

**ORDINANCE NO. 3386**

**AN ORDINANCE OF THE CITY OF MCPHERSON, KANSAS ADOPTING THE 2018 EDITION OF THE INTERNATIONAL FIRE CODE, 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 IN THE CITY; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; REPEALING AND AMENDING SECTION 34-61 OF THE CODE OF THE CITY OF MCPHERSON, KANSAS AND AMENDING ALL OTHER ORDINANCES, PARTS OF ORDINANCES AND SECTIONS OR PARTS OF SECTIONS OF THE MCPHERSON CITY CODE, AS AMENDED IN CONFLICT THEREWITH.**

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

**Section 1.** Section 34-61 of the Code of the City of McPherson, Kansas is hereby deleted in its entirety and the following is inserted in its place:

(a) That a certain document, three (3) copies of which are on file in the office of the City Clerk, being marked and designated as the International Fire Code, 2018 edition, as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of McPherson for 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 as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the City Clerk of the City of McPherson are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

(b) **Modifications.** The following sections are hereby revised:

Section 101.1. Insert: The City of McPherson for [Name of Jurisdiction].

Section 109.1 is deleted in its entirety and in its place the following is inserted: In order to hear and decide appeals of orders, decisions or

determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The City Commission of the City of McPherson is hereby constituted a board of appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code. The City Commission may adopt rules of procedure and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.

Section 109.3 is deleted in its entirety and in its place the following is inserted: **Qualifications.** The City Commission, sitting as a board of appeals hereunder, need have no special qualifications, but may appoint masters or experts as necessary or desired to obtain relevant information regarding matters pertaining to hazards of fire, explosions, hazardous conditions, or fire protection systems. Such persons, if appointed, may not be employees of the City.

Section 110.4. Insert: Misdemeanor for [Specify Offense]; \$500.00 for [amount]; 30 days for [Number of days].

Section 112.4. Insert: \$250.00 as a minimum fine and \$500.00 as a maximum fine for [amount] in appropriate places.

Section 903.1.2 is added as follows: Notwithstanding anything to the contrary, this section shall not require automatic sprinkler systems in one and two-family dwellings and townhomes which are stand-alone buildings.

Section 903.2.8 is revised to add as follows: This Section shall be limited in application by K.S.A. 12-16,219.

Section 904.12.5.3 shall be amended as follows: **Fusible link and sprinkler head replacement.** Fusible links shall be replaced annually, and other protection devices shall be serviced or replaced in accordance with the manufacturer's instructions.

Section 915.1 shall be amended as follows: **General.** Carbon monoxide detection shall be installed in new buildings in accordance with Sections 915.1.1 through 915.6.

Section 1103.5.1 shall be amended as follows: **Group A-2.** Where alcoholic beverages are consumed in a Group A-2 occupancy having an occupant load of 300 or more, the fire area containing the Group A-2 occupancy shall be equipped with an automatic sprinkler system in accordance with Section 903.3.1.1.

Section 1103.5.3. Insert: January 1, 2023, for [Date by which sprinkler system must be installed]

Section 1103.9 shall be amended as follows: **Carbon monoxide alarms.** Carbon monoxide alarms shall be installed in existing dwelling units and sleeping units where those units include any of the conditions identified in Sections 915.1.2 through 915.1.6, The carbon monoxide alarms shall be installed in the locations specified in Section 915.2 and the installation shall be in accordance with Section 915.4.

Section 3103.3.1 shall be amended as follows: **Special amusement building.** Tents and other membrane structures erected as a special amusement building shall be equipped with an automatic sprinkler system in accordance with Section 411.3 of the International Building Code.

Section 5601.2.4 shall be amended as follows: **Financial responsibility.** Before a permit is issued, as required by Section 5601.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of \$1,000,000 or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property that arise from, or are cause by, the conduct of any act authorized by the permit upon which any judicial judgment results. The fire code official is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the locations of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.

**Section 3.** That the geographic limits referred to in certain sections of said Fire Code are hereby established as follows:

Section 3404.2.9.6.1: The city limits of the City.

Sections 5704.2.9.6.1; 5706.2.4.4; 5806.2; and 6104.2: The city limits of the City as set according to law; provided, that the provisions of such Sections of the Fire Code shall be modified as set forth in existing Section 34-140 of the McPherson City Code (2018) as amended. Any references to the Uniform Fire Code shall be changed to the International Fire Code, 2018 edition.

**Section 4.** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The governing body of the City of McPherson hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 5.** That nothing in this ordinance or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**Section 6.** That the City Clerk is hereby ordered and directed to cause a summary of this ordinance to be published once in the official city newspaper after its passage by the governing body and signature by the mayor.

**Section 7.** This ordinance shall also be effective for all land laying outside of the city limits of McPherson, Kansas, but inside the extraterritorial limits subject to city control as granted by state statute and/or county action, as amended from time to time.

**Section 8.** This ordinance shall take effect and be in full force and effect from and after its passage, signature and publication and posting of the full text of the ordinance on the City's website which has been designated as the office city newspaper.

Passed by the governing body December 13, 2022.

CITY OF McPHERSON, KANSAS



By Thomas A. Brown  
THOMAS A. BROWN, Mayor

BRITTA ERKELENZ, City Clerk