

**ORDINANCE NO. G-21-02**

**AN ORDINANCE AMENDING CHAPTER 20, ARTICLE III, DIVISION 1, OF THE CODE OF ORDINANCES OF THE CITY OF COFFEYVILLE, KANSAS, RELATING TO THE ADOPTION OF A FIRE PREVENTION CODE AND REPEALING AND ANY AND ALL CONFLICTING ORDINANCES OR PARTS THEREOF.**

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

SECTION 1. Chapter 20, Article III, Division 1, of the Code of Ordinances of the City of Coffeyville, Kansas, be and is hereby amended, as follows:

**DIVISION 1. - GENERALLY**

**20-98 INTERNATIONAL FIRE CODE ADOPTED AND INCORPORATED; OFFICIAL COPY.**  
The *2018 International Fire Code*, published by the International Code Council, Inc., other than those portions hereinafter specifically deleted, modified or amended, is hereby adopted as the City's Fire Code and is incorporated herein by reference as if set forth in full.

Code 1965, § 9-101; Code 1977, § 12-59; Ord. No. 5406, § 1, 10-11-1967; Ord. No. G-106, § 1, 8-26-1970; Ord. No. G-77-06, § 1, 4-13-1977; Ord. No. G-82-14, § 1, 7-28-1982; Ord. No. G-93-09, § 1(12-59), 3-22-1993; Ord. No. G-07-07, § 1(12-59), 5-22-2007

**20-99 OFFICIAL COPY.**

Not less than one (1) copy of the *2018 International Fire Code* shall be marked or stamped "OFFICIAL COPY AS INCORPORATED BY ORDINANCE NO. G-21-2," with all sections or portions deleted, modified, or amended clearly marked and to which one (1) copy of this ordinance shall be affixed, shall be filed with the City Clerk, shall be open to inspection, and shall be available to the public during reasonable business hours. Additional official copies shall, at the cost of the City, be supplied to those officials and agencies charged with enforcement of the City's Fire Code.

**20-100 AUTHORITY TO SERVE NOTICE TO APPEAR.**

Pursuant to the authority of Charter Ordinance No. 28, employees of the City of Coffeyville Fire Department, who are duly appointed and designated by the Chief of the Department, shall have the authority to prepare and serve a Notice to Appear for alleged violations of the International Fire Code, and amendments thereto, as adopted and amended by law.

**20-101 DEFINITIONS.**

- A) Wherever "jurisdiction" or "name of jurisdiction" is used in the International Fire Code, that word or phrase shall mean the City of Coffeyville
- B) Whenever the term corporation counsel is used in the International Fire Code, it shall be mean the attorney for the City of Coffeyville.

**20-102 AMENDMENTS MADE TO THE 2018 INTERNATIONAL FIRE CODE.**

The *2018 International Fire Code* is amended as set forth in the succeeding sections of this Article. These amendments shall not serve to delete, modify, or amend any discretely numbered section or subsection of the *2018 International Fire Code*, unless the section or subsection is specifically identified as being deleted, modified or amended.

**20-103 Section 102.4 of the 2018 International Fire Code is hereby amended to read as follows:**

**102.4 Application of building code.** The design and construction of new structures shall comply with the *2018 International Building Code*, or such other version of the International Building Code as may hereafter be adopted by the City. Repairs, alterations and additions to existing structures shall comply with applicable sections of this code and the *2018 International Existing Building Code*, or such other version of the International Existing Building Code as may hereafter be adopted by the City.

**20-104 Section 102.6 of the 2018 International Fire Code is hereby amended to read as follows:**

**102.6 Historic buildings.** The construction, alteration, repair, enlargement, restoration, relocation or movement of existing buildings or structures that are designated as historic buildings when such buildings or structures do not constitute a distinct hazard to life or property shall be in accordance with the provisions of the *2018 International Building Code*, or such other version of the International Building Code as may hereafter be adopted by the City.

**20-105 Section 105.1.6 and 105.1.6.1 of the 2018 international fire Code is hereby deleted.**

**20-106 Section 105.6 of the 2018 International Fire Code is here by amended to read as follows:**

**105.6 Required operational permits.** The Department of Engineering Services is authorized to issue occupational permits and special event permits for the operations set forth in Sections 105.6.1-105.6.50

**20-107 Section 105.7 of the 2018 International Fire Code is here by amended to read as follows:**

**105.7 Required construction permits.** The Department of Engineering Services is authorized to issue occupational permits and special event permits for the operations set forth in Sections 105.7.1-105.7.25

**20-108 Section 109.1 of the 2018 International Fire Code is hereby amended to read as follows:**

**109.1 Appeals.** Any person shall have the right to appeal a decision of the fire code official to the Building Safety Board of Appeals, as set forth in this Article and in Chapter 8, Article 16. Notice of Appeal shall be based on a claim that the true intent of this Article or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this Article do not fully apply, or an equally good or better form of construction is proposed. The Notice of Appeal shall contain, at a minimum, the following:

- (a) A brief statement setting forth the legal interest of each of the appellants in the building and or involved in the decision, notice or order.

- (b) A brief statement, in ordinary and concise language of that specific decision, order or action protested, together with any material facts claimed to support the contentions of the appellants. Only those matters or issues specifically listed by the appellant shall be considered in the hearing of the appeal.
- (c) A brief statement, in ordinary and concise language, of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified, or otherwise set aside.
- (d) The signatures of all parties named as appellants and their official mailing addresses.

Any Notice of Appeal shall be filed with the Department of Engineering within ten (10) days of the date of the decision of the Building Official. Notice shall be forwarded to the Building Safety Board of Appeals to set a hearing date for the appeal. It shall be the duty of the appellant to notify other interested parties of the date of the hearing. Failure of any person to file a Notice of Appeal shall constitute a waiver of the right to appeal the decision of the code official.

**20-109 Section 109.2 & 109.3 of the International Fire Code are here by deleted.**

**20-110 Section 110.3.3 of the 2018 International Fire Code is hereby amended to read as follows:**

**110.3.3 Prosecution of violations.** The fire code official is authorized, pursuant to the authority granted by Charter Ordinance 28 of the City of Coffeyville, to serve a Notice to Appear in the City of Coffeyville Municipal Court for a violation of this code. A Notice to Appear may be issued only by those fire personnel who are designated by the fire chief. The fire code official may also request that the legal counsel of the jurisdiction institute the appropriate legal proceedings at law or in equity to restrain, correct or abate such violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant hereto.

**8-111 Section 110.4 of the 2018 International Fire Code is hereby amended to read as follows:**

**110.4 Violation Penalties.** Any person who violates a provision of this code or fails to comply with any of its requirements or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor. Each day that a violation continues after due notice has been served shall be deemed a separate offense. The violation(s) shall be punished as follows:

A minimum fine of \$500.00 and a maximum fine of \$1,000.00 for each unlawful act, or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment. The municipal court judge shall also have the authority to order any person, upon adjudication of guilt or the entry of a plea of no contest hereunder, to comply with the terms of this Article.

**20-112 Section 307.2 of the 2018 International Fire Code is hereby amended to read as follows:**

**307.2 Notification Required.** Permission shall be obtained from the fire code official or his or her designee, in accordance with Section 105.6 prior to kindling a fire for recognized agricultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Permission for such approval shall only be issued to the owner or occupant of the land on which the fire is to be kindled.

**20-113 Section 903.2.7 of the 2018 International Fire Code is hereby amended to read as follows:**

**903.2.7 Group M.** An automatic sprinkler system shall be provided throughout buildings containing Group M occupancy where one of the following conditions exists:

- (1) A Group M fire area exceeds 12,000 square feet (1115 m<sup>2</sup>).
- (2) A Group M fire area is located more than three stories above grade plane.
- (3) The combined area of all Group M fire areas on all floor, including any mezzanines, exceeds 24,000 square feet (2230 m<sup>2</sup>).
- (4) A Group M occupancy used for the display and sale of upholstered furniture or mattresses exceeding 2,500 square feet (2230 m<sup>2</sup>).

**20-114 Section 903.2.8.1 of the 2018 International Fire Code is hereby amended to read as follows:**

**903.2.8.1 Group R-3.** An automatic sprinkler system installed in accordance with Section 903.3.1.2 shall be required in Group R-3 living facilities with five (5) to sixteen (16) residents.

**20-115 Section 903.3.1.3 of the 2018 International Fire Code is hereby amended to read as follows:**

**903.3.1.3 NFPA 13D sprinkler systems.** Automatic sprinkler systems installed in one and two-family dwellings shall be permitted to be installed throughout in accordance with NFPA 13D.

**20-116 Section 903.3.1.3 of the 2018 International Fire Code is hereby amended to read as follows:**

**Table 6104.3  
LOCATION OF LP-GAS CONTAINERS**

LP-GAS CONTAINER CAPACITY (water)	MINIMUM SEPARATION BETWEEN LP-GAS CONTAINERS AND BUILDINGS, PUBLIC WAYS <sup>g</sup> 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-gas containers <sup>b</sup> (feet)	
Less than 125 <sup>e, d</sup>	10	5 <sup>e</sup>	None
125 to 250	10	10	25
251 to 500	10	10	25
501 to 2,000	10	25 <sup>e, f</sup>	25
2,001 to 30,000	50	50	25
30,001 to 70,000	50	75	(0.25 of sum if diameters of adjacent LP-gas Containers)
70,001 to 90,000	50	100	
90,001 to 120,000	50	125	

**20-117 AMENDMENTS TO THE APPENDICES TO THE 2018 International Fire Code, APPENDICES.**

The appendixes of the *2018 International Fire Code* are amended as set forth in the succeeding sections of this Article. These amendments shall not serve to delete, modify, or amend any discretely numbered section or subsection of the Appendices to the *2018 International Fire Code*, unless the section or sub section is specifically identified as being deleted, modified or amended.

**20-118 Appendix A, inclusive, of the 2018 International Fire Code, is hereby deleted.**

**20-119 Appendix D, inclusive, of the 2018 International Fire Code, is hereby deleted.**

**20-120 Appendix J, inclusive, of the 2018 International Fire Code, is hereby deleted.**

**20-121 Appendix L, inclusive, of the 2018 International Fire Code, is hereby deleted.**

**20-122 Appendix M, inclusive, of the 2018 International Fire Code, is hereby deleted.**

**20-123 Appendix K of the 2018 International Fire Code is hereby amended to reads as follows:**

**APPENDIX K**

**RESIDENTIAL DAY-CARE FACILITIES**

**K101 Purpose.** The purpose of this Appendix is to provide a reasonable degree of safety to children and providers attending residential day-care facilities.

**K102 Scope.** The provisions of this Appendix shall apply to all newly established or existing Licensed and Group Day-care facilities within the City of Coffeyville when other provisions and inspections are not provided for by the Kansas Office of the State Fire Marshal.

**K103 Definitions.**

(A) Group Day-care - Care provided for no more than twelve (12) children less than sixteen (16) years of age.

(B) Licensed Day-care - Care provided for no more than ten (10) children less than sixteen (16) years of age.

**K104 Exits.**

(A) Escape Corridor. Every escape path, including all stairways, shall be clear of obstructions and all doors shall be in proper working condition.

(B) Exit Doors. Every required exit door must be capable of being easily opened from the inside at all times when the facility is operating.

(C) Exit Pathway Passing by a Basement Stairway. If an exit pathway passes by a basement stairway, the stairway must be separated by a door or gate to prevent children from accidentally entering the basement.

**K105 Doors.**

(A) Closet Doors. At all times, every closet door must be capable of being easily opened from the inside by children.

(B) Bathroom Doors. Every bathroom door must be capable of being unlocked from the outside at all times. The unlocking key/device must be readily accessible to the staff.

**K106 Basement and Second Floor Use.**

(A) Before January 1, 2021. Facilities which possess a Certificate or Day-care License dated before January 1, 2021 may use a basement or second floor for day-care only if there are at least two (2) separate exits to the outside. One (1) exit must be a door and one (1) exit may be an approved escape window. Day-care providers must be able to demonstrate that everyone under their care can safely exit the house and go to a designated safe area within four (4) minutes. The code official may require day-care providers to demonstrate their ability to conduct such an exit drill.

(B) On or after January 1, 2021. Facilities which possess a Certificate or Day-care License dated on or after January 1, 2021 may use a basement for day-care only if there are at least two (2) exits to the outside. One exit must be a door leading directly to the outside. If the two exits in use are within ten (10) feet of each other, a third exit, which may be an approved exit window, will be required. Residential day-care is not allowed on the second floor of a residence. Bi-level houses must be inspected by the code official to determine if they comply with this provision prior to their use as a day-care facility.

**K107 Portable Fire Extinguishers.**

(A) Type and Location. A fire extinguisher rated at 2A:10B:C: is required and must be placed or mounted so that the unit's operating and mounting mechanisms are located no higher than 48" from the floor and no lower than 15" above the floor.

(B) Maintenance. Fire extinguishers provided for the day-care must be inspected and/or serviced and tagged within the previous twelve (12) months by a person or business licensed by the Kansas State Fire Marshal. If the fire extinguisher is purchased new, a purchase receipt must be retained that shows the date of purchase. Such a new fire extinguisher does not need to be inspected within the first twelve (12) months after the date shown on the purchase receipt.

**K108 Smoke Detectors.**

(A) Smoke Detector Installation. Smoke detectors shall be installed on every level of the residence according to the manufacturer's instructions. Smoke detectors shall be located in the pathways serving sleeping and use areas and in each sleeping room used for children.

(B) Smoke Detector Maintenance. Smoke detectors shall be tested monthly. The batteries in battery-powered smoke detectors shall be changed every six (6) months and records of the tests and battery changes required in this section shall be kept on file for review upon request of the code official. The batteries in standard battery-powered smoke detectors shall be changed every

six months and the battery replacement documented with monthly detector tests. Standard battery-powered smoke detectors shall be replaced within ten (10) years of date of manufacture with 10-year lithium or 110 volt interconnected smoke detectors.

**K109 Heating Devices.**

(A) Venting. All natural gas, kerosene, wood, propane heaters, and other open flame heating devices shall be properly vented to the outside of the residence.

(B) Protective Barriers. All heating devices shall be shielded by a noncombustible barrier that prevents accidental contact with the devices.

(C) Combustible Storage. No combustible storage is allowed within 36 inches of the furnace or hot water heater or other open flame device. All heating devices shall be kept clean and dust free.

**K110 Emergency Procedures.**

(A) Exit Drills. Exit drill procedures shall be posted and exit drills shall be conducted monthly. Accurate written records of the exit drills conducted in the previous twelve months shall be kept and posted in plain view at the day-care.

(B) Tornado Procedures. Written emergency procedures for tornadoes shall be posted and shall be practiced monthly. Accurate written records of the emergency tornado procedures practice conducted in the previous twelve months shall be kept and posted in plain view at the day-care.

**K111 General Fire Safety.**

(A) Electrical Outlets. All unused electrical outlets in licensed areas shall have child-resistant protective covers in place.

(B) Flashlights. A working flashlight shall be available for each staff member in the day-care.

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**SEVERABILITY.**

If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

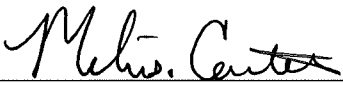
SECTION 2. Any conflicting ordinances or parts thereof, are hereby repealed.

SECTION 3. This Ordinance shall take effect and be in force from and after publication of a summary ordinance of the same, as provided by law.

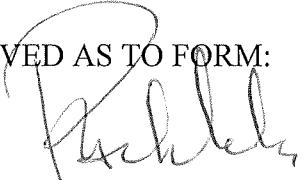
Passed and approved this 23rd day of March 2021.

  
Ann Marie Vannoster, Mayor

ATTEST:

  
Melissa Carter, City Clerk

APPROVED AS TO FORM:

  
Paul Kritz, City Attorney

