

**RESOLUTION TO MODIFY THE WORK EXEMPT FROM PERMIT PORTION OF
THE RESIDENTIAL AND BUILDING CODES IN THE SEDGWICK COUNTY
JURISDICTION**

RESOLUTION NO. _____

Published on: _____

Effective on June 1, 2017

WHEREAS, the Board of County Commissioners of Sedgwick County and the City Council for the City of Wichita adopted the 2012 International Residential Code ("IRC"), with amendments, effective the 1st day of July, 2015, which left in place Sec. 2.4.030 of the Wichita-Sedgwick County Unified Building and Trade Code, which exempts structures 200 square feet or less from requiring a building permit under the IRC;

WHEREAS, the Board of County Commissioners of Sedgwick County and the City Council for the City of Wichita adopted the 2012 International Building Code ("IBC"), with amendments, effective the 1st day of May, 2016, which established an exemption for structures 400 square feet or less from requiring a building permit under the IBC within the Sedgwick County Jurisdiction; and

WHEREAS, the need to require a building permit under the IRC and IBC in the Sedgwick County Jurisdiction is not consistent and depends upon the type of building being constructed, and the Board of County Commissioners generally wishes to only require building permits for buildings that exceed 400 square feet.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION 1.

Sec. 2.4.030. – Work exempt from permit is amended to state as follows:

Sec. 2.4.030. - Work exempt from permit.

Section R105.2 of the International Residential Code is amended to read as follows:

R105.2 Work exempt from permit: Exemption 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. Within the Wichita Jurisdiction, one-story detached accessory structures, provided the floor area does not exceed 200 square feet (18.58 m²) and a location permit is obtained from the MABCD prior to installation. Within the Sedgwick County Jurisdiction, one-story detached accessory structures, provided the floor area does not exceed 400 square feet.

Exception: Non-fixed and movable storage cabinets equipped with doors that conceal the contents within and having a footprint not exceeding 25 square feet (2.32 m²), shall not require the issuance of a location permit.

All detached accessory structures greater than 25 (2.32 m²) but equal to or less than 400 (37.16 m²) square feet shall be tied down to the earth using anchoring methods described in "Non Vehicular Storage Structure Anchoring Standards" of the City of Wichita; or be attached to a permanent concrete foundation per R403.1.6.

- 1.1 Playhouses or tree houses having single or multi-level floors with or without roofs.
2. Concrete or masonry fences not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall and other fences not over 8 feet (2438 mm) high.
 - 2.1 Concrete or masonry monument sign bases not 4 feet (1219 mm) in height measured from the lowest point of the adjoining grade. The sign size and content requires separate approval and permit.
3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade and not over any basement or story below.
6. Decks, stoops, and porches not more than 30 inches (762 mm) above adjacent grade without overhead structures and not over any basement or story below.
7. Replacement of floor covering, painting, papering, tiling, carpeting, cabinets, counter tops, paneling and similar finish work.
8. Prefabricated swimming pools that are less than 24 inches (610 mm) deep and the capacity does not exceed 5,000 gallons (18,925 L) in which the pool walls are entirely above ground.
9. Swings and other playground equipment accessory to a one- or two-family dwelling.
10. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.

11. Emergency board-up, or securing temporary bracing of a building after a fire, storm, vehicle damage or other disaster which caused the building to be open or unsafe. The building owner or his/her agent may cause such work to be done provided that the MABCD is notified the following business day.

12. Repair or replacement of roofing and/or siding materials not exceeding 400 square feet (37.16 m²) within any 12 month period.

13. Repair or replacement of interior gypsum wallboard on non-fire rated walls or ceilings when the total area does not exceed 100 square feet (9.29 m²) within any 12-month period and provided that no framing electrical, mechanical or plumbing changes are made.

14. Replacement of windows or doors or replacement of roof skylights or equipment with the same size or smaller unit(s) that does not involve the removal, cutting, alteration or replacement of any building structural member; including but not limited to studs, headers, girders, beams, joists, rafters, cripples, jacks or other supporting framing member(s). The framing used to infill existing openings for the purpose of installing smaller unit(s) shall be exempt from permit requirements. Placement of smaller windows or doors shall not reduce the minimum size requirements of escape and rescue openings, or egress door(s) required in Sections R310 and R311 of this Code. The replacement door or window shall not be of a lower fire rating than required by this Code for any rated wall or assembly.

ELECTRICAL:

Exemptions for electrical permits shall be governed by Article 4 of this Code.

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 appliances.

2. Portable ventilation appliances.

3. Portable cooling units.

4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this Code.

5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.
8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, water 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. 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 or rearrangement of valves, pipes or fixtures.

SECTION 2.

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

SECTION 3.

The Sedgwick County Clerk is directed to publish this Resolution upon its approval. This Resolution shall be included in the Wichita/Sedgwick County Unified Building and Trade Code, and shall be effective on the 1st day of June, 2017.

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Commissioners present and voting were:

DAVID M. UNRUH
MICHAEL B. O'DONNELL, II
DAVID T. DENNIS
RICHARD RANZAU
JAMES M. HOWELL

Dated this _____ day of _____, 2017.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

KELLY B. ARNOLD, County Clerk

DAVID M. UNRUH, Chairman
Commissioner, First District

MICHAEL B. O'DONNELL, II, Chair Pro Tem
Commissioner, Second District

APPROVED AS TO FORM:



JUSTIN M. WAGGONER,
Assistant County Counselor

DAVID T. DENNIS
Commissioner, Third District

RICHARD RANZAU
Commissioner, Fourth District

JAMES M. HOWELL
Commissioner, Fifth District