

**RESOLUTION TO MODIFY THE WORK EXEMPT FROM PERMIT PORTION OF  
THE RESIDENTIAL AND BUILDING CODES AND REQUIRE LOCATION PERMITS  
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 2015 International Residential Code ("IRC"), with amendments, effective the 1<sup>st</sup> 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 2015 International Building Code ("IBC"), with amendments, effective the 1<sup>st</sup> day of May, 2016, which established an exemption for structures 400 square feet or less from requiring a building permit under the IBC;

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;

WHEREAS, Sedgwick County has a Floodplain Management Code that generally prohibits the construction of structures in the floodplain, absent specific modifications or other processes; and

WHEREAS, Sedgwick County and residents in Sedgwick County have an interest in ensuring that structures are not impermissibly built in the floodplain, in floodways, over easements, in setbacks, or over property lines.

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

## SECTION 1.

Article 1, Section 2, Table C is amended to read as follows:

**TABLE C**  
**Other Inspections and Fees:**

1.	Inspections outside of normal business hours (Minimum charge—two hours)	\$60.00 per hour
2.	Reinspection fees	\$50.00
3.	Inspections for which no fee is specifically indicated (Minimum charge—one-half hour)	\$40.00 per hour
4.	Plan review	60% of the building permit fee
5.	Additional plan review required by significant floor plan modifications or other major changes to the plans (Minimum charge—one-half hour)	\$40.00 per hour
6.	For use of outside consultants for plan checking and inspections, or both	Actual Costs (Actual costs include administrative and overhead costs)
7.	Conditional building permit issuance (Minimum charge: \$50.00)	Additional 25% of plan review fee
8.	Progress print submittal fee (No additional charge for conditional permit)	Additional 50% of plan review fee
9.	Change of Contractor (Minimum charge \$40.00)	10% of original building permit fee
10.	Replacement of Inspection Record Card	\$15.00
11.	Certification of Occupancy letters—charge for research with a \$20.00 per address minimum	\$40.00 per hour
12.	Change of Address Processing Fee	\$35.00
13.	Federal Flood Plain Application Processing Fee	\$15.00
14.	Location permit	\$50.00 in the Wichita Jurisdiction \$0.00 in the Sedgwick County Jurisdiction
15.	Roofing permit	\$ .05 per sq. ft. based upon structure footprint. Min. - \$50, Max. - \$1,500
16.	Siding permit	Based upon valuation stated in Table B (2) – Commercial - New Build above
17.	Wrecking Permit	\$50.00

## SECTION 2.

**Sec. 2.2.130. - Section 105.2 amended** is amended to read as follows:

Section 105.2 of the International Building Code, is amended to read as follows:

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. (a). In the Wichita Jurisdiction, one-story accessory structures classified as Groups S or U occupancies are exempt from the requirement to obtain a building permit provided the floor area does not exceed 200 square feet (18m<sup>2</sup>), and a location permit is obtained from the MABCD prior to installation. For such location permits (which are only required for structures that are 200 square feet or smaller), the owner or authorized agent would submit a site plan and MABCD staff would complete a pre-construction assessment of the site plan to ensure that the proposed location for the structure would not be impermissibly located in a floodplain, floodway, easement, setback, or protrude onto a neighboring property. Lacking the presence of any of those conditions, MABCD staff would authorize the permit to construct the structure. After construction of the structure, MABCD staff would complete a post-construction on-site inspection to ensure that the structure is constructed in its stated location.
- (b). In the Sedgwick County Jurisdiction, one-story accessory structures classified as Groups S or U occupancies are exempt from the requirement to obtain a building permit provided the floor area does not exceed 400 square feet, and (provided such structure is in the unincorporated area of Sedgwick County) a location permit is obtained from the MABCD prior to installation. For such location permits (which are only required for structures that are 400 square feet or smaller), the owner or authorized agent would submit a site plan and MABCD staff would complete a pre-construction assessment of the site plan to ensure that the proposed location for the structure would not be impermissibly located in a floodplain, floodway, easement, setback, or protrude onto a neighboring property. Lacking the presence of any of those conditions, MABCD staff would authorize the permit to construct the structure and no follow-up inspection would be necessary.

Location permits are not required in second- and third-class cities that contract with Sedgwick County which are otherwise considered part of the Sedgwick County Jurisdiction.
- (c). All detached accessory structures greater than 25 s.f. (2.3 m<sup>2</sup>) but equal to or less than 400 s.f. (37.16 m<sup>2</sup>) square feet shall be tied down to the earth using anchoring methods described in the MABCD's "Non Vehicle Storage Structure Anchoring Standards". This requirement is exempted in Sedgwick County Jurisdiction.
- (d). Playhouses or tree houses having single or multi-level floors with or

without roofs.

2. (a). 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, unless the fence encloses an outdoor seating area.  
  
(b). Concrete or masonry monument sign bases not over 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. Oil derricks.
4. 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 or impounding Class I, II or III-A liquids.
5. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finishes.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R, Division 3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (19,000 L) and are installed entirely above ground.
10. Swings and other playground equipment.
11. Windows awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
12. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
13. Interior platforms not over 200 square feet (18.58 m<sup>2</sup>) in area, nor more than 30 inches (762 mm) above the adjacent floor.
14. Exterior decks, curb ramps (maximum 6 inch (153 mm) vertical rise), stoops and porches not more than 30 inches (762 mm) above grade without overhead structures and not over any basement or story below.

15. Emergency board-up or securing of a building and installing temporary bracing 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 the MABCD is notified on the following business day.
16. Repair or Replacement roofing and/or siding materials not exceeding 400 square feet (37.16 m<sup>2</sup>) within any 12-month period.
17. 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 m<sup>2</sup>) within any 12-month period and provided that no framing, electrical, mechanical or plumbing changes are made.
18. Paved areas not used for the purpose of parking or storage of vehicles and/or equipment or storage.
19. 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 supportive 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), or fire department access required by this Code. The replacement door or window shall not be of a lower fire rating than the original assembly, unless a lower fire rating is allowed by this Code.

**Electrical:**

**Repairs and maintenance:** Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

**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.

**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 appliances.
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 minor part that does not alter its approval or make it unsafe.
6. Portable evaporate cooler.
7. Self-contained refrigeration systems containing 10 pounds (5 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) 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 such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

**SECTION 3.**

**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. In the Wichita Jurisdiction, one-story detached accessory structures are exempt from the requirement to obtain a building permit provided the floor area does not exceed 200 square feet (18m<sup>2</sup>), and a location permit is obtained from the MABCD prior to installation. For such location permits (which are only required for structures that are 200 square feet or smaller), the owner or authorized agent would submit a site plan and MABCD staff would complete a pre-construction assessment of the site plan to ensure that the proposed location for the structure would not be impermissibly located in a floodplain, floodway, easement, setback, or protrude onto a neighboring property. Lacking the presence of any of those conditions, MABCD staff would authorize the permit to construct the structure. After construction of the structure, MABCD staff would complete a post-construction on-site inspection to ensure that the structure is constructed in its stated location.

**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 m<sup>2</sup>), shall not require the issuance of a location permit.

All detached accessory structures greater than 25 (2.32 m<sup>2</sup>) but equal to or less than 400 (37.16 m<sup>2</sup>) 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 In the Sedgwick County Jurisdiction, one-story detached accessory structures are exempt from the requirement to obtain a building permit provided the floor area does not exceed 400 square feet, and (provided such structure is in the unincorporated area of Sedgwick County) a location permit is obtained from the MABCD prior to installation. For such location permits (which are only required for structures that are 400 square feet or smaller), the owner or authorized agent would submit a site plan and MABCD staff would complete a pre-construction assessment of the site plan to ensure that the proposed location for the structure would not be impermissibly located in a floodplain, floodway, easement, setback, or protrude onto a neighboring property. Lacking the presence of any of those conditions, MABCD staff would authorize the permit to construct the structure and no follow-up inspection would be necessary.

Location permits are not required in second- and third-class cities that contract with Sedgwick County which are otherwise considered part of the Sedgwick County Jurisdiction.

**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 m<sup>2</sup>), shall not require the issuance of a location permit.

- 1.2 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 m<sup>2</sup>) 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 m<sup>2</sup>) 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 4.***

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 5.***

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 1<sup>st</sup> 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

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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