103 is hereby amended to delete the following:***

**1103.9 Carbon monoxide alarms**

***Chapter 11, Section 1104 is hereby amended to delete the following:***

**1104.25 Egress path markings**

***Chapter 56, Section 5601.1.3 is hereby replaced with the following:***

**5601.1.3 Fireworks.** It shall be prohibited to possess, store, sell, handle and/or use, fire, or discharge American Pyrotechnic Association Division 1.3G (Display) or Division 1.4G (Consumer) fireworks within the Merriam City Limits.

***Chapter 56, Section 5604.1 is hereby amended to add the following:***

**5604.1.1 Explosive materials storage and handling.** It shall be unlawful to store explosives in quantities greater than the amounts that are regulated by Chapter 56 of this code, other than small arms ammunition and all items governed by section 5606 of this code.

***Chapter 57, Section 5704.2.9.6.1 is hereby replaced with the following:***

**5704.2.9.6.1 Locations where above-ground tanks are prohibited.** Storage of Class I and II liquids in above-ground tanks outside of building is prohibited.

**Exception:** Individual tanks less than 660 gallons in capacity and having aggregate of less than 1,100 gallons shall be permitted.

*Chapter 57, Section 5704.2.13.1.3 is hereby replaced with the following:*

**5704.2.13.1.3 Out of service for one year.** Underground tanks that have been out of service for a period of one year shall be removed from the ground in accordance with Section 5704.2.14.

*Chapter 57, Section 5704.2.13.1.4 is hereby amended to delete the following:*

**5704.2.13.1.4 Tanks abandoned in place**

*Chapter 57, Section 5704.4.2.4 is hereby replaced with the following:*

**5704.4.2.4 Storage adjacent to buildings.** A maximum of 1,100 gallons (4163L) of liquids stored in closed containers and portable tanks is allowed adjacent to a building located on the same premises and under the same management, provided that:

1. The building does not exceed one story in height. Such building shall be of fire-resistance-rated construction with noncombustible exterior surfaces or noncombustible construction and shall be used principally for the storage of liquids;
2. The exterior building wall adjacent to the storage area shall have a fire-resistance rating of not less than 2 hours, having no openings to above-grade areas within 20 feet (3048mm) horizontally of such storage and no openings to below-grade areas within 50 feet (15,240mm) horizontally of such storage.

*Chapter 57, Table 5705.3.4(2) is hereby replaced with the following:*

**TABLE 5705.3.4(2)**  
**REFERENCE TABLE FOR USE WITH TABLE 5705.3.4(1)**

TANK CAPACITY (gallons)	MINIMUM DISTANCE FROM LOT LINE OF A LOT WHICH IS OR CAN BE BUILT UPON INCLUDING THE OPPOSITE SIDE OF PUBLIC WAY (feet)	MINIMUM DISTANCE FROM NEAREST SIDE OF ANY PUBLIC WAY OR FROM NEAREST IMPORTANT BUILDING ON THE SAME PROPERTY (feet)
275 or less	5	5
276 to 750	10	5
751 to 1100	20	5

*Chapter 57, Table 5705.3.8.2 is hereby replaced with the following:*

**TABLE 5705.3.8.2**  
**MAXIMUM ALLOWABLE QUANTITIES FOR**  
**DISPENSING OF FLAMMABLE AND COMBUSTIBLE**  
**LIQUIDS IN OUTDOOR CONTROL AREAS<sup>a,b</sup>**

CLASS OF LIQUID	QUANTITY (gallons)
Flammable	
Class IA	10
Class IB	15
Class IC	20
Combination Class IA, IB and IC	30 <sup>c</sup>
Combustible	
Class II	30
Class IIIA	80
Class IIIB	1,100

- a. For definition of "Outdoor Control Area," see Section 202.
- b. The fire code official is authorized to impose special conditions regarding locations, types, o containers, dispensing units, fire control measures and other factors involving fire safety.
- c. Containing not more than the maximum allowable quantity per control area of each individual class.

*Chapter 57, Section 5706.2.4.4 is hereby replaced with the following:*

**5706.2.4.4 Locations where above-ground tanks are prohibited.** The storage of Class I and II liquids in above-ground tanks is prohibited.

**Exception:** Individual tanks less than 660 gallons in capacity and having an aggregate of less than 1,100 gallons shall be permitted.

*Chapter 58, Section 5806.2 is hereby replaced with the following:*

**5806.2 Limitations.** The storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited.

*Chapter 61, Table 6104.3 is hereby replaced with the following:*

**TABLE 6104.3**  
**LOCATION NON LP-GAS CONTAINERS**

LP-GAS CONTAINER CAPACITY (water gallons)	MINIMUM SEPARATION BETWEEN LP-GAS CONTAINERS AND BUILDING, PUBLIC WAYS OR LOT LINES OF ADJOINING PROPERTY THAT CAN BE BUILT UPON		MINIMUM SEPARATION BETWEEN LP-GAS CONTAINERS <sup>b,c</sup> (feet)
	Mounded or underground LP-gas containers <sup>a</sup> (feet)	Above-ground LP containers <sup>b</sup> (feet)	
Less than 125 <sup>c,d</sup>	10	5 <sup>e</sup>	None
125 to 250	10	10	None
251 to 500	10	10	3
501 to 2,000	10	25 <sup>e,f</sup>	3

*Appendix D, Section D103 is hereby amended to delete the following:*

**D103.1 Access road width with a hydrant.**

*Appendix D, Section D107 is hereby replaced with the following:*

**D107.1 One- or two-family dwelling residential developments.** Developments of one- or two-family dwellings where the number of dwelling units exceeds fifty (50) shall be provided with two separate and approved fire apparatus access roads, and shall meet the requirements of Section D107.2.

**Exceptions:**

1. Where there are more than fifty (50) dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Sections 903.3.1.1, 903.3.1.2 or 903.3.1.3 of the International Fire Code, access from two directions shall not be required.
2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.

**Sec. 29-70. City fire limits**

This section is deleted.

**SECTION 2. Existing Sections.** Those sections of Chapter 29 of the Code of Ordinances of the City of Merriam, Kansas not heretofore repealed or not amended hereby shall remain in full force and effect.

**SECTION 3. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid, such invalidity shall not affect the validity of the

remaining portions of this Ordinance and the Governing Body hereby declares that it would have passed the remaining portions of this Ordinance if it would have known that such part or parts thereof would be declared invalid.

**SECTION 4. Take Effect.** This ordinance shall be in full force and effect from and after its passage, approval, and publication in the official city newspaper, but not prior to January 1, 2021, all as provided by law.

PASSED BY THE City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

APPROVED BY THE Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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Ken Sissom, Mayor

(SEAL)

ATTEST:

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Juliana Pinnick, City Clerk

APPROVED AS TO FORM

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Ryan Denk, City Attorney

CITY OF MERRIAM, KANSAS

# MONTHLY FINANCIAL REPORT

Finance Department



**City of Merriam, KS**  
**Monthly Financial Report - Executive Summary**  
**September 2020**

**Revenues**

	Current Month	YTD	YTD	Over/(Under)
	Actual	Actual	Budget	YTD Budget
Various Funds:				
1% City Sales Tax	\$ 643,592	\$ 3,994,499	\$ 4,113,324	\$ (118,825)
1/4% City Sales Tax-Storm/Street	171,838	1,040,135	1,070,460	(30,325)
1/4% City Sales Tax-Rec. Facilities	171,838	1,040,135	1,070,460	(30,325)
City Use Tax	79,193	513,274	378,000	135,274
County Sales Taxes - All	168,081	1,138,639	1,206,333	(67,694)
Real Property Taxes - Gen Fund	\$ 120,251	\$ 4,254,604	\$ 4,384,441	\$ (129,837)
Transient Guest Tax	-	134,414	204,083	(69,668)
Franchise Fees	105,338	1,000,056	1,063,500	(63,444)
Court Fines	81,093	632,431	675,000	(42,569)

**Expenditures**

	Current Mo.	Monthly	Over/(Under)	Year to Date	Year to Date	Over/(Under)
	Actual	Budget	Budget	Actual	Budget	YTD Budget
Salaries and Benefits	\$ 630,055	\$ 776,147	\$ (146,093)	\$ 6,290,869	\$ 6,985,327	\$ (694,458)
Contractual Services:						
OP Fire Services	-	226,246	(226,246)	1,124,210	2,036,210	(912,001)
Utilities	29,306	48,072	(18,766)	241,164	432,645	(191,481)
Legal	2,311	8,333	(6,022)	33,174	75,000	(41,826)
Property Maint	38,084	58,592	(20,507)	444,875	527,324	(82,449)
Specific Contractual*	15,685	29,640	(13,955)	201,974	266,764	(64,790)
Other Contractual	42,002	78,420	(36,418)	478,313	705,782	(227,468)
Commodities:						
Gasoline/Diesel Fuel	5,268	12,502	(7,234)	48,497	112,515	(64,018)
Other Commodities	62,818	50,530	12,289	282,487	454,766	(172,279)

\*Specific Contractual includes: specific ongoing outside contractors (Judge, Prosecutor, Auditor, prisoner care, Information Services, legislative monitor, payroll processing, and animal care). The City Attorney is included under the Legal line item.

Comments:

- July 2020 1% and ¼% City sales tax receipts are 6.81% (\$81,195) less than the prior year.
  - Auto sales are 10.48% less than prior year actual.
  - Merriam Town Center/Johnson Drive sales are 1.17% more than prior year actual
  - Other categories are 4.32% more than prior year actual.
- Year-to-date 1% and ¼% City sales taxes are 4.58% (\$317,514) less than prior year actual.
  - Auto sales are 6.57% less than prior year actual.
  - Merriam Town Center/Johnson Drive sales are 14.57% less than prior year actual.
  - Other categories are 7.20% more than prior year actual.

**City of Merriam, KS**  
**Monthly Financial Report - Executive Summary**  
**September 2020**

**Equipment Purchases >\$5,000**

<b>Month</b>	<b>Description</b>	<b>Amount</b>
January	City Hall – partial payment for carpet replacement	\$49,870
	Public Works – tire changer equipment	\$12,620
February	City Hall – final payment for carpet replacement	\$25,792
	Fire – prepayment for 2020 Pierce Velocity pumper truck	\$716,272
March	None	\$0
April	Public Works – traffic signal backup system	\$8,300
May	None	\$0
June	Public Works – two snow plow blades	\$21,872
	Public Works – four column lift	\$44,946
	Public Works – HVAC unit	\$21,524
July	City Hall – website redesign and annual fees	\$44,400
	Public Works – 2020 Dodge Ram pickup truck	\$21,832
	Community Center – scissor lift	\$10,523
August	Fire – hose and fittings for new truck #E46	\$17,048
September	Police – 2020 Ford Interceptor	\$35,844

**Cash and Investment Balances**

FHLB = Federal Home Loan Bank	\$ 10,385,000	32%
FHLMC = Federal Home Loan Mortgage Corp.	4,150,000	13%
FNMA = Federal National Mortgage Assn.	3,800,000	12%
FFCB = Federal Farm Credit Bank	900,000	3%
US Treasury Bills	2,827,000	9%
Municipal Bonds	235,000	1%
Bank of Blue Valley NOW Account	2,000,751	5%
TD Ameritrade MMA	6,461,534	20%
Total Investments	<u>30,759,285</u>	95%
US Bank Cash Account	1,454,650	5%
<b>Total Cash plus Investments</b>	<b>\$ 32,213,934</b>	<b>100%</b>

**City of Merriam, KS**  
**Monthly Financial Report - Executive Summary**  
**September 2020**

**FAQ's**

*Question:* What is the City Sales Tax rate effective January 1, 2020?

*Answer:* **9.475%** (6.500% to the State of Kansas; 1.475% to Johnson County; 1.50% to Merriam)

*Question:* How much does the City owe for general obligation bonds?

*Answer:* **\$1,685,000** is the current balance for the Series 2012 and **\$15,390,000** for Series 2018.

*Question:* What is the City's bond rating?

*Answer:* S & P Global Ratings rates the City's debt as "**AAA (Stable)**"

*Question:* What is the City's current mill levy?

*Answer:* **27.765 mills** (2019 levy supporting 2020 budgets)

*Question:* What is the City's assessed property valuation?

*Answer:* **\$214 million** per Johnson County Clerk as of June 1, 2020

*Question:* How much of the City's assessed property valuation is for Residential, Commercial, and Other?

*Answer:* **\$91 million** or 43% for Residential (including apartments);

**\$116 million** or 55% for Commercial;

**\$7 million** or 2% for Other (including vacant land, personal property, utilities)

*Question:* How many households are in the City?

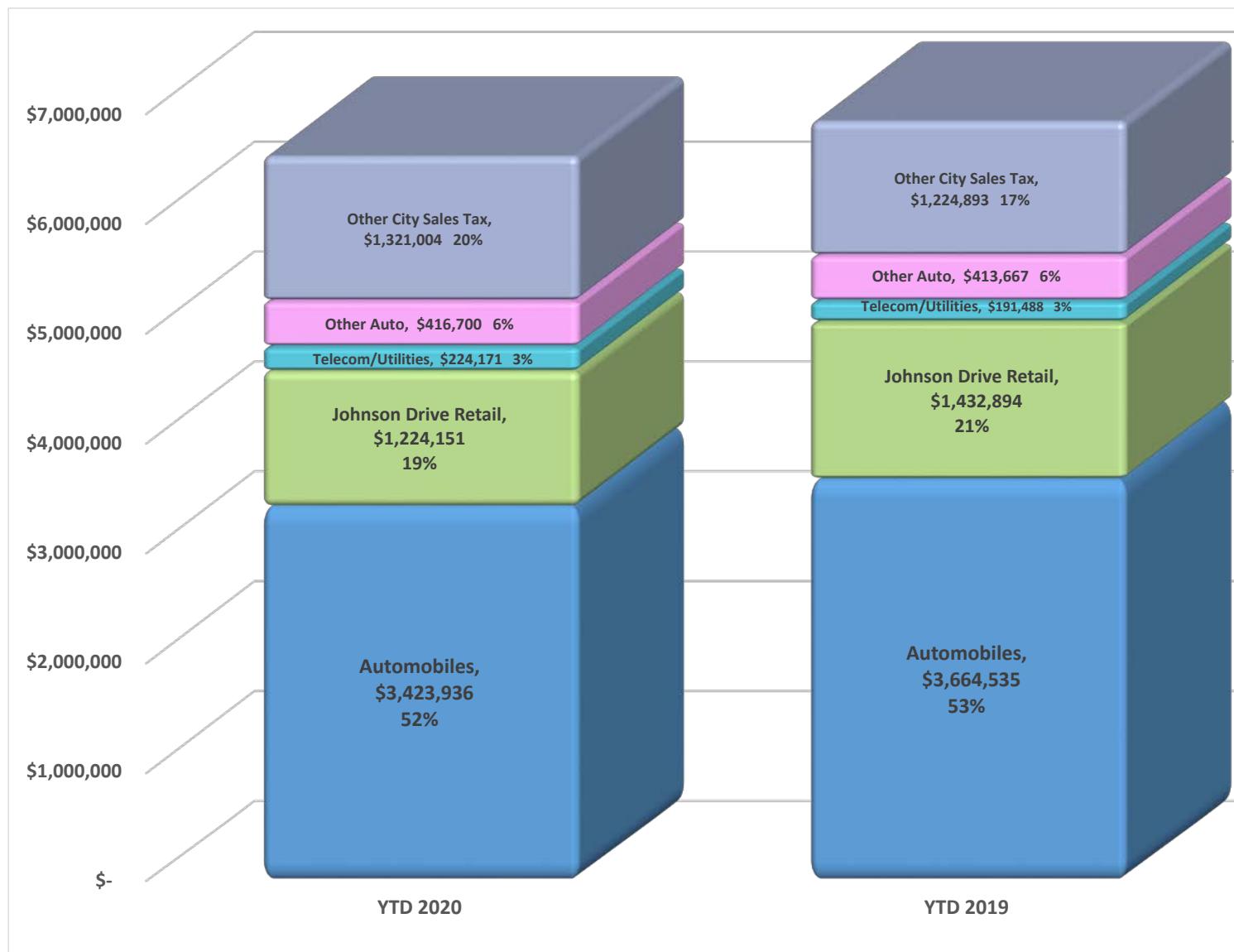
*Answer:* **5,224 households** (homes and apartments) per the 2010 U.S. Census Bureau

*Question:* What is the City's "pull factor" and what does this mean?

*Answer:* **4.50** is the City's pull factor per the Kansas Department of Revenue (December 2019 report). The term refers to how many non-residents a community "pulls" for shopping purposes. A pull factor greater than 1.00 indicates the community attracts more retail sales than it loses when residents shop outside the city. Merriam's is currently the highest in the State of Kansas.

## City of Merriam Sales Tax Comparison - 1.50%

**YTD 2020 vs 2019**



**CITY SALES & USE TAXES \***  
**(Regular 1.50% effective Jan. 1, 2018, 1.25% prior years)**

**Through: September 2020**

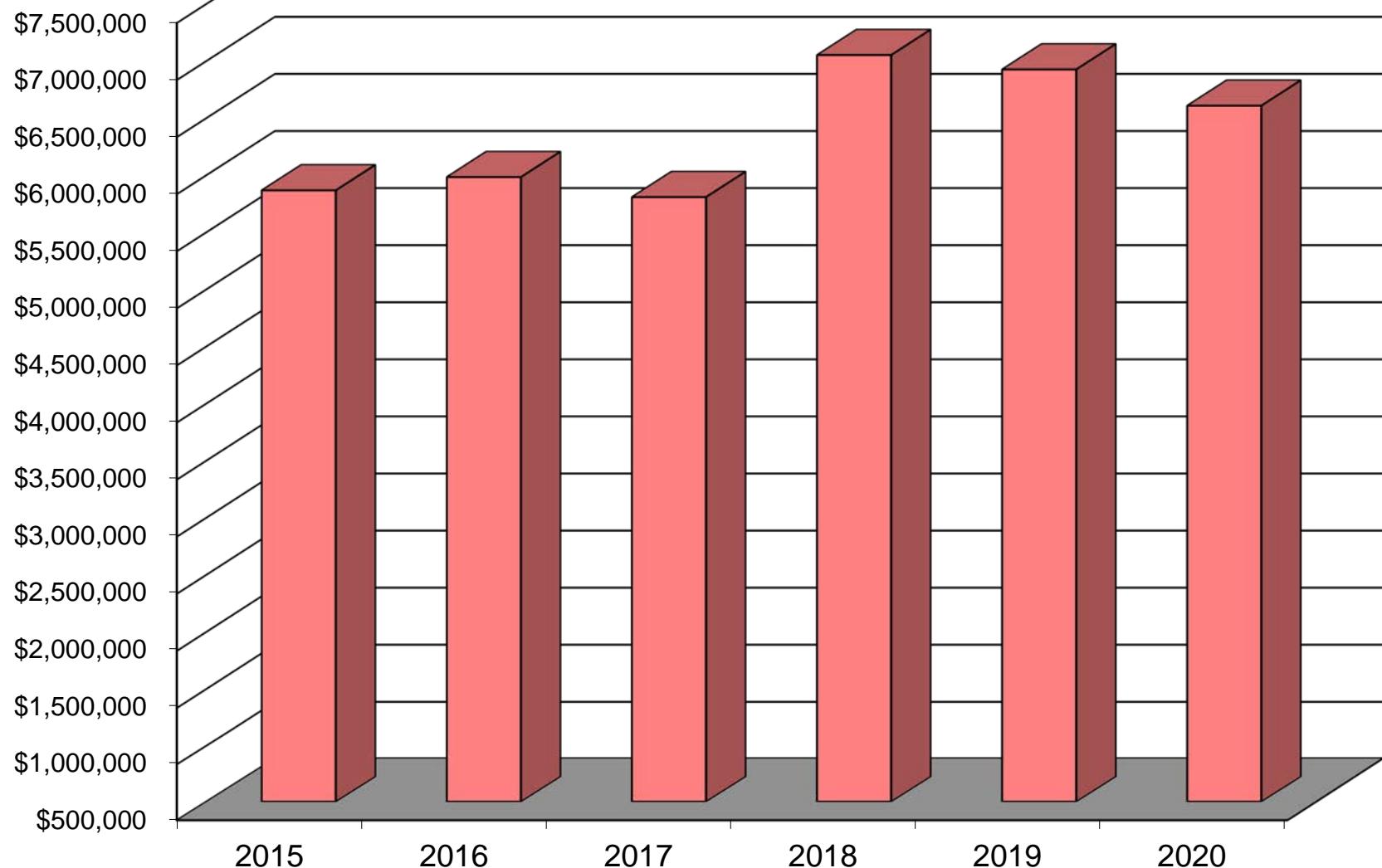
Month Collected/Received							Comparison	Average
	2015	2016	2017	2018	2019	2020	2019 and 2020	2015-2019
Jan/Mar	765,910	831,320	786,301	849,645	852,037	929,937	77,900	817,043
Feb/Apr	729,500	773,150	738,462	984,697	815,595	994,443	178,848	808,281
Mar/May	870,039	858,854	868,780	997,674	1,014,294	803,256	(211,038)	921,928
Apr/Jun	797,873	796,692	750,690	1,079,168	979,825	654,772	(325,053)	880,849
May/Jul	883,727	931,163	858,245	1,025,175	1,127,238	914,993	(212,245)	965,110
Jun/Aug	851,691	865,511	895,143	1,088,415	981,803	1,246,100	264,298	936,512
Jul/Sep	969,616	927,803	911,673	1,028,566	1,156,685	1,066,462	(90,224)	998,869
Aug/Oct	882,690	923,896	909,599	1,093,553	1,156,528			993,253
Sep/Nov	824,964	863,243	829,752	898,941	1,092,707			901,921
Oct/Dec	843,995	819,791	887,153	978,915	1,030,482			912,067
Nov/Jan	772,120	844,545	815,416	947,857	1,041,482			884,284
Dec/Feb	752,128	943,732	868,102	966,502	1,043,210			914,735
Total	9,944,253	10,379,700	10,119,316	11,939,108	12,291,885	6,609,963	(317,514)	10,934,852
YTD	2015	2016	2017	2018	2019	2020		
September 2020	5,868,356	5,984,493	5,809,294	7,053,340	6,927,477	6,609,963		

Average Collections Between 2015-2019	\$ 10,934,852
Budgeted 2020	11,369,562
Estimate Based on Current Collection Rate	11,331,365
Over/(Under) at Current Collection Rate	\$ (38,197)

\* Kansas imposes a use tax on items purchased outside of Kansas for use in Kansas. The rate is identical to the sales tax rate in effect where the customer takes delivery.

## **1.50% City Sales & Use Tax Year to Date Comparison 2015-2020**

**(1.50% effective Jan. 1, 2018, 1.25% prior years)**



**JOHNSON COUNTY SALES/USE TAX AND PUBLIC SAFETY TAXES \***  
**(Total City Share is 1.25%)**

**Through: September 2020**

Month Collected/Received							Comparison	Average
	2015	2016	2017	2018	2019	2020	2019 and 2020	2015-2019
Jan/Mar	133,617	130,730	132,558	164,426	147,949	152,833	4,885	141,856
Feb/Apr	125,764	129,905	136,333	149,591	148,168	156,265	8,097	137,952
Mar/May	138,507	145,445	148,999	178,476	167,514	150,945	(16,570)	155,788
Apr/Jun	140,620	141,130	157,071	171,127	165,807	153,599	(12,208)	155,151
May/Jul	142,876	136,074	168,652	179,056	182,514	164,589	(17,925)	161,835
Jun/Aug	151,260	150,786	181,983	185,132	176,338	192,327	15,989	169,100
Jul/Sep	148,744	150,089	172,667	166,088	181,055			163,729
Aug/Oct	145,684	148,762	176,915	175,932	178,013			165,061
Sep/Nov	146,413	152,714	180,671	164,596	178,770			164,633
Oct/Dec	145,100	140,607	165,159	163,132	176,796			158,159
Nov/Jan	145,355	142,131	171,494	183,409	177,798			164,037
Dec/Feb	155,653	172,005	196,607	189,838	194,792			181,779
Total	1,719,594	1,740,379	1,989,108	2,070,804	2,075,514	970,558	(17,732)	1,919,080
YTD	2015	2016	2017	2018	2019	2020		
September 2020	681,385	683,284	743,612	842,676	811,953	778,231		

Average Collections Between 2015-2019	\$ 1,919,080
Budgeted 2020	2,068,000
Estimate Based on Current Collection Rate	1,941,117
Over/(Under) at Current Collection Rate	\$ (126,883)

\* The County special "courthouse" 0.25% tax, effective April 1, 2017, will expire March 31, 2027. All other County taxes have no sunset date.

**September 2020**  
**REVENUE SUMMARY BY FUND**

Fund Number	Revenues	Budget/Est.	YTD Actual	Monthly Collections	Balance	YTD % Budget/Est.
001	General Fund	\$ 18,456,755	\$ 12,547,933	\$ 1,493,961	\$ 5,908,822	67.99%
201	Special Highway Fund	305,780	139,803	91	165,977	45.72%
202	Special Alcohol Fund	24,000	16,240	3,889	7,760	67.67%
203	Special Park & Rec	24,000	16,632	3,900	7,368	69.30%
204	Transient Guest Tax	474,150	167,513	1,178	306,637	35.33%
221	Risk Management Reserve	15,000	22,614	272	(7,614)	150.76%
222	Equipment Reserve Fund	940,000	671,387	75,075	268,613	71.42%
301	Capital Improvement Fund		6,096,508	880,687		
303	I-35 District CIP Fund		36,140	918		
401	Bond and Interest Fund	3,227,555	1,229,940	183,191	1,997,615	38.11%
403	TIFB-I35 District		4,192,145	-		
702	Special Law Enforcement-State/Local		4,929	-		
<b>TOTAL</b>		<b>\$ 23,467,240</b>	<b>\$ 25,141,783</b>	<b>\$ 2,643,161</b>	<b>\$ 8,655,178</b>	

Average Rate of Sales Tax Collections Should Be:	58.33%
Average Rate of Other Collections Should Be:	75.00%

**September 2020**  
**EXPENDITURE SUMMARY BY FUND**

Fund Number	Expenditures	Budget/Est. *	YTD		Monthly		Balance	YTD % Budget/Est.
			Actual	Expenditures	Encumbrances			
001	General Fund	\$ 20,107,482	\$ 12,962,865	\$ 1,268,762	\$ 334,802	\$ 6,809,815	66.13%	
201	Special Highway Fund	390,000	135,642	3,985	214,577	39,781	89.80%	
202	Special Alcohol Fund	25,000	20,000	-	-	5,000	80.00%	
203	Special Park & Rec	49,000	9,598	223	-	39,402	19.59%	
204	Transient Guest Tax	625,927	293,772	33,718	2,303	329,852	47.30%	
221	Risk Management Reserve	30,000	29,587	1,000	-	413	98.62%	
222	Equipment Reserve Fund	1,496,587	937,765	35,844	23,070	535,752	64.20%	
301	Capital Improvement Fund		14,198,416	1,120,577	967,767			
303	I-35 District CIP Fund		264,439	1,207	-			
401	Bond and Interest Fund	3,208,125	3,208,125	2,759,063	-	-	100.00%	
403	TIFB-I35 District		2,214,456	-	-			
702	Special Law Enforcement-State/Local		7,685	-	-			
<b>TOTAL</b>		<b>\$ 25,932,121</b>	<b>\$ 34,282,350</b>	<b>\$ 5,224,378</b>	<b>\$ 1,542,517</b>	<b>\$ 7,760,016</b>		

Average Expenditure Rate Should Be:	75.00%
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\* Excludes budgeted reserves and contingencies

**September 2020**  
**EXPENDITURE SUMMARY BY DEPARTMENT**  
**GENERAL FUND - YEAR-TO-DATE**

<u>Department</u>	2020			2019		Actual 2020 Over/(Under) <u>Actual 2019</u>
	<u>Annual Budget/Est.</u>	<u>Year-to-date Actual</u>	<u>% of Budget Used</u>	<u>Year-to-date Actual</u>		
City Council	\$ 85,657	\$ 62,368	72.81%	\$ 54,770	\$ 7,598	
Administration	1,166,278	926,715	79.46%	895,578	31,138	
Municipal Court	381,248	232,819	61.07%	239,708	(6,889)	
Info Services	530,303	388,592	73.28%	300,114	88,479	
General Overhead						
General	312,170	193,269	61.91%	213,302	(20,034)	
Utilities	285,500	166,923	58.47%	153,247	13,677	
Property Maintenance	270,660	176,887	65.35%	123,796	53,091	
Risk Management	195,327	177,960	91.11%	185,719	(7,759)	
Legal	106,910	36,731	34.36%	38,551	(1,820)	
Employee Benefits	56,150	17,733	31.58%	24,711	(6,977)	
Interfund Transfers	4,537,706	3,746,081	82.55%	3,656,823	89,259	
Contingency Usage *	-		0.00%	16,999	(16,999)	
Police	4,280,552	2,931,568	68.49%	3,003,443	(71,876)	
Fire	2,838,973	1,182,122	41.64%	1,193,202	(11,080)	
Public Works	2,583,833	1,428,580	55.29%	1,665,551	(236,971)	
Parks & Rec	125,300	65,828	52.54%	524,537	(458,709)	
Parks & Rec - New CC	1,545,556	677,362	43.83%	-	677,362	
Aquatic Center	-	-	0.00%	9,045	(9,045)	
Community Dev	803,988	551,326	68.57%	578,004	(26,678)	
Total General Fund	<u>\$ 20,106,111</u>	<u>\$ 12,962,865</u>	<u>64.47%</u>	<u>\$ 12,877,099</u>	<u>\$ 85,767</u>	

Average Expenditure Rate Should Be:	75.00%
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\* Excludes budgeted reserves and contingencies

# INVESTMENT REPORT

**Investment Listing by Maturity Date**  
**9/30/2020**

Fund	Type	Location	Purchase Date	Par Amount	Maturity Date	Yield	Monthly Subtotal
303/901	NOW	Bank of BV *	12/20/06	2,000,751	N/A	0.250%	\$ 2,000,751
301/901	Treasury MMA	TD Ameritrade	09/01/16	6,461,534	N/A	0.010%	\$ 6,461,534
301	AGENCY-FFCB	Country Club	03/08/19	400,000	10/26/20	2.490%	
301	AGENCY-FHLB	TD Ameritrade	02/01/17	100,000	10/30/20	1.800%	\$ 500,000
301	AGENCY-FHLB	Country Club	10/28/19	300,000	12/11/20	1.589%	
301	AGENCY-FHLB	TD Ameritrade	01/27/20	2,000,000	12/11/20	1.530%	
222	AGENCY-FNMA	Country Club	09/26/19	300,000	12/28/20	1.620%	
303	AGENCY-FHLB	TD Ameritrade	04/09/20	400,000	12/29/20	0.356%	
301	AGENCY-FHLB	TD Ameritrade	04/09/20	600,000	12/29/20	0.356%	\$ 3,600,000
301	AGENCY-FHLB	Country Club	04/09/20	500,000	01/08/21	0.250%	
301	AGENCY-FHLB	Country Club	04/24/20	325,000	01/08/21	0.250%	
222	AGENCY-FHLB	Country Club	04/24/20	325,000	01/08/21	0.250%	\$ 1,150,000
301/303	TBILL	TD Ameritrade	07/08/20	1,000,000	02/25/21	0.137%	
901	AGENCY-FHLMC	TD Ameritrade	03/14/17	500,000	02/26/21	1.356%	
301	TBILL	Country Club	01/30/20	275,000	02/28/21	1.417%	\$ 1,775,000
301	AGENCY-FHLB	TD Ameritrade	01/24/20	1,000,000	03/12/21	1.550%	\$ 1,000,000
301	AGENCY-FNMA	TD Ameritrade	05/29/20	1,500,000	04/13/21	0.154%	\$ 1,500,000
301	TBILL	TD Ameritrade	05/29/20	1,552,000	05/20/21	0.169%	\$ 1,552,000
301	AGENCY-FHLB	TD Ameritrade	07/08/20	1,000,000	06/11/21	0.166%	
901	AGENCY-FHLB	TD Ameritrade	03/14/18	250,000	06/14/21	2.509%	\$ 1,250,000
301	AGENCY-FHLB	TD Ameritrade	08/05/20	3,000,000	07/07/21	0.112%	\$ 3,000,000
301	AGENCY-FHLMC	TD Ameritrade	07/08/20	3,000,000	08/12/21	0.167%	
301	AGENCY-FNMA	TD Ameritrade	08/06/20	1,000,000	08/17/21	0.126%	
301	AGENCY-FNMA	Country Club	07/29/19	500,000	08/17/21	1.797%	\$ 4,500,000
301	AGENCY-FNMA	Country Club	07/29/19	500,000	09/08/21	1.862%	\$ 500,000
303	AGENCY-FHLB	TD Ameritrade	02/18/20	340,000	12/10/21	1.400%	
301	AGENCY-FHLB	TD Ameritrade	02/18/20	245,000	12/10/21	1.400%	\$ 585,000
301	MUNICIPAL BOND	TD Ameritrade	05/07/20	235,000	12/01/22	1.050%	
222/303	AGENCY-FHLMC	Country Club	06/30/20	650,000	12/29/22	0.350%	\$ 885,000
221	AGENCY-FFCB	Country Club	01/30/20	350,000	01/23/23	1.441%	
301	AGENCY-FFCB	Country Club	01/30/20	150,000	01/23/23	1.441%	\$ 500,000
Weighted Yield						0.478%	<u><u>\$ 30,759,285</u></u>

## **CITY COUNCIL SUGGESTED MOTIONS FOR YOUR CONSIDERATION**

### **CONSENT AGENDA**

- 1. Move that the council approve Consent Agenda Items 1-4.**

### **MAYOR'S REPORT**

- 1. Move that the council confirm the appointment of Anthony Scott (Ward 1) to the Parks and Recreation Advisory Board for the term expiring December 31, 2021**

### **COUNCIL ITEMS**

- 1. No motion (first reading).**
- 2. No motion.**
- 3. No motion.**

### **STAFF ITEMS**