

ORDINANCE NO. 1928

AN ORDINANCE OF THE CITY OF RUSSELL, KANSAS, ADOPTING THE 2018 EDITION OF THE INTERNATIONAL FUEL CODE, ESTABLISHING MINIMUM REQUIREMENTS FOR FUEL GAS SYSTEMS AND GAS FIRED APPLIANCES, PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; AND AMENDING SECTIONS 4-601 THROUGH 4-604 OF THE CODE OF THE CITY OF RUSSELL AND ALL OTHER ORDINANCES OR PARTS OF LAWS IN CONFLICT THEREWITH

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

Section 1. Section 4-601 of the Code of the City of Russell is hereby amended to read as follows:

International Fuel Gas Code incorporated. That certain model code, a copy of which is on file in the office of the city clerk of the City of Russell, being marked and designated as the International Fuel Gas Code 2018 edition, as published by the International Code Council, Inc., be and is hereby incorporated by reference herein and made a part of this Article, save and except such portions as are hereinafter or may hereafter be amended, revised or deleted as authorized and in the manner prescribed by the statutes of the State of Kansas. No fewer than one (1) copy of the code incorporated by reference in this Article shall be kept on file in the office of the city clerk and kept available at reasonable business hours. The filed copies of the code shall be marked or stamped "official copy as Incorporated by Ordinance No. 1928". All sections or portions of the filed copies of the code shall be clearly modified to show deletions, amendments and revisions of the code.

Section 2. Section 4-602 of the Code of the City of Russell is hereby amended to read as follows:

Same; revisions. Revisions to the International Fuel Gas Code, 2018 edition, incorporated by Section 4-601 are as follows:

- (a) Section 101.1. Insert: City of Russell, Kansas
- (b) Section 103.2 is revised to read "The code official shall be appointed by the City Manager."
- (c) Section 109.2 Board of Appeals is amended to read in full as follows:

Board of Appeals. The City governing body shall be the board of appeals. Any reference in the International Fuel Gas Code to the board of appeals shall be construed to refer to the City's governing body. The governing body shall hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code. An application for appeal shall be based on a claim that the true intent of the code or the rules legally adopted thereunder have been incorrectly interpreted, the provision of the code do not fully apply or the requirements of this code are adequately satisfied by other means. The governing body shall have no authority to waive requirements of the code.
- (d) Section 109.3 Insert "30 days" for "10 days".
- (e) Section 109.4.1 Insert "City Clerk" for "secretary".
- (f) Section 108.5. Insert: "not less than \$25 or more than \$50."

(g) Section 109.6 Insert in place of sentence “The governing body shall modify or reverse the decision of the code official by a concurring vote of majority of the quorum.”

Section 3. Section 4-603 shall read as follows: Same; Penalty. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor punishable by a fine of not more than \$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 ben served shall be deemed a separate offense.

Section 4. Sections 4-601 through 4-604 of the Code of the City of Russell are repealed and replaced as stated herein.

Section 5. 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 hereby declares that it would have passed this law, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared unconstitutional.

Section 6. Nothing in this ordinance or in the International Fuel Gas 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 Section 4 of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 7. The City Clerk is hereby ordered and directed to cause this Ordinance to be published in the official city newspaper.

Section 8. This law and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its publication in the official city newspaper.

PASSED this 2<sup>nd</sup> day of April, 2019, by the City of Russell, Kansas, governing body.

APPROVED this 2<sup>nd</sup> day of April, 2019, by the Mayor of the City of Russell, Kansas.



Raymond C. Mader, Mayor

ATTEST:



Katrina Woelk, City Clerk

