

AGENDA

POTTAWATOMIE COUNTY, KANSAS
BOARD OF COUNTY COMMISSIONER'S
District 1, Deloyce McKee – Vice Chair
District 2, Dennis Weixelman – Chair
District 3, Greg Riat – Member

REGULAR MEETING

January 23, 2023 8:30 am

612 E Campbell, Westmoreland - Sunflower Room

- 8:30** **1.0** **CALL TO ORDER REGULAR MEETING WITH FLAG SALUTE**
- 2.0** **ROUTINE ITEMS**
 2.1 Approval of Agenda Items
 2.2 Approval of Minutes
- 3.0** **COMMENTS FROM THE PUBLIC** (Non Agenda Items Only, limited to 3 min)
- 4.0** **DEPARTMENT UPDATES**
 4.1 Transportation - Andrea Umscheid
 4.2 EMS - Hal Bumgarner
 4.3 Planning & Zoning - Gregg Webster
 4.4 Public Works - Tim Eisenbarth
 4.5 Commissioners Updates
 4.6 Administration Office
 4.7 County Counselor
- 9:30** **5.0** **NEW BUSINESS**
10:00 Rural Water District Expansion
10:30 Road Vacation
 Belvue Bridge Discussion w/ Wabaunsee County Commission
- 6.0** **CONSENT ITEMS*** (Approve all by single motion, unless discussion is needed)
 6.1 Tax Corrections
 6.2 Township Reports
 6.3 Ledger Transactions
- 7.0** **ADJOURNMENT**
- 8.0** **WORK SESSION**
 8.1 High Risk Rural Roads Grant

AND OTHER COUNTY MATTERS THAT MAY ARISE

The times indicated are used as estimated times only by the Commission to assure that individuals requesting time to discuss business with the Board of County Commissioners are provided an opportunity to do so. New business and topics are scheduled following the completion of scheduled meeting times.

Note: The agenda is set Wednesday at 4:30 p.m.

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2022

Title VI Program Limited English Proficiency Plan and Public Participation Plan

*Flint Hills Regional Coordinated
Transit Council 4*

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Title VI Note

Pottawatomie County Transportation (PCT) hereby gives public notice that it is the policy of the agency to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice, and related statutes and regulations in all programs and activities. Title VI requires that no person in the United States of America shall, on the grounds of race, color, sex, or national origin, be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the PCT receives federal financial assistance. Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with the PCT. Any such complaint must be in writing and filed with the PCT's Title VI Coordinator within one hundred and eighty (180) days following the date of the alleged discriminatory occurrence. For more information, or to obtain a Title VI Discriminatory Complaint Form, please see our website at www.pottcounty.org

PCT submits its annual Certifications and Assurances to the Federal Transit Administration (FTA) each year in accordance with the requirement to do so within 90 days from the date of the publication of the notice in the Federal Register or with the first grant application, whichever comes first. Updated Certifications and Assurances will be submitted each year.

PCT Title VI Notice to the Public is posted in our Administrative Office reception area, and our website www.pottcounty.org. A copy of the Title VI Notice to the Public is attached as Appendix D to this program.

In order to comply with 49 CFR Section 21.9(b), any person who believes she or he has been discriminated against on the basis of race, color, or national origin by the PCT may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form. A copy of the Title VI Complaint Procedures and Title VI Complaint Form is attached as Appendix B and Appendix C respectively, to this program.

As required by 49 CFR Section 21.9(b), the PCT maintains a list of investigations, lawsuits, and complaints against the PCT alleging discrimination on the basis of race, color, or national origin, which are investigated by entities other than FTA. A copy of the Title VI Investigations, Lawsuits, and Complaints is attached as Appendix E to this program.

Introduction

What is PCT?

Pottawatomie County Transportation (PCT) provides transportation throughout our 862 square mile county (Figure 1). PCT is governed by a 3-member Commission (Figure 2). Daily operations are handled by the Director, who is assisted by a dispatch team and a team of carefully trained drivers. The service area includes all of Pottawatomie County. Service is available to the general public. This service is for almost any reason including but not limited to medical, grocery, financial, social service and recreation. Many of our local communities do not have all their needed services so we do provide transportation to Manhattan and Topeka on scheduled days. The Organization is committed to offering courteous, safe, and reliable service for all of our riders, without regard to race, gender, age or disability.

THE MISSION STATEMENT THAT DEFINES US

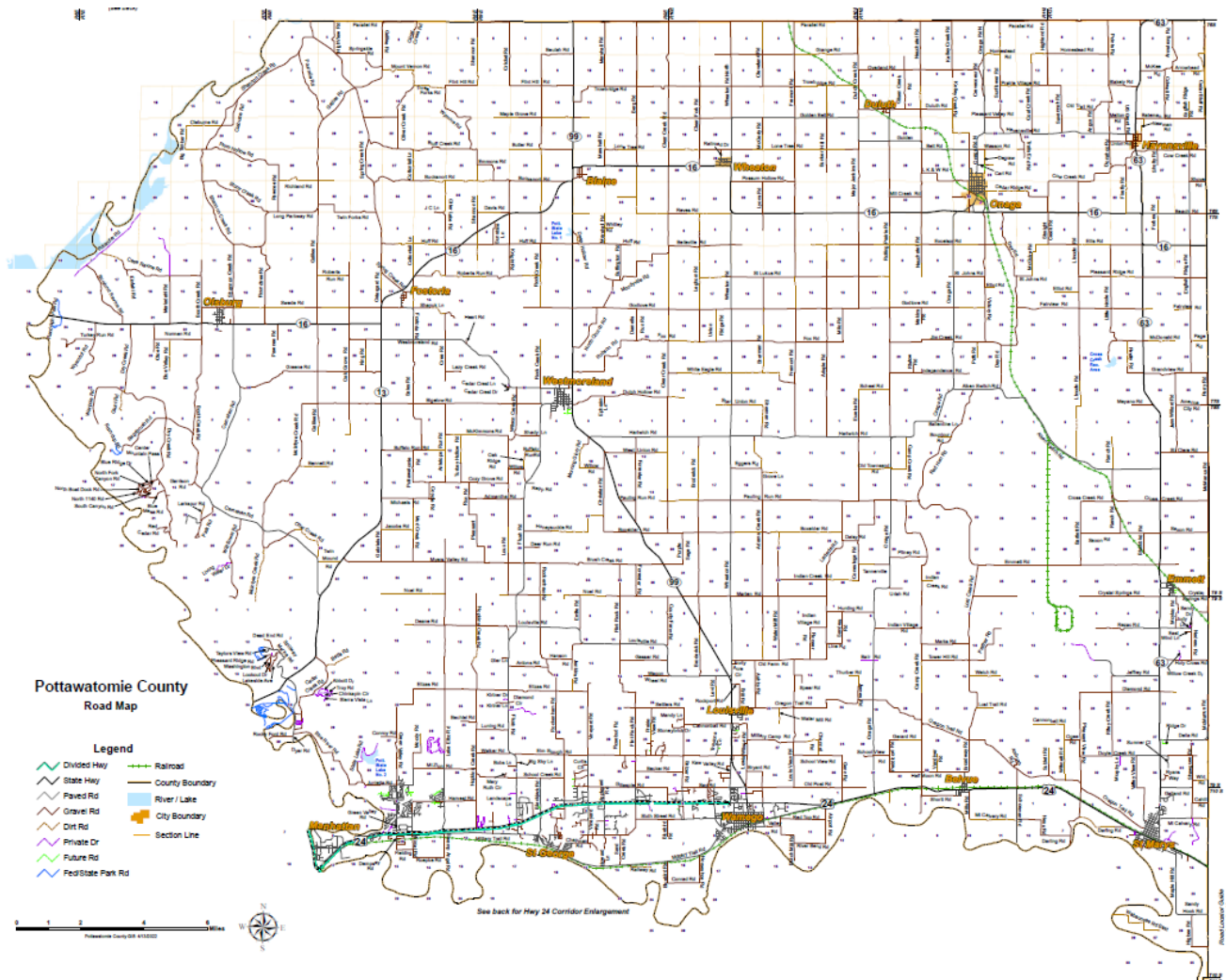
The mission of Pottawatomie County Transportation is to deliver the highest quality of public transportation service to the County Residents.

GOALS

- We will strive to increase our ridership in response to the continued growth of the area; to aid in and contribute to a growing regional economy and improve the quality of life for the community.
- To provide dynamic organizational leadership and change consistent with the growth of the Transit Agency.
- To continue to provide leadership in the development of regional transit services.

As a federally funded organization, PCT has obligations to be involved in planning and development of general public transportation services to and within Pottawatomie County. PCT has a responsibility to provide all residents with an equal opportunity to be engaged in this process.

Figure 1. PCT Service Area



What is Limited English Proficiency?

A majority of people living in the United States are able to read, write, speak, and understand the English language; however, for some, English is not their primary language. If those persons have a limited ability to read, write, speak or understand English, they are defined as Limited English Proficient (LEP). Language barriers can inhibit (or prohibit) LEP persons from participating in and/or benefiting from the planning process for transit service and the use of such transit services. PCT recognizes the potential barrier language can create and has developed this *Limited English Proficiency (LEP) Plan* to outline the resources available to provide LEP persons with language assistance services in order to provide meaningful access to the transportation planning process.

This PCT Title VI Program has been prepared to ensure that the level and quality of fixed route and demand response services funded through the PCT are provided in a nondiscriminatory manner and that the opportunity for full and fair participation is offered to transit riders and other community members. Additionally, through this program, PCT has examined the need for services and materials for persons for whom English is not their primary language and who have a limited ability to read, write, speak, or understand English.

While it is a matter of principle that PCT is committed to ensuring that no person is excluded from participation in, or denied the benefits of, or subjected to discrimination in the receipt of any of transit services on the basis of race, color or national origin, the contents of this program have been prepared in accordance with Section 601 of Title VI of the Civil Rights Act of 1964 and Executive Order 13116 (Improving Access to Services for Persons with Limited English Proficiency).

Under the Civil Rights Act of 1964, and as a recipient of federal funding under the programs of the Federal Transit Administration (FTA) of the U.S. Department of Transportation (US DOT), PCT has an obligation to ensure that:

- The benefits of transit services are shared equitably throughout the service area;
- No one is precluded from participating in PCT's service planning and development process;
- Decisions regarding service changes or facility locations are made without regard to race, color or national origin and that development and urban renewal benefitting a community as a whole not be unjustifiably purchased through the disproportionate allocation of its adverse environmental and health burdens on the community's minority population; and
- A program is in place for correcting any discrimination, whether intentional or unintentional.

What is Title VI?

As a recipient of federal funds, PCT must comply with **Title VI of the 1964 Civil Rights Act**, the **Civil Rights Restoration Act of 1987**, and all relevant **Executive Orders**.

Title VI of the Civil Rights Act of 1964

Title VI of the Civil Rights Act of 1964 provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (refer to 23 CFR 200.9 and 49 CFR 21).

Civil Rights Restoration Act of 1987

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms “program or activity” to include all programs or activities of federal aid recipients, sub-recipients, contractors and consultants, whether such programs and activities are federally assisted (Public Law 100259 [S. 557] March 22, 1988).

Executive Order 12898

“Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” was an Executive Order signed by President Clinton on February 11, 1994. The Order requires all federal agencies to make environmental justice (EJ) part of their missions by identifying and addressing, as appropriate, disproportionately high and adverse human health and environmental effects of programs, policies, and activities on minority and/or low-income populations.

PCT will incorporate EJ into the overall transit planning process. The Federal Transit Administration’s (FTA) “Environmental Justice Policy Guidance for FTA Recipients” provides recipients of FTA financial assistance with guidance in order to incorporate environmental justice principles into plans, projects, and activities that receive FTA funding. The guiding EJ principles as defined by the US Department of Transportation (US DOT) and followed by the PCT are as follows:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects of our programs, policies, and activities, including social and economic effects, on minority populations and low-income populations;
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process; and
- To prevent the unwarranted denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

Environmental Justice

The fair treatment and meaningful involvement of all people regardless of race, color, sex, national origin, or income.

Executive Order 13166

On August 11, 2000, President Clinton signed Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency". The Executive Order requires federal agencies to examine the services they provide, identify any need for services to those with Limited English Proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to federally conducted and federally assisted programs. It is expected that agency and program plans, as stipulated by the Executive Order, will provide for such meaningful access consistent with, and without unduly burdening, the fundamental mission of the agency. The U.S. Department of Justice's Policy Guidance Document, "Enforcement of Title VI of the Civil Rights Act of 1964 - National Origin Discrimination Against Persons With Limited English Proficiency" (LEP Guidance), sets the compliance standards that recipients of Federal financial assistance must follow to ensure that their programs and activities provided in English are accessible to LEP persons as not to discriminate on the basis of national origin.

PCT's Limited English Proficiency (LEP) Policy

PCT strives to provide meaningful access to the agency's program and services through its public participation process. The public participation process is intended to engage the public and local stakeholders, including those with limited English proficiency.

LEP Four-Factor Analysis

The US Department of Transportation recommends four factors that should be analyzed to determine the level and extent of language assistance required to provide meaningful access to program, activities, and services within the PCT planning area. The factors include:

1. The number or proportion of LEP persons served or likely to be encountered by the program;
2. The frequency of which LEP individuals come in contact with the program;
3. The nature and importance of programs and services to LEP persons; and
4. The resources available and overall costs of providing language services.

After conducting the four-factor analysis, PCT is in a better position to implement a cost effective mix of proactive language assistance measures, target resources appropriately, and to respond to requests for LEP assistance.

Factor 1: The number or proportion of LEP persons served or likely to be encountered by the program

To determine the number of LEP persons residing in Pottawatomie County, 2020 American Community Survey block group data was used. Limited English Proficiency (LEP) was identified as census category "Speak English less than very well".

Table 1, below, shows the total number of people in the Pottawatomie County area compared to the individuals that speak English less than well. The percentage of the total population that has a limited ability to speak English is .20%. **Table 2**, below, provides a comparison of national, state, county, and city data compared to CTD 4.

Table 1: Language Spoken and English Proficiency for Pottawatomie County

Language Spoken	Total population: 5 years and over 22,343	Speak English less than "very well"	% of total population that speak English less than "very well"
English only	21,544	*	*
Language other than English	799	43	.20%
Spanish or Spanish Creole	551	20	.09%
German	33	17	.08%
Asian and Pacific Island Languages	89	3	.01%
Other Languages	126	3	.01%

Source: 2020 American Community Survey

Table 2: Comparison of national, state, county, and city data compared to CTD 4

Jurisdiction	Total population: 5 years and over	Speak English less than "very well"	% of total population that speak English less than "very well"
United States	313,232,500	25,921,267	8.28%
Kansas	2,723,766	123,250	5%
Coordinated Transit District 4	159,934	4,247	2.70%
Clay County	7,508	22	.29%
Dickinson County	17,589	107	.61%
Geary County	29,327	1,455	4.96%
Marshall County	9,049	98	1.08%
Pottawatomie County	22,343	43	.20%
Riley County	69,810	2,390	3.42%
Washington County	5,107	132	2.58%

Source: 2020 American Community Survey

Factor 2: The frequency of which LEP individuals come in contact with the program

PCT has not received any requests for translated materials or for interpretation services at public meetings. Although the proportion of people with a limited ability to speak English in the PCT region is relatively low, PCT has developed an LEP Implementation Plan to outline the strategies identified to engage LEP individuals in the process to be followed by the PCT in providing transit services to the Pottawatomie County Area.

Factor 3: The nature and importance of programs and services to LEP persons

PCT is a §5311 service provider. PCT does not provide any direct services that require vital, immediate, or emergency assistance, such as medical treatment or services for basic needs (like food or shelter). Citizens are encouraged to become involved in the PCT's planning activities and processes as the transportation goals and improvements resulting from its planning activities have an impact on all residents. PCT recognizes the importance of involving all segments of the population and evaluates the impact of public transportation decisions on traditionally underserved or underrepresented groups, including LEP persons.

Factor 4: The resources available and overall costs of providing language services

The final step of the four-factor analysis is to assess the needs of LEP persons within the PCT service area against the resources available and the cost of those services. As described previously, the LEP population in the PCT region is a small segment of the total the population, and does not appear to warrant the translation of PCT documents. Further, given the conservative budget the PCT must work with, translating documents would be extremely cost prohibitive. However, as described in the LEP Implementation Plan below, PCT is committed to engaging all residents in the public transportation planning process and will continue to monitor the methods used to engage LEP persons.

Safe Harbor Stipulation

Federal law provides a “safe harbor” stipulation so recipients of federal funds can ensure compliance with their obligation to provide written translations in languages other than English with greater certainty. A “safe harbor” means that as long as a recipient (PCT) has created a plan for the provision of written translations under a specific set of circumstances, such action will be considered strong evidence of compliance with written translation obligations under Title VI.

Failure to provide written translations, however, does not necessarily mean that there is noncompliance. In certain situations where it may be too burdensome or cost prohibitive to translate a document, then written translation would not be required. In such cases, other ways of providing meaningful access, such as effective oral interpretation of certain documents, may suffice.

Evidence of compliance with the recipient's written translation obligations under “safe harbor” includes providing written translations of vital documents for each LEP language group that constitutes 5% or 1,000 persons, whichever is less. Oral translation of non-vital documents is deemed sufficient under the “safe harbor” provision to meet the requirements of Title VI.

The “safe harbor” provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and reasonable to provide.

LEP Implementation Plan

Based on the four-factor analysis and the overall percentage of limited English proficiency (LEP) persons in the PCT region, translating documents to other languages is not warranted, nor cost effective. While the translation of documents is not feasible, PCT is committed to engaging the region’s diverse population in the transportation planning process and has identified implementation strategies for providing LEP persons with language assistance services. These strategies are further described in the paragraphs below.

Identifying LEP Individuals

The U.S. Census Bureau has created language identification cards that have translated “Mark this box if you read or speak [name of language]” into 38 different languages. PCT will make those cards available in the office, on the Pottawatomie County website, and at all public meetings. Once an individual’s language has been identified, PCT will evaluate the feasibility of providing written translation service and/or oral interpretation assistance. The Census Bureau’s language identification cards can be downloaded for free at: www.lep.gov/ISpeakCards2004.pdf.

Language Assistance

If the translation of a document is requested, PCT will utilize a free online written translator website, a local volunteer (if one is available), or working with Kansas State University and one of the language departments. If the required language is not available in written form and formal interpretation is required, staff will use the telephone interpreter service, Language Line, at 1-800-752-6096, or seek assistance from Kansas State University.

PCT cannot accurately assess or guarantee the accuracy of translation services provided by others. Although working within the confines of a limited budget and capabilities, PCT pledges that it will, to the best of its abilities, ensure that LEP persons have a meaningful opportunity to participate in the transportation planning and decision-making process.

PCT Staff Training

Current PCT staff members and incoming staff members will be briefed on the PCT LEP Plan, how to assist LEP persons, and will be encouraged to attend any relevant training offered. New staff members will also be instructed to keep a record of language assistance requests so that needs may be accurately assessed in the future.

Monitoring and Updating the LEP Plan

This LEP Plan, along with other public involvement documents, will be reviewed and updated as needed on a schedule that coincides with the Pottawatomie County Transportation Plan updates.

Each update will consider the following components:

- Current LEP population in the PCT area.
- Number of LEP persons engaged in the PCT process and record of if their needs were met.
- Record of complaints received.
- Review any complaints received.
- Changes in resources, such as technology, staff, and financial resources changed.
- Review of any applicable federal and state regulations regarding LEP plans.

Dissemination

PCT will post this LEP Plan on its website under the “Public Transportation” section at: www.pottcountyy.org. Copies of the LEP Plan will also be available at the PCT office. Any person or agency requesting a copy of the LEP Plan will be provided a copy.

Complaint Process

To file a complaint regarding LEP activities, please fill out the Title VI Complaint Form, available in PDF format by following this link: www.pottcountyy.org. Should an LEP complaint be filed, the Title VI review process will be followed. Hard copies of the Title VI Complaint Form are available upon request.

PCT maintains a list of complaints filed alleging discrimination on the basis of race, color, or national origin. This list includes the date the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken in response to the investigation, lawsuit or complaint.

Public Participation Plan

Public participation is an integral part of PCT’s effort to provide public transportation services for Pottawatomie County. While federal laws and regulation set a framework for public involvement, PCT seeks to tailor a public participation process that is effective at engaging the diverse population in the region.

Public Involvement Methods

The PCT strives to provide a public involvement process with comprehensive information, timely public notice, and full public access to the regional transportation planning process. The PCT works closely with local, state, and federal planning partners (Kansas Department of Transportation, Federal Highway Administration, Federal Transit Administration, Flint Hills Metropolitan Planning Organization, Flint Hills Regional Transit Administration, Coordinated Transit District 4, Kansas State University, and local jurisdictions) to coordinate public outreach efforts. The following methods are used to provide the public and interested parties with a variety of opportunities for being involved in the planning process, based on the information gathered from the Public Participation Survey.

PCT Board of County Commissioners

The Pottawatomie County Commission is the decision-making body of the PCT and is comprised of local elected officials from the County. The Pottawatomie County Commission meetings are open to the public and are held in accessible locations. There is a public comment opportunity at the beginning of each meeting to allow citizens to address the Policy Board with their comments or concerns. Additionally, the Pottawatomie County Commission meeting agendas are posted on the Pottawatomie County website. The Commission meetings are governed by the Kansas Open Meeting Act (KOMA) and the Kansas Open Records Act (KORA). However, there may be times when Commission meetings are closed to the public for Executive Sessions to discuss personnel and other sensitive issues.

Table Depicting Membership of Council, Broken Down by Race

BODY	CAUCASIAN	LATINO	AFRICAN AMERICAN	ASIAN AMERICAN	NATIVE AMERICAN	OTHER
Population within Service Area	89.23%	5.64%	1.13%	.79%	.59%	1.27%
Board of County Commissioners	100%	0%	0%	0%	0%	0%
Agency Staff	100%	0%	0%	0%	0%	0%

Working Groups and Steering Committees

In addition, PCT may create ad hoc working groups or steering committees to focus on a specific topic or document. Any long-term or standing sub-committees will be appointed by the Commission at a regularly occurring meeting.

Document Availability

When major PCT documents or products are developed, updated or amended, copies of the draft document will be available during the public comment period at:

Pottawatomie County Administration Building
207 N. 1st Street
Westmoreland, KS. 66549

A copy of the draft may also be obtained by visiting The PCT website, www.pottcounty.org or contacting PCT staff at 785-457-3455.

Hard Copies of Documents Out For Public Comment are Available At:

Website

The Pottawatomie County website www.pottcounty.org provides a wealth of information about PCT. Housed on the website are important documents and meeting agendas, along with announcements regarding current comment periods and public meetings. The website also contains a link to WorldLingo - <https://www.worldlingo.com/>, a free translation tool. This allows for website information and documents to be translated from English into a variety of other languages. The website platform the PCT currently uses does not allow the website to be directly translated into another language, but users may copy and paste the text into the WorldLingo. PCT will continue to explore ways to translate the website content in accordance with the Limited English Proficiency Plan.

Postal Mailings

PCT recognizes the diversity in the citizens it serves and that not everyone may have readily available access to the internet to view the Pottawatomie County website. While it would be cost prohibitive to mail every resident in the PCT service area notification each time a comment period or public meeting is held, citizens may request that the PCT mail them notifications if that is their preferred method. Mailings may also be used by the PCT to target specific neighborhoods or stakeholder groups to gather comments or feedback

Public Meetings, Workshops, and Open Houses

PCT will hold public meetings as necessary for specific issues or documents. If a public meeting is required by federal regulations, one will be held before or during the public comment period in a location accessible by the public. Public meetings and open houses will generally be conducted between the hours of 8:30am and 11:30am on Monday. PCT will strive to hold a public meeting in the impacted community to provide access that is more convenient for all citizens in the PCT region.

Workshops, open houses, or other events may also be conducted to keep the public informed, involved, and elicit feedback on various projects and plans. To notify the public of these events, PCT will post information on the Pottawatomie County website, and, if appropriate, through email notices, mailed notices, legal publications in the newspaper, or press releases.

Local Newspaper Articles and Legal Notices

The local media will be notified when providing information to the public or encouraging participation. Press releases will be sent whenever notable planning activities are occurring. PCT will publish a legal notice in the Wamego Times, notifying the public of public meetings or of public comment periods.

Media Press Releases

Press Releases are sent to local media contacts regarding public meetings, open houses and documents out for public comment.

Presentations

Civic organizations, interest groups, and agencies may request presentations by PCT staff. Presentation topics may include a general overview of the PCT or specific PCT work products or planning activities.

Visualization

Visualization techniques will be used in all core transportation plans, programs and documents as much as possible. Visualization techniques promote improved understanding of the PCT process and products for those who do not have a background in transportation planning. These techniques will include the use of colors, diagrams, tables, figures, maps and photos that further illustrate the ideas and concepts in transportation plans, projects and programs.

Engaging Traditionally Underserved Populations

While a federal requirement, it is also a practice of the PCT to make special effort to consider the concerns of traditionally underserved populations, including low-income, minority, elderly, immigrant, and disabled populations. Pottawatomie County Commission meetings are open to the public and held in locations that are accessible by transit and in buildings compliant with the Americans with Disabilities Act (ADA). PCT staff will use a combination of the following techniques, as appropriate, to engage the traditionally underserved populations:

- Conduct interviews orally to reduce low-literacy as a barrier.
- Utilize local residents to help interview citizens in their own communities.
- Provide a comfortable meeting space with appropriate accommodations.
- Involve local officials and community representatives, as appropriate.
- Use traditional, non-computer based means during public outreach efforts.
- Hold meetings in “neutral” locations like schools, community centers, or public libraries (when necessary).
- To the extent possible, host meetings in locations that are accessible by transit and held during transit operating hours.
- Utilize the knowledge and connections of existing organizations.
- Attend scheduled and special events (the “don’t wait for them to come to you, go to them” approach).
- Provide documents in alternative formats upon request.
- Use interpreters and translated materials where appropriate and feasible (this will be further developed in the PCT’s Limited English Proficiency Plan).

Evaluating Public Participation Strategies

One of the five objectives of the PCT’s Public Participation Plan (PPP) is to “evaluate” the process and methods used to involve the public in the planning process. The PPP is a constantly evolving document and must be continuously evaluated and improved upon to create and maintain effective public engagement.

A complete update of the PPP is initiated every five years to reevaluate the methods and strategies for engaging the public. In the interim, the public participation process will be reviewed on an annual basis to assess whether public opinions are being actively sought and that the public has equal and full access to all PCT documents and plans. Public participation methods will be reviewed using the following evaluation criteria to gauge the effectiveness of each strategy.

Method	Evaluation Criteria
Website	<ul style="list-style-type: none"> •Number of emails received through website •Number of visitors •Number of first time visitors
Postal Mailings	<ul style="list-style-type: none"> •Number of requests for postal mailings
Public Meetings/Open Houses	<ul style="list-style-type: none"> •Number of attendees •Number of comments received
Newspaper Ads and Articles	<ul style="list-style-type: none"> •No measure (required for most documents)
Neighborhood Meetings	<ul style="list-style-type: none"> •Number of attendees •Number of comments received
Surveys	<ul style="list-style-type: none"> •Number of surveys sent •Number of surveys returned
Presentations	<ul style="list-style-type: none"> •Number of presentations made
Press Releases	<ul style="list-style-type: none"> •Number of contacts •Number of media articles/radio interviews

Anti-Drug Use and Alcohol Misuse Testing

Each applicant shall establish an anti-drug use and alcohol misuse program consistent with the requirements of 49 PART 655—PREVENTION OF ALCOHOL MISUSE AND PROHIBITED DRUG USE IN TRANSIT OPERATIONS.

An anti-drug use and alcohol misuse program shall include the following:

- A statement describing the employer's policy on prohibited drug use and alcohol misuse in the workplace, including the consequences associated with prohibited drug use and alcohol misuse. This policy statement shall include all of the elements specified in §655.15. Each employer shall disseminate the policy consistent with the provisions of §655.16.
- An education and training program which meets the requirements of §655.14.
- A testing program, as described in Subparts C and D of this part, which meets the requirements of this part and 49 CFR Part 40.
- Procedures for referring a covered employee who has a verified positive drug test result or an alcohol concentration of 0.04 or greater to a Substance Abuse Professional, consistent with 49 CFR Part 40.

Civil Rights

The civil rights of all passengers must be assured within the daily operations of all transportation related providers. Transportation service programs will not discriminate against any person on the basis of race, color or national origin. A procedure for all discrimination complaints must be in place with every effort to resolve the complaint as quickly as possible. Transportation service providers must have a Title VI plan and policies in place that address procedures for the complaint or grievance process. A copy of the Title VI Program must be attached to the grant application for review by the PCT.

Appendices

Appendix A: Title VI Assurances

Appendix B: Title VI Complaint Procedures

Appendix C: Title VI Complaint Form

Appendix D: Title VI Notice to the Public

Appendix E: Title VI Investigations, Lawsuits, and Complaints

Appendix A: Title VI Assurances

ASSURANCE OF COMPLIANCE WITH TITLE VI (of the Civil Rights Act of 1964) CERTIFICATION:

Name of Organization: Pottawatomie County (Transportation)

HEREBY AGREES THAT it will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and all requirements imposed by the U.S. Department of Transportation, to the end that, in accordance with Title VI of the Act, no person in the United States shall, on the grounds of race, color, sex or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department under Federal Transit Administration Act programs; and HEREBY GIVES ASSURANCE THAT it will immediately take any measures necessary to effectuate this agreement.

If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Recipient by the Department under Federal Transit Administration programs, this assurance shall obligate the Recipient, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is so provided this assurance shall obligate the Recipient for the period during which it retains ownership or possession of the property. In all other cases, this assurance shall obligate the Recipient for the period during which the Federal financial assistance is extended to it by the Department under Federal Transit Administration programs.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts, property, discounts, or other Federal financial assistance extended after the date hereof to the Recipient by the Department under Federal Transit Administration programs. The Recipient recognizes and agrees that such Federal financial assistance will be extended in reliance on the representatives and agreements made in this assurance, and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Recipient, its successors, transferees, and assignees. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

Signed by 
Andrea Umscheid, PCT Department Head, and Authorized Official

Date 10/6/2022

Appendix B: Title VI Complaint Procedures

Any person who believes she or he has been discriminated against on the basis of race, color, or national origin by Pottawatomie County Transportation (PCT) may file a Title VI complaint by completing and submitting the PCT Title VI Complaint Form. PCT investigates complaints received no more than 180 days after the alleged incident. PCT will process complaints that are complete.

Upon receipt of the complaint, HR shall appoint one or more staff review officers, as appropriate, to evaluate and investigate the complaint. The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by our office.

PCT has 30 days to investigate the complaint. If more time is required, HR shall notify the Complainant of the estimated timeframe for completing the review. If more information is needed to resolve the case, PCT may contact the complainant. The complainant has 30 business days from the date of the letter to send requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within 30 business days, PCT can administratively close the case. A case can be administratively closed if the complainant no longer wishes to pursue their case.

After the investigator reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member, or other action will occur.

If the Complainant disagrees with PCT's response, he or she may request reconsideration by submitting the request, in writing, to the Director within 10 calendar days after receipt of PCT's response. The request for reconsideration shall be sufficiently detailed to contain any items the Complainant feels were not fully understood by PCT. The Director will notify the Complainant of PCT's decision in writing either to accept or reject the request for reconsideration within 10 calendar days. In cases where PCT agrees to reconsider, the matter shall be returned to the staff review officer(s) to re-evaluate in accordance with Paragraph 2 above.

If the request for reconsideration is denied, the Complainant may appeal PCT's response by submitting a written appeal to Pottawatomie County Board of County Commissioners no later than 10 calendar days after receipt of PCT's written decision rejecting reconsideration. Pottawatomie County Board of County Commissioners will then make a determination to either request re-evaluation by the staff review officer(s) or forward the complaint to Kansas Department of Transportation for further investigation.

A person may also file a complaint directly with the Kansas Department of Transportation.

KDOT Office of Contract Compliance
Eisenhower State Office Building
700 SW Harrison 3rd Floor
Topeka, KS 66603

Appendix C: Title VI Complaint Form

Pottawatomie County Transportation

Title VI Complaint Form

Pottawatomie County Transportation is committed to ensuring that no person is excluded from participation in or denied the benefits of its services on the basis of race, color, or national origin in the provision of transportation services and transit-related benefits.

The purpose of this form is to assist you in filing a complaint with Pottawatomie County Transportation. You are not required to use this form; a letter containing the same information will be sufficient.

For questions about Pottawatomie County Transportation's Americans with Disabilities Act (ADA) complaint procedures or complaint form, contact Pottawatomie County Human Resources at 785-457-3455.

Section I:					
Name:					
Address:					
Telephone (Home):			Telephone (Work):		
Electronic Mail Address:					
Accessible Requirements?	Format	Large Print		Audio Tape	
		TDD		Other	
Section II:					
Are you filing this complaint on your own behalf?			Yes*	No	
*If you answered "yes" to this question, go to Section III.					
If not, please supply the name and relationship of the person for whom you are complaining:					
Please explain why you have filed for a third party:					
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.			Yes	No	

Section III:

I believe the discrimination I experienced was based on (check all that apply):
☐ Race ☐ Color ☐ National Origin ☐ Age
☐ Disability ☐ Other (specify) _____

Date of Alleged Discrimination (Month, Day, Year): _____

Time _____ of _____ Day: _____

Location: _____

Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please attach additional pages.

Witness(es): ☐ YES ☐ NO

List Witness(es): *(Attach a separate sheet, if necessary)*

(1) Name:

Phone Number: ()

(2) Name:

Phone Number: ()

(3) Name:

Phone Number: ()

(4) Name:

Phone Number: ()

(Continued on next page)

Section IV:		
Have you previously filed a Title VI complaint with this agency?	Yes	No
Section V:		
Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court? <input type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, check all that apply:		
<input type="checkbox"/> Federal Agency: _____ <input type="checkbox"/> Federal Court _____ <input type="checkbox"/> State Agency _____ <input type="checkbox"/> State Court _____ <input type="checkbox"/> Local Agency _____		
Please provide information about a contact person at the agency/court where the complaint was filed.		
Name:		
Title:		
Agency:		
Address:		
Telephone:		
Section VI:		
Name of agency complaint is against:		
Contact person:		
Title:		
Telephone number:		

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below:

Signature _____ Date _____

Please submit this form in person at the address below, or mail this form to:

Pottawatomie County Human Resources
207 N 1st Street | PO Box 348
Westmoreland, Kansas 66549

INTERNAL USE ONLY

To be completed by Title VI Compliance Officer

Accepted for formal Investigation ____/____/____

Referred to another department on ____/____/____

Rejected ____/____/____

Reason for Rejection:

Pottawatomie County Human Resources

Date

Appendix D: Title VI Notice to the Public

Notifying the Public of Rights Under Title VI

Pottawatomie County

- Pottawatomie County operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with Pottawatomie County.
- For more information on the Pottawatomie County's Civil Rights Program, and the procedures to file a complaint, contact 785-457-3455; email wphebus@pottcounty.org; or visit our administrative office at 207 N 1st St, Westmoreland, Kansas. For more information, visit www.pottcounty.org.
- A complainant may file a complaint directly with the Transit Administration through the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590
- If information is needed in another language, contact 1-888-446-4511.

This notice is posted in the foyer at
Pottawatomie County Transportation (PCT)
It is posted on the organization website at <http://www.pottcounty.org>

Appendix E: Title VI Investigations, Lawsuits, and Complaints

Pottawatomie County Transportation

	Date Submitted/Filed Month, Day, Year)	Summary of Allegation (Include basis of complaint: race, color or national origin)	Status	Resolution/Action Taken
Investigations				
1.				
2.				
3.				
Complaints				
1.				
2.				
3.				
Lawsuits				
1.				
2.				
3.				

2022 Calendar Year Transportation Report

Financials	Operating Expenses	Project Income	Administrative Expense	Expenses - Income	Operating Reimbursement	Administrative Reimbursement	Total Reimbursement	Total Local Match
January **	\$ 13,317.74	\$ 157.00	\$ 789.22	\$ 13,949.96	\$ 13,160.74	\$ 631.38	\$ 13,792.12	\$ 157.84
February	\$ 11,574.81	\$ 225.00	\$ 793.16	\$ 12,142.97	\$ 7,944.87	\$ 634.53	\$ 8,579.40	\$ 3,563.58
March	\$ 9,852.97	\$ 240.00	\$ 916.78	\$ 10,529.75	\$ 6,729.08	\$ 733.42	\$ 7,462.50	\$ 3,067.25
April	\$ 14,263.92	\$ 234.00	\$ 916.78	\$ 14,946.70	\$ 9,820.94	\$ 733.42	\$ 10,554.37	\$ 4,392.33
May	\$ 12,292.19	\$ 315.00	\$ 916.78	\$ 12,893.97	\$ 8,384.03	\$ 733.42	\$ 9,117.46	\$ 3,776.51
June	\$ 12,656.63	\$ 266.00	\$ 713.86	\$ 13,104.49	\$ 8,673.44	\$ 571.09	\$ 9,244.53	\$ 3,859.96
July	\$ 16,891.28	\$ 164.00	\$ 1,331.38	\$ 18,058.66	\$ 11,709.10	\$ 1,065.10	\$ 12,774.20	\$ 5,284.46
August	\$ 12,060.05	\$ 119.00	\$ 820.92	\$ 12,761.97	\$ 8,358.74	\$ 656.74	\$ 9,015.47	\$ 3,746.50
September	\$ 10,268.29	\$ 282.00	\$ 820.92	\$ 10,807.21	\$ 6,990.40	\$ 656.74	\$ 7,647.14	\$ 3,160.07
October	\$ 12,154.80	\$ 304.00	\$ 820.92	\$ 12,671.72	\$ 8,295.56	\$ 656.74	\$ 8,952.30	\$ 3,719.42
November	\$ 14,626.65	\$ 255.00	\$ 868.34	\$ 15,239.99	\$ 10,060.16	\$ 694.67	\$ 10,754.83	\$ 4,485.16
December	\$ 16,987.57	\$ 262.00	\$ 1,311.45	\$ 18,037.02	\$ 11,707.90	\$ 1,049.16	\$ 12,757.06	\$ 5,279.96
Total	\$ 156,946.90	\$ 2,823.00	\$ 11,020.51	\$ 165,144.41	\$ 111,834.95	\$ 8,816.41	\$ 120,651.36	\$ 44,493.05
2021 Total	\$ 143,690.55	\$ 2,397.50	\$ 10,067.85	\$ 151,360.90	\$ 141,293.05	\$ 8,978.93	\$ 150,271.98	\$ 1,088.92
2020 Total	\$ 134,520.42	\$ 2,062.40	\$ 10,496.66	\$ 142,954.68	\$ 132,458.02	\$ 10,496.66	\$ 142,954.68	\$ -

** January 2022 CARES 100% Operating reimbursement

	Revenue Miles Driven	Revenue Drive Time
January	1,373	208.90
February	2,788	218.20
March	3,041	229.00
April	3,002	264.60
May	2,250	263.10
June	1,798	265.20
July	888	129.70
August	955	138.00
September	1,692	236.90
October	1,590	238.50
November	1,545	232.10
December	1,574	224.50
Total	22,496	2,648.70
2021 Total	22,980	2,952.80
2020 Total	21,314	2,259.00

RIDERS	Elderly	Disabled	General Public	Total
January	95	17	21	133
February	98	25	21	144
March	131	33	24	188
April	121	38	24	183
May	122	39	9	170
June	122	44	5	171
July	83	17	-	100
August	101	-	-	101
September	90	51	2	143
October	90	46	5	141
November	65	47	1	113
December	80	52	2	134
Total	1,198	409	114	1,721
2021 Total	1,216	331	213	1,760
2020 Total	1,142	199	154	1,495

TRIPS	Elderly	Disabled	General Public	Total Trips	Work	Education	Medical	Other
January	255	89	42	386	21	-	12	353
February	275	133	51	459	35	-	3	421
March	349	147	58	554	50	-	17	487
April	331	164	86	581	62	-	4	515
May	343	193	55	591	16	-	5	570
June	347	212	31	590	2	-	6	582
July	248	85	-	333	-	-	27	306
August	282	-	-	282	-	-	6	276
September	284	226	18	528	-	-	16	512
October	280	200	23	503	-	-	18	485
November	206	230	4	440	-	-	16	424
December	227	214	16	457	-	-	47	410
Total	3,427	1,893	384	5,704	186	-	177	5,341
2021 Total	3,680	1,568	709	5,957	511	2	290	5,129
2020 Total	3,517	866	419	4,802				

ATA Pott County Ridership Data

2022

		JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL	AVERAGE
Demand Response															
	Boarding	203	290	296	278	257	222	258	280	289	273	270	278	3,194	258
	Exiting	212	208	254	215	194	181	189	224	217	194	212	215	2,515	208
TOTAL DEMAND		415	498	550	493	451	403	447	504	506	467	482	493	5,709	481
Fixed Routes (Stop Location = Boarding/Exiting)															
Walmart	Boarding	785	707	762	783	668	742	710	790	943	963	961	783	9,597	800
	Exiting	743	671	770	737	677	765	784	897	965	989	978	737	9,713	735
Dillons East	Boarding	52	47	73	67	86	92	114	117	151	121	116	67	1,103	76
	Exiting	119	106	127	117	162	154	178	180	169	165	142	117	1,736	138
Dollar Tree	Boarding	24	24	31	24	20	20	25	25	22	28	17	24	284	24
	Exiting	28	47	47	46	53	42	52	59	75	105	59	46	659	45
Big Lakes	Boarding	2	4	8	-	4	8	3	-	3	4	3	-	39	4
	Exiting	3	2	2	3	5	1	2	1	2	1	2	3	27	3
GTM	Boarding	9	12	9	8	8	6	4	4	2	5	7	8	82	8
	Exiting	1	2	6	1	1	1	8	22	16	5	2	1	66	3
Other (Aldi, other)	Boarding	-	5	4	6	3	1	2	2	1	1	1	6	32	3
	Exiting	3	3	6	10	11	11	4	4	5	3	1	10	71	7
TOTAL FIXED BOARDING		872	799	887	888	789	869	858	938	1,122	1,122	1,105	888	11,137	852
TOTAL FIXED EXITING		897	831	958	914	909	974	1,028	1,163	1,232	1,268	1,184	914	12,272	930
TOTAL FIXED		1,769	1,630	1,845	1,802	1,698	1,843	1,886	2,101	2,354	2,390	2,289	1,802	23,409	1,782
TOTAL TRIPS DEMAND + FIXED		2,184	2,128	2,395	2,295	2,149	2,246	2,333	2,605	2,860	2,857	2,771	2,295	29,118	2,263

Pottawatomie County EMS YEAR 2022

Response Type Of Service Requested (eResponse.05)	# of Runs 2022	% of Total 2022
911 Response (Scene)	1923	76.28%
Interfacility Transport	408	16.18%
Standby	106	4.20%
Public Assistance/Other Not Listed	47	1.86%
Medical Transport	14	0.56%
Mutual Aid	9	0.36%
Flagdown/Walk-in	12	0.48%
Intercept	2	0.08%
	2521	100.00%

Pottawatomie County EMS 2022

Call volume from 2020 was 2,053 calls for service.

In 2021 there were 2,366 calls for service

In 2022 PCEMS had 2,521 total calls.

Pottawatomie County EMS destination

Destination Name (911 Response by Destination)	# Transports
Wamego Health center	251
Stormont Vail	152
Community Health Onaga	125
Ascension Via-Christi - Manhattan	107
KU St. Francis (Topeka)	62
TOTAL	697

Pottawatomie County 2022

Destination Name	# Transports
Stormont Vail	191
Stormont-Vail West	1
KU - St. Francis (Topeka)	59
KU Medical Center (KC)	18
Children's Mercy (KC)	8
Overland Park Regional	4
Menorah Medical Center	3
St. Luke's (KC)	1
St. Luke's South Hospital	3
Via-Christi - Manhattan	424
Community Health - Onaga	2
Wamego Health Center	2
Belton Regional Medical Center (Belton, MO)	1
CenterPoint Med Center (Jackson, MO)	1
Wesley medical Center	1

Pottawatomie County EMS

- We currently have one Auto Pulse out for repairs
- We updated our Zoll X series ECG for 12 lead transmission
- Attended LEPC meeting
- Training calendar is completed
- Hosted CPR Instructor class
- Grant Consideration 10 % match ceiling of 9,000

Pottawatomie County EMS 2022

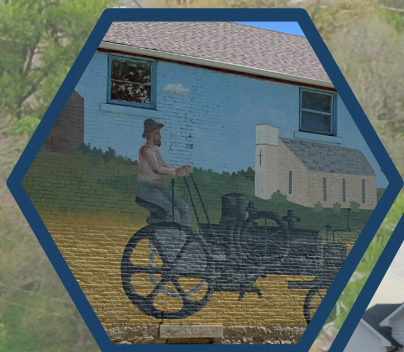
EMS Financial Summary 2022:

Billed MTD:	\$84,240.00
Billed YTD:	\$1,385,090.20
Payments	
RMTD:	\$63,465.89
Payments	
RYTD:	\$934,571.39

Year to Date of 2021: \$811,593.75

\$122,977.64 gain From 2021

2022 Development Activity Report



Office of Planning and Development

207 N First St
Westmoreland, KS 66549
E-Mail: Zoning@pottcounty.org



Department Highlights

Pottawatomie County



11 Public Hearings



\$48,000,000 in new construction



\$198,000 in permit fees



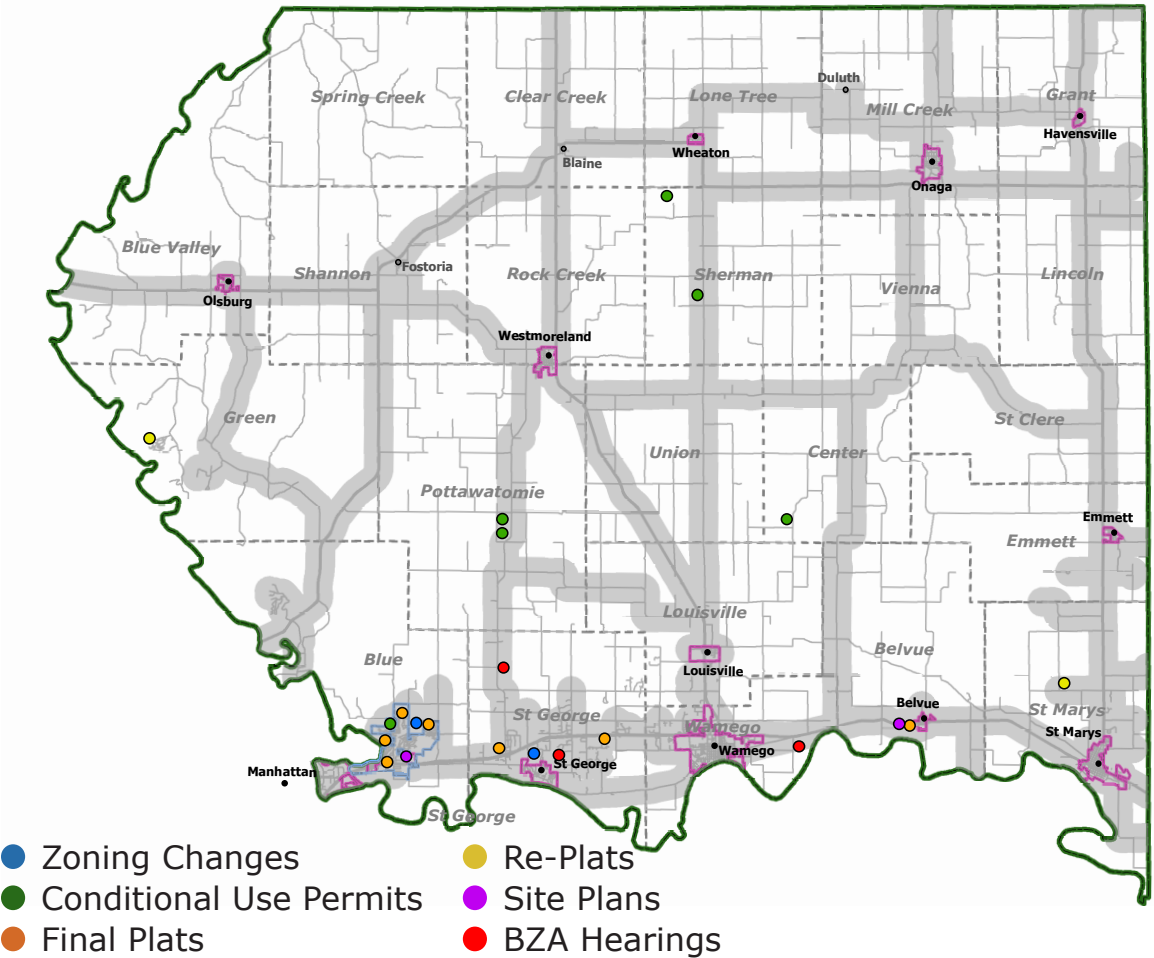
UDR Updates



Development

Total submissions were roughly in line with years past. Our office did fewer rezonings than usual, but that was compensated by the fact that we did significantly more conditional use permits (mostly for rural tourism/wedding venues) than a typical year.

As usual, nearly all of the applications were within 1/2 mile of a paved road. All but two were within 1/2 mile of a paved road.

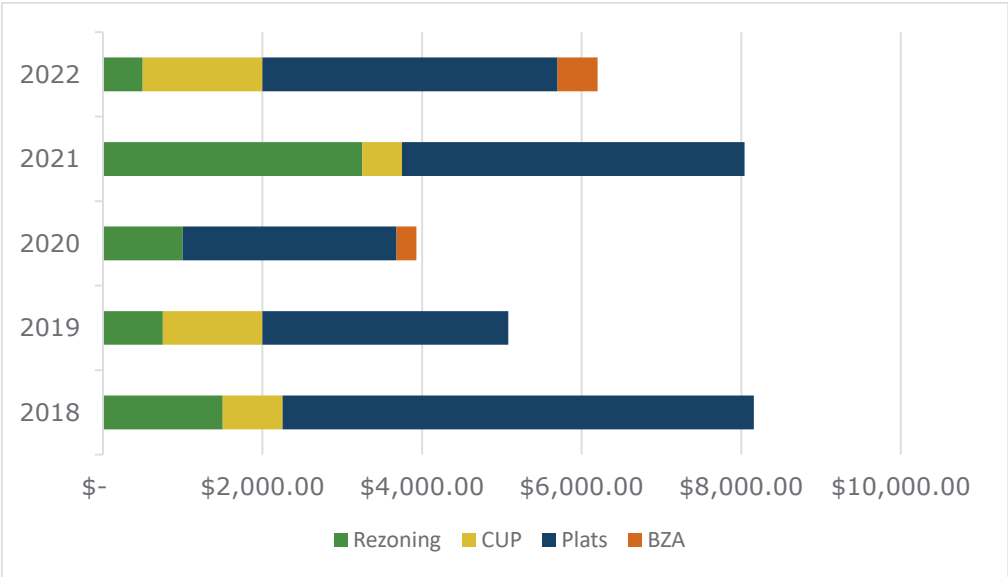




Development

As noted above, the total number of submission in 2022 was in line with past years.

One major difference was the number of conditional use permits requested. Three of the six requests were for wedding venues. This is a trend that likely to continue in the near-term.

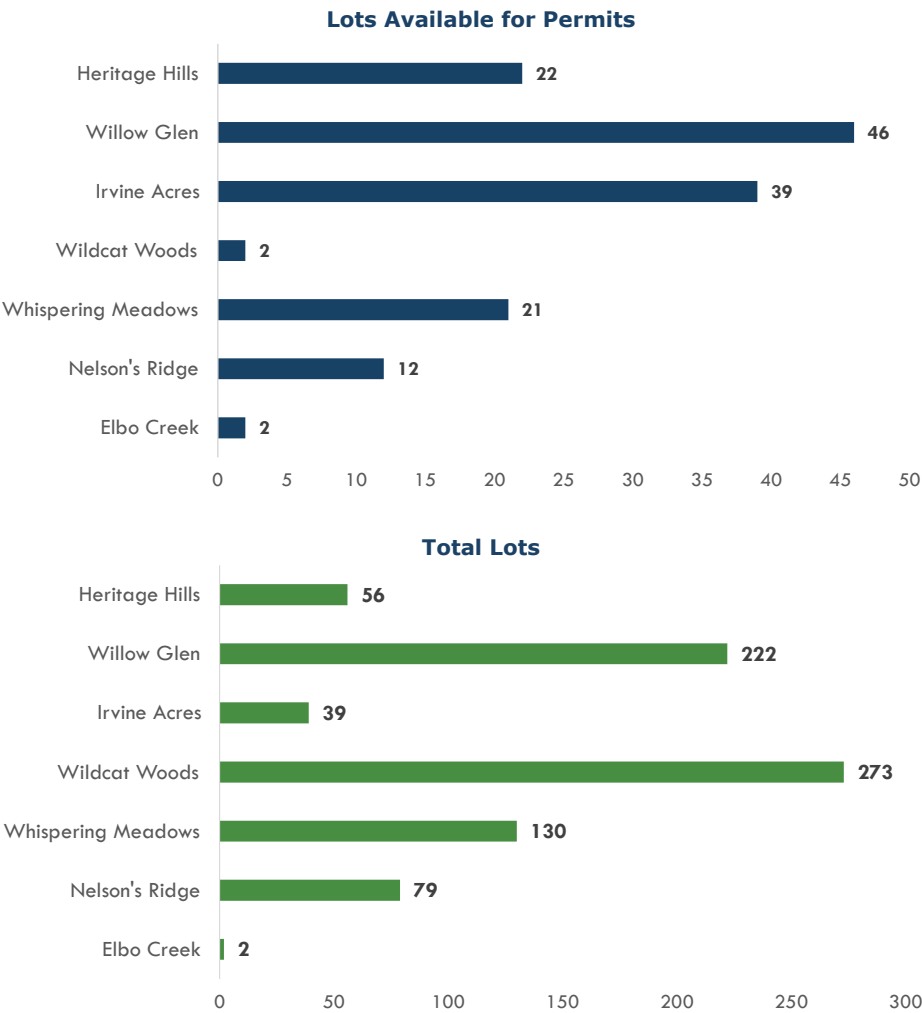


Submittals		Conditional Uses	
Type	Amount	Type	Decision
Rezoning	2	Rural Tourism	Approved
Final Plats	7	Rural Tourism	Approved
Replats	2	Rural Tourism	Approved
City Plats	5	Rock Quarry	Approved
Site Plans	2	Rock Quarry	Denied
BZA Hearings	3	Bed and Breakfast	Approved
CUPs	6		
UDR Amend.	2		

Development

The number of lots available for building permits sits at 144, or roughly two years worth of lots. Most industry experts consider a market balanced at roughly 24 months worth of inventory.

In addition to lots available for permits today, there are an additional 800 lots in either the preliminary or final plat stage. The total number of lots is subject to change as changes in market conditions or developer preference may lead to amendments to the overall development plan of a subdivision.





Building Permits

108

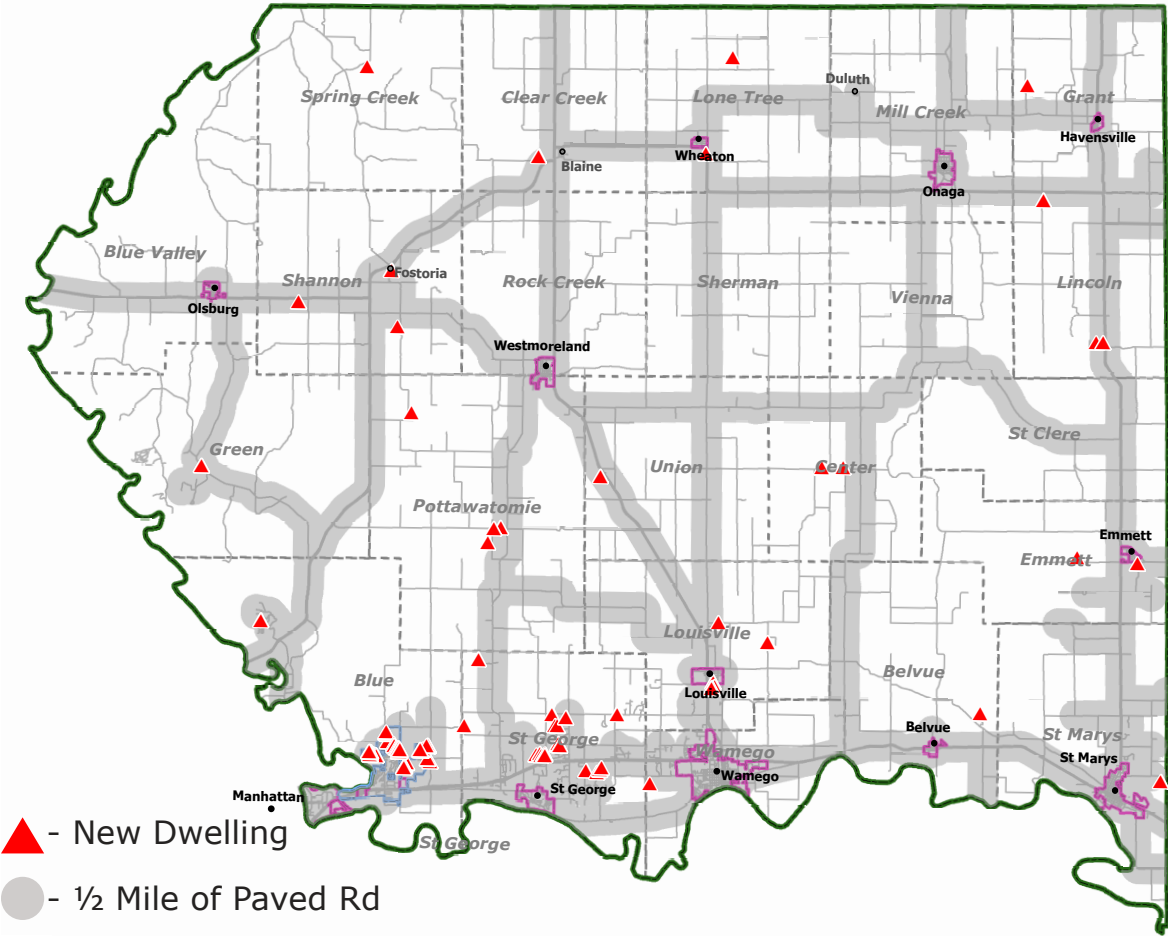
Total Dwellings

86

New Dwellings in the US-24 Corridor

91

New Dwellings within 1/2 mile of a paved road

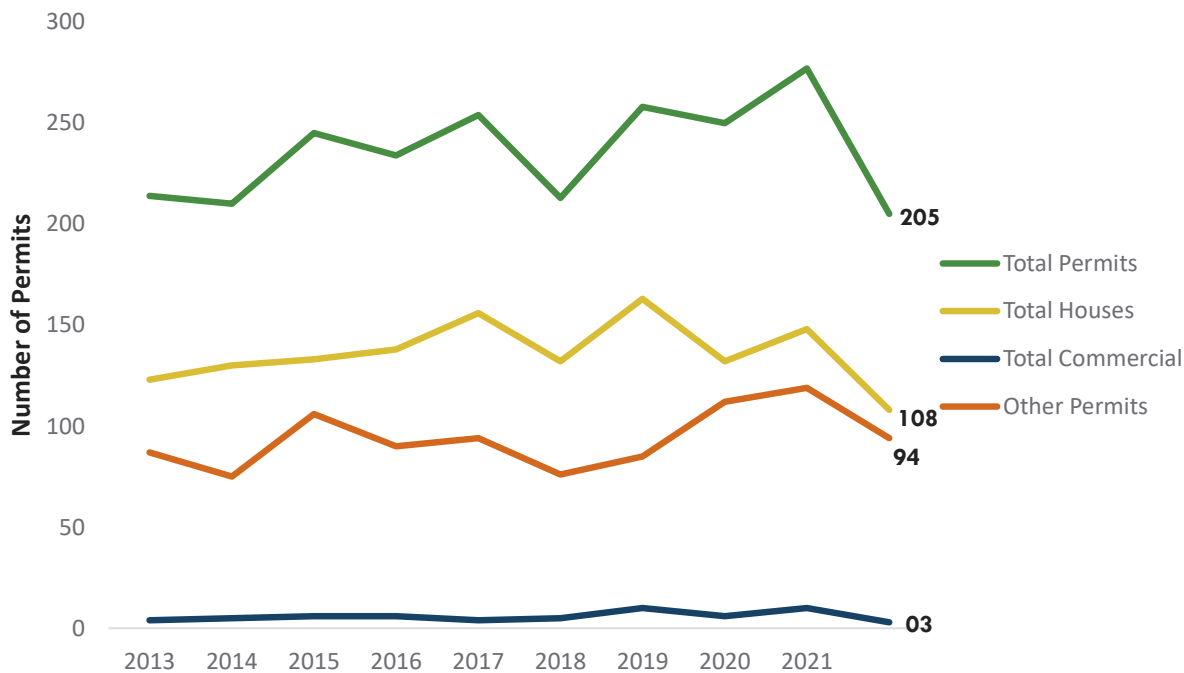


Building Permits

Total permits were down in 2022 across the board. The County permitted 40 fewer dwellings compared to last year, 25 fewer permits for accessory buildings and additions, and 72 total permits less than last year.

There are likely a multitude of reasons for this decline, and the occasional decline in permits year over year is not uncommon (although this decline was larger than usual).

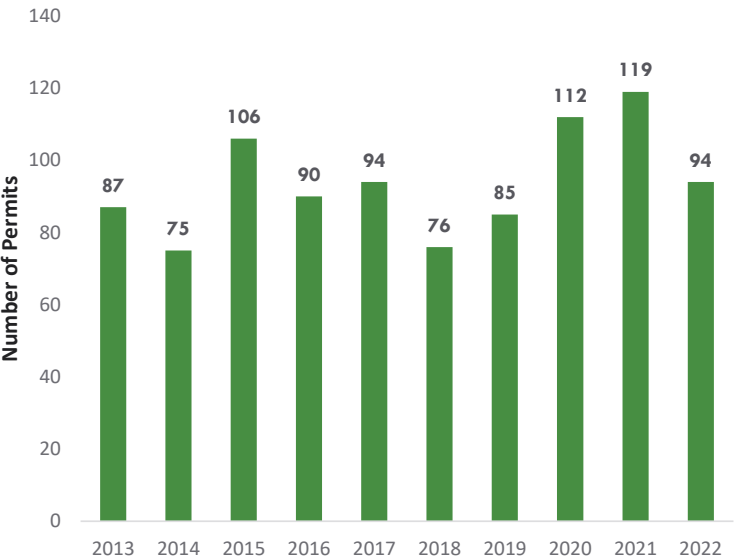
As the year-end report shows, however, the proportion of permits by township, location along the 24-Corridor, near paved roads, etc remains consistent with year-over-year trends.



Building Permits

Total housing permits were down in 2022. Urban subdivision permits were down significantly. While rural and 1/4 - 1/4 houses remained roughly in-line with historic trends.

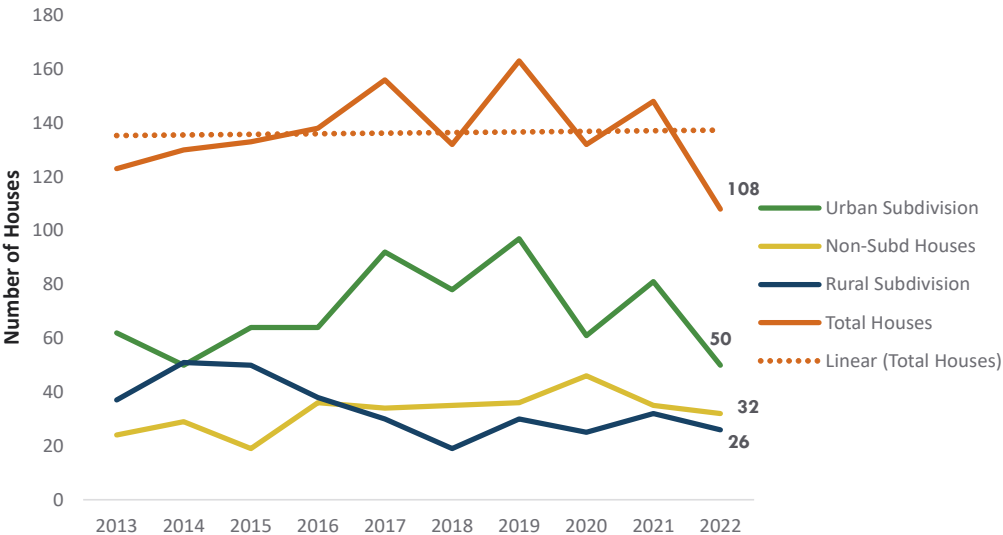
This dynamic between urban, rural, and 1/4 - 1/4 housing is consistent with the past. Nearly all of the volatility from year to year occurs in the urban housing sector. With the other housing types remaining relatively constant



Fewest number of new dwellings in Blue Township since 2011



Percentage decrease in new Blue Township dwellings between 2021 and 2022



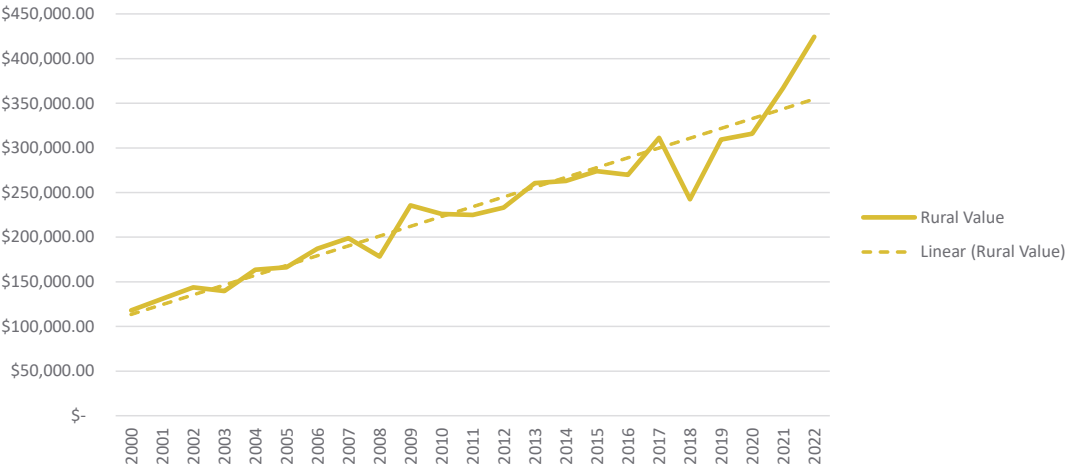
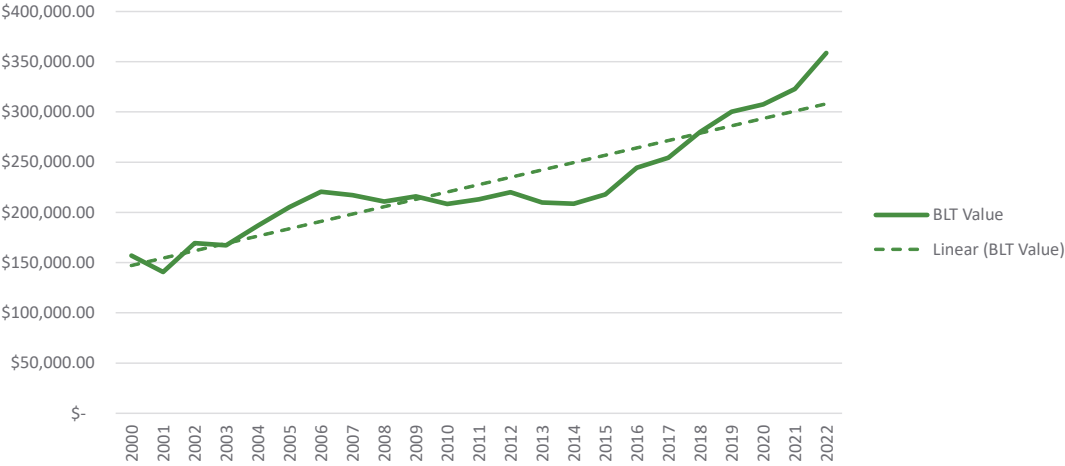


Housing Prices

While housing prices have been rising consistently for decades, there is a clear and sharp increase in Rural and Urban subdivisions since 2016.

In this last two years alone, new permit values for homes in rural subdivisions jumped from \$316,000 to \$424,000.

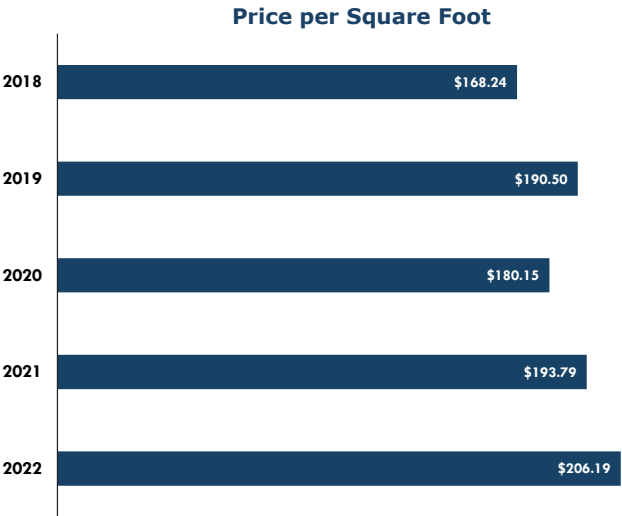
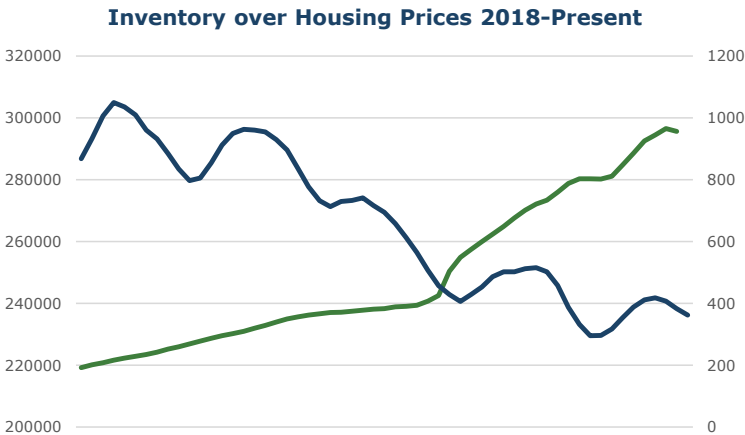
In 2019, the average new home permit in Blue Township was valued at just over \$300,000. In 2022, that value is now at \$360,000. Looking at only single-family homes, the permit value jumps to over \$380,000.



Housing Prices

One possible explanation for the price increases is the decrease in overall inventory. As noted in the chart below, inventory continues to be far below historical averages. This could be causing a classic supply and demand problem causes prices to spike.

Other issues like rising material costs, labor costs, and development costs are likely playing a factor in both the decrease of supply and increase in price.



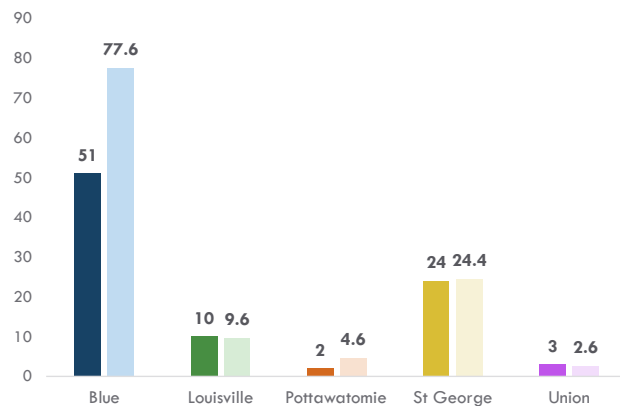
Permit Statistics

Below are data relating to the distribution of building permits amongst townships, neighborhoods, and builders.

As usual, most of the permits issued in 2022 were along the Highway 24 Corridor. The four townships that make up the Corridor area (Blue, St George, Louisville, and Wamego) accounted for 74% of all permits and 80% of all new houses. These numbers are very much in line with past years.

Township	Permits
Belvue	4
Blue	77
Blue Valley	2
Center	2
Clear Creek	3
Emmett	3
Grant	4
Green	1
Lincoln	4
Lone Tree	3
Louisville	17
Mill Creek	2
Pottawatomie	5
Rock Creek	2
Shannon	5
Sherman	1
Spring Creek	1
St Clere	0
St George	55
St Marys	4
Union	7
Vienna	0
Wamego	3

2022 and Five-Year Avg by Township



Builder	Permits
Greeve Construction	14
Thornton Construction	12
JLC Companies	10
Drippe Homes	8
Frazee Development	7

Neighborhood	Permits
Nelson's Ridge	14
Irvine Acres	13
Whispering Meadows	12
Brook Ridge	6
Rockenham Woods	6



Acknowledgements

Board of County Commissioners

Pat Weixelman, Chair
Deloyce McKee, Vice-Chair
Greg Riat

Planning Commission

Andrew Klein, Chair
Robert Busby, Vice-Chair
Marcie Wood, Secretary
Doug Kern, Member
Nathan Henry, Member
Steve Minton, Member
Armon Bosse, Jr, Member
Lynn Schwandt, Member
Travis Ross, Member
Norm Stutzman, Member

Planning and Development

Phone: 785.457.3551
E-Mail: zoning@pottcounty.org
Address: 207 N 1st St
Westmoreland, KS 66549

Public Works

Phone: 785.457.3631
E-Mail: teisenbarth@pottcounty.org
Address: 612 E Campbell St
Westmoreland, KS 66549

Administration

Phone: 785.457.3455
E-Mail: hgladbach@pottcounty.org
Address: 207 N 1st St
Westmoreland, KS 66549

Environmental Health

Phone: 785.457.3631
E-Mail: sschwinn@pottcounty.org
Address: 612 E Campbell St
Westmoreland, KS 66549

Rural Water District I

Phone: 785.456.2452
E-Mail: ruralwaterdistrict1ptks.com
Address: 5650 HWY 99
Wamego, KS 66547

City of Manhattan Risk Reduction

Phone: 785.587-4502
E-Mail: countypermits@cityofmnhk.com
Address: 2000 Denison Ave
Manhattan, KS 66502



TO: Board of County Commissioners
FROM: Office of Planning and Zoning
DATE: December 12, 2022
SUBJECT: Adopting amended building codes for Blue Township Sewer District

Summary

- City Staff has been working with stakeholders since the beginning of 2022 to adopt the 2021 suite of building codes and the 2020 electrical code, plus any amendments. Stakeholder groups include:
 - Flint Hills Area Builders Association
 - Flint Hills Chapter American Institute of Architects
 - Licensed contractors and tradespeople
 - City Housing Appeals Board
 - City Code Appeals Board
- County Staff has attended many of these stakeholder meetings as well as worked with City Staff to discuss the proposed amendments and any amendments to the County's resolution
- In order for the current setup to work, City and County adopted codes have to be virtually identical. Any changes made at the City have to be adopted by the County in order to maintain consistent enforcement and inspection practices for City Staff.
- County only amendments include:
 - Additional language in the Existing Building Code to allow City Staff to require property owners to comply with the Existing Building Code if there are dangerous conditions within the scope of work defined by their building permit.
 - Amended language regarding the Building Official. Currently it states that the "Public Works Director" is the Building Official. This change would simply say "County Building Official, as designated by the Board of County Commissioners"
 - Adoption of the 2021 International Pool and Spa Code.
- Significant amendments to the Codes include:
 - Increased the permit fee for special structures to \$50
 - New electrical requirements for single-family homes
 - New construction type in the International Building Code
 - Made it easier for general contractors to obtain their continuing education requirements

Staff Recommendation

Staff recommends approval of the Resolution. Approval would mean that City and County codes are identical for the purposes of enforcement and inspection, the most up to date Codes are in place, and the County resolution would clean up the issues that Staff has discovered during the first two years of Code Enforcement in Blue Township.

RESOLUTION NUMBER _____

A RESOLUTION AMENDING RESOLUTION 2019-68 INCOPORATING BY REFERENCE THE 2021 INTERNATIONAL BUILDING CODE, THE 2021 INTERNATIONAL EXISTING BUILDING CODE, 2021 INTERNATIONAL FIRE CODE, THE 2021 INTERNATIONAL FUEL GAS CODE, THE 2021 INTERNATIONAL MECHANICAL CODE, THE 2021 INTERNATIONAL PLUMBING CODE, THE 2021 INTERNATIONAL RESIDENTIAL CODE, THE 2021 INTERNATIONAL SWIMMING POOL AND SPA CODE, THE 2020 NATIONAL ELECTRIC CODE FOR THE AREA OF THE BLUE TOWNSHIP SEWER BENEFIT DISTRICT WITH CERTAIN OMISSIONS, CHANGES, AND ADDITIONS THERETO; AND REPEALING ALL RESOLUTIONS IN CONFLICT THEREWITH

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF POTTAWATOMIE COUNTY, KANSAS:

SECTION 1. That Resolution 2019-68 (Corresponding with Section 8-31 of Chapter 8 of the Code of Ordinances of the City of Manhattan, Kansas), is hereby amended to read as follows:

Adoption of the International Building Code.

There is hereby incorporated by reference, for the purpose of establishing rules and regulations for construction, alteration, addition, demolition, equipment, use and occupancy, location and maintenance of buildings and structures within that portion of Pottawatomie County, Kansas subject to these regulations that certain standard building code known as the 2021 International Building Code, including Appendices C, F, G, I, K and N as being recommended by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC, 20001, save and except such articles, sections, parts or portions thereof as hereinafter omitted, deleted, modified or changed. No fewer than one (1) copy of such publication shall be marked or stamped "Official Copy as adopted by Resolution No: _____," and shall be attached to a copy of this ordinance and filed with the county clerk and open for inspection and available to the public at all reasonable hours. All administrative departments of the County charged with enforcement of this code shall be supplied, at the cost of the County, such number of official copies, similarly marked, as may be deemed expedient.

SECTION 2. That Resolution 2019-68 (Corresponding with Section 8-32 of the Manhattan City Code) is hereby amended to read as follows:

Amendments.

The International Building Code, adopted by Section 1 above, is hereby changed, altered, modified or otherwise amended as follows:

1. Section 101.1 of the International Building Code is hereby changed to read as follows:

Section 101.1 Title.

These regulations shall be known as the Building Code of Pottawatomie County, Kansas, herein after known as “this code.”

2. Section 103.1 of the 2021 International Building Code is hereby changed to read as follows:

Section 103.1 Creation of enforcement agency.

The County Building Official, as designated by the Board of County Commissioners, is hereby created and the official in charge thereof shall be known as the building official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

3. Section 103.2 of the 2021 International Building Code is hereby changed to read as follows:

Section 103.2 Appointment.

The building official shall be appointed by the Board of County Commissioners.

4. Section 105.2 of the International Building Code is hereby changed to read as follows:

Section 105.2 Work exempt from permit.

Exemptions from permit requirements of this code shall not be deemed to grant authority 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:

1. One story detached accessory structures provided the floor area does not exceed 200 square feet.
2. Detached pergolas and other detached structures which do not exceed 400 square feet, are entirely open and do not have solid roofs.
3. Fences not over 7 feet high.
4. Oil derricks.
5. Retaining walls that are not over 7 feet in height measured from grade on the low side to the top of the wall, unless supporting a surcharge or impounding class I, II or IIIA liquids.
6. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2:1.
7. Sidewalks, driveways and non-enclosed or covered decks not more than 30 inches above adjacent grade at any point, and not over any story or basement below and are not part of an accessory route.
8. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.
9. Temporary motion picture, television and theater stage sets and scenery.

10. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18 925 L) and are installed entirely above ground
 11. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
 12. Swings and other playground equipment.
 13. Window awnings supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support.
 14. Non-fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.
 15. Changes of occupancy to an equal or lesser hazard category as denote in both Table 1011.5 and Table 1011.6 of the 2021 International Existing Building Code where no other work requiring a permit is being done.
5. Section 109.2 of the International Building Code is hereby changed to read as follows:

Section 109.2 Schedule of Fees.

On buildings or structures requiring a permit other than those owned by the County, a fee for each permit shall be paid as required, in accordance with the following schedule:

Building Permit Fee	
Valuation	Fee
\$0-\$500	\$19.00
\$501-\$2,000	\$19.00 for the first \$500 plus \$2.47 for each additional \$100 or fraction thereof, up to and including \$2000
\$2,001-\$25,000	\$56.09 for the first \$2,000 plus \$11.34 for each additional \$1,000 or fraction thereof up to and including \$25,000
\$25,001-\$50,000	\$317.31 for the first \$25,000 plus \$8.18 for each additional \$1,000 or fraction thereof, up to and including \$50,000
\$50,001-\$100,000	\$521.43 for the first \$50,000 plus \$5.67 for each additional \$1,000 or fraction thereof, up to and including \$100,000
\$100,001-\$500,000	\$804.93 for the first \$100,000 plus \$4.53 for each additional \$1,000 or fraction thereof, up to and including \$500,000
\$500,001-\$1,000,000	\$2,619.33 for the first \$500,000 plus \$3.84 for each additional \$1000 or fraction thereof, up to and including \$1,000,000

\$1,000,000 and up	\$4,543.08 for the first \$1,000,000 plus \$2.95 for each additional \$1,000 or fraction thereof
Swimming pools, prefabricated saferooms, prefabricated carports, fences, and retaining walls	\$50.00
Other Fees	
Description	Fee
Plan Review Fee	30% of the building permit fee as calculated by the Building Official. Plan review fee shall be paid at time of application and applied to building permit fee at time of permit issuance.
Temporary Certificate of Occupancy	\$250 for the first re-issuance past expiration date, and \$500 for each subsequent re-issuance
Reinspection Fee	\$50.00 for each re-inspection beyond the first re-inspection.

Each inspection which is not deemed ready for inspection at the scheduled time shall be considered a failed inspection and subject to re-inspection. The re-inspection fee shall be paid within 10 calendar days of the date of the inspection causing the fee, and prior to a certificate of occupancy being issued for that project. Subsequent inspections for that permitted project shall not be conducted until all past due re-inspection fees have been paid. The Building Official shall have the authority to waive re-inspection fees as deemed necessary.

No fee, other than that set forth above, shall be charged for new construction; although this does not preclude the building official from charging separate fees for sewer and water connections and sign installations.

The governing body shall have the right to waive fees as it deems necessary.

6. Section 109.3 of the International Building Code is hereby changed to read as follows:

Section 109.3 Building Permit Valuations.

The determination of value or valuation under any of the provisions of this code shall be made by the building official. The valuation for new buildings shall be calculated by using the most recent version of Valuation Data Table as published by the International Code Council. For other than new buildings, the valuation to be used for determining the building permit fee shall be the total value of all construction work for which the permit is issued including all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment.

7. Section 109.4 of the International Building Code is hereby changed to read as follows:

Section 109.4 Work commencing before permit issuance.

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee equal to the permit fee in addition to the required permit fees at the discretion of the Building Official.

8. Section 113 of the International Building Code is hereby deleted.
9. Section 115.1 of the International Building Code shall be changed to read as follows:

Section 115.1 Authority.

Where the building official finds any work regulated by this code being performed in a manner contrary to the provisions of this code, in a dangerous or unsafe manner, or in violation of any County Resolution, the building official is authorized to issue a stop work order.

10. Section 115.4 of the International Building Code shall be changed to read as follows:

Section 115.4 Failure to Comply.

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a fine of not less than one hundred dollars (\$100) or more than five hundred dollars (\$500.00), or imprisonment for a term not to exceed one hundred eighty (180) days, or by both fine and imprisonment, at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

11. Section 310.4.2 of the International Building Code is hereby changed to read as follows:

Section 310.4.2 Lodging houses. Owner- or manager- occupied lodging houses with five or fewer guest rooms and 10 or fewer total occupants shall be permitted to be constructed in accordance with the International Residential Code.

12. Section 406.3.2.1 of the International Building Code is hereby changed to read as follows:

Section 406.3.2.1 Dwelling unit separation.

Separations shall comply with the following:

The private garage shall be separated from the *dwelling unit* and its *attic* by means of gypsum board, not less than ½ inch (12.7 mm) in thickness, applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms by not less than 5/8" (15.9 mm) type X gypsum board and ½" (12.7 mm) gypsum board applied to structures supporting the separation from habitable rooms above the garage. Door openings between a private garage and the *dwelling unit* shall be equipped with either solid wood doors or solid or honeycomb core steel doors not less than 1 3/8" (34.9 mm) in thickness, or in compliance with section 716.5.3 with a fire protection rating of not less than 20 minutes. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted.

13. Section 903.4.2 of the International Building Code is hereby changed to read as follows:

Section 903.4.2 Alarms.

An approved audible/visual device, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system. Such sprinkler waterflow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

14. Section 915.1.4 of the International Building Code is hereby changed to read as follows:

Section 915.1.4 Fuel-burning appliances outside of dwelling units, sleeping units and classrooms.

Carbon monoxide detection shall be provided in dwelling units, sleeping units and classrooms located in buildings that contain fuel-burning appliances or fuel-burning fireplaces.

Exceptions:

1. Carbon monoxide detection shall not be required in dwelling units, sleeping units and classrooms without communicating openings between the fuel-burning appliance or fuel-burning fireplace and the dwelling unit, sleeping unit or classroom.
2. Carbon monoxide detection shall not be required in dwelling units, sleeping units and classrooms where a carbon monoxide detector is provided in an approved location between the fuel-burning appliance or fuel-burning fireplace and the dwelling unit, sleeping unit or classroom.

15. Section 1010.2.1 of the International Building Code is hereby changed to read as follows:

Section 1010.2.1 Unlatching.

The unlatching of any door or leaf for egress shall require not more than one motion in a single linear or rotational direction to release all latching and all locking devices.

Exceptions:

1. Places of detention or restraint.
2. Where manually operated bolt locks are permitted by Section 1010.2.5.
3. Doors with automatic flush bolts as permitted by Section 1010.2.4, Item 6.
4. Doors from individual dwelling units and sleeping units of Group R occupancies as permitted by Section 1010.2.4, Item 7.
5. Doors where thumb turn locks are permitted by Section 1010.2.4, Items 4 and 5.

16. Section 1010.2.4 of the International Building Code is hereby changed to read as follows:

Section 1010.2.4 Locks and latches.

Locks and latches shall be permitted to prevent the operation of doors where any of the following exists:

1. Places of detention or restraint.
2. In Group I-1, Condition 2 and Group I-2 occupancies where the clinical needs of persons receiving care require containment or where persons receiving care pose a security threat, provided that all clinical staff can readily unlock doors at all times, and all such locks are keyed to keys carried by all clinical staff at all times or all clinical staff have the codes or other means necessary to operate the locks at all times.
3. In buildings in occupancy Group A having an occupant load of 300 or less, Group B, F, M and S, and in places of religious worship, the main exterior door or doors is permitted to be equipped with thumb turn operated locking devices from the egress side provided:
 - 3.1 A readily visible durable sign is posted on the egress side on or adjacent to the door stating: **THIS DOOR TO REMAIN UNLOCKED WHEN THIS SPACE IS OCCUPIED.** This sign shall be in letters one inch high on a contrasting background.
 - 3.2 The use of the key-operated or thumb turn locking device is revocable by the fire code official for due cause.
4. Doors other than those regulated by item 3 in Group B, F, M and S, and in places of religious worship having an occupant load of 500 or less, the secondary exterior door or doors is permitted to be equipped with thumb turn operated locking devices from the egress side.
5. Doors serving rooms or spaces Accessory to Group A occupancies not

- in the means of egress for the Group A occupancy, are permitted to be equipped with thumb turn operated locking devices from the egress side.
6. Where egress doors are used in pairs, approved automatic flush bolts shall be permitted to be used, provided that the door leaf having the automatic flush bolts has no doorknob or surface mounted hardware. The unlatching of any leaf shall not require more than one operation.
 7. Doors from individual dwelling units or sleeping units of Group R occupancies having an occupant load of 10 or less are permitted to be equipped with a night latch, dead bolt or security chain, provided such devices are openable from the inside without the use of a key or tool.
 8. Fire doors after the minimum elevated temperature has disabled the unlatching mechanism in accordance with listed fire door test procedures.
 9. Doors serving roofs not intended to be occupied shall be permitted to be locked, preventing entry to the building from the roof.
 10. Other than egress courts, where occupants must egress from an exterior space through the building for means of egress, exit access doors shall be permitted to be equipped with an approved locking device where installed and operated in accordance with all of the following:
 - 10.1. The maximum occupant load shall be posted where required by Section 1004.9. Such sign shall be permanently affixed inside the building and shall be posted in a conspicuous space near all the exit access doorways.
 - 10.2. The egress door locking device is readily distinguishable as locked and shall be a key-operated locking device.
 - 10.3. A clear window or glazed door opening, not less than 5 square feet (0.46 m²) in area, shall be provided at each exit access door to determine if there are occupants using the outdoor area.
 - 10.4. A readily visible durable sign shall be posted on the interior side on or adjacent to each locked required exit access door serving the exterior area stating: "THIS DOOR TO REMAIN UNLOCKED WHEN THE OUTDOOR AREA IS OCCUPIED." The letters on the sign shall be not less than 1 inch (25.4 mm) high on a contrasting background.
 - 10.5. The occupant load of the occupied exterior area shall not exceed 300 occupants in accordance with Section 1004.
 11. Locking devices are permitted on doors to balconies, decks or other exterior spaces serving individual dwelling or sleeping units.
 12. Locking devices are permitted on doors to balconies, decks or other exterior spaces of 250 square feet (23.23 m²) or less, serving a private office space.
17. Section 1011.12 of the International Building Code is hereby changed to read as follows:

Section 1011.12 Stairway to roof.

In buildings four or more stories above *grade plane*, one *stairway* shall extend to the roof surface, unless the roof has a slope steeper than four units vertical in twelve units horizontal (33 percent slope) or unless deemed not necessary by the *building official*. In buildings without an occupied roof, access to the roof from the top story shall be permitted to be by an *alternating tread device*.

18. Section 1015.4 of the International Building Code is hereby changed to read as follows:

Section 1015.4. Opening limitations.

Required guards shall not have openings that allow passage of a sphere 4 ½" (114 mm) in diameter from the walking surface to the required guard height.

Exceptions:

1. The triangular openings at the open side of a stair, formed by the riser, tread and bottom rail shall not allow passage of a sphere 6" (152 mm) in diameter.
2. At elevated walking surfaces for access to and use of electrical, mechanical and plumbing systems or equipment, guards shall not have openings that allow passage of a sphere 21 inches (533 mm) in diameter.
3. In areas that are not open to the public within occupancies in Group I-3, F, H or S and for alternating read devices and ships ladders, guards shall not have openings that allow passage of a sphere 21 inches (533 mm) in diameter.
4. In assembly seating areas, guards required at the end of aisles in accordance with Section 1030.17.4 shall not have openings that allow passage of a sphere 4 ½" (114 mm) in diameter up to a height of 26 inches (660 mm). From a height of 26 inches (660 mm) to 42 inches (1067 mm) above the adjacent walking surfaces, guards shall not have openings that allow passage of a sphere 8 inches (203 mm) in diameter.

19. Section 1015.8 of the International Building Code is hereby changed to read as follows:

Section 1015.8 Window openings.

In occupancy groups R-2 and R-3, one and two family and multiple family dwellings, where the opening of the sill portion of an operable window is located more than 72 inches (1829 mm) above the finished grade or other surface below, the lowest part of the clear opening of the window shall be at a height not less than 18 inches (457.2 mm) above the finished floor surface of the room in which the window is located. Operable sections of windows located lower than 18 inches (457.2 mm) shall be limited to a 4 inch (101.6 mm) opening or be supplied with approved guards when more than 72 inches (1829 mm) above the finished grade or surface below.

20. Section 1031.2 of the International Building Code is hereby changed to read as follows:

Section 1031.2 Where required.

In addition to the means of egress required by this chapter, emergency escape and rescue openings shall be provided in group R and Group I-1 occupancies. Basements and sleeping rooms below the fourth story shall have no fewer than one emergency escape and rescue opening in accordance with this section. Where basements contain one or more sleeping rooms, an emergency escape and rescue opening shall be required in each sleeping room but shall not be required in adjoining areas of the basement. Such openings shall open directly into a public way, or to a yard or court that opens to a public way.

Exceptions:

1. In other than Group R-3 occupancies, buildings equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2 may have the required above grade egress windows fixed in a closed position as long as the required ventilation is maintained.
2. Emergency escape and rescue openings are not required from basements or sleeping rooms that have an exit door or exit access door that opens directly into a public way or to a yard, court or exterior exit egress balcony that opens to a public way.
3. Storm shelters are not required to comply with this section where the shelter is constructed in accordance with ICC 500.

21. Section 1031.3.1 of the International Building Code is hereby changed to read as follows:

Section 1030.2 Minimum size.

Emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet.

22. Chapter 11 of the International Building Code is hereby deleted.

23. Section 2701.1 of the International Building Code is hereby changed to read as follows:

Section 2701.1 Scope.

This chapter governs the electrical components, equipment and systems used in buildings and structures covered by this code. Electrical components, equipment and systems shall be designed and constructed in accordance with the provisions of the National Electrical Code as adopted in this Resolution.

24. Section 2702.1.3 of the International Building Code is hereby changed to read as follows:

Section 2702.1.3 Installation.

Emergency and standby power systems shall be installed in accordance with this code, the National Electrical Code, NFPA 110 and NFPA 111.

25. Section 2902.1 of the International Building Code is hereby changed to read as follows:

Section 2902.1 Minimum number of fixtures.

Plumbing fixtures shall be provided in the minimum numbers as shown in Table 2902.1 based on the actual use of the building or space. Uses not shown in Table 2902.1 shall be considered individually by the code official. The number of occupants for purposes of this section and section 2902.2 shall be determined by this code or may be determined by the code official for specific occupancies. Individual fixtures may be waived by the code official when specific conditions warrant.

26. Section 3202.2.1 of the International Building Code is hereby changed to read as follows:

Section 3202.2.1 Steps and ramps.

Steps and ramps shall not project more than 12 inches and shall be guarded by approved devices not less than 3 feet in height, or shall be located between columns and pilasters.

Exception:

Steps and ramps shall be permitted to project more than 12 inches if approved by the Building Official.

27. Section K103.3 of the International Building Code is hereby added to read as follows:

Section K103.3 Fees.

The fee for each electrical permit shall be \$25.00.

For each re-inspection beyond the first re-inspection. \$50.00

Each inspection which is not deemed ready for inspection at the scheduled time shall be considered a failed inspection and subject to re-inspection. The re-inspection fee shall be paid within 10 calendar days of the date of the inspection causing the fee, and prior to a certificate of occupancy being issued for that project. Subsequent inspections for that permitted project shall not be conducted until all past due re-inspection fees have been paid. The Building Official shall have the authority to waive re-inspection fees as deemed necessary.

SECTION 3. That Resolution 2019-68 (Corresponding with Section 8-251 of Chapter 8 of the Code of Ordinances of the City of Manhattan, Kansas) is hereby amended to read as follows:

Adoption of the International Existing Building Code.

There is hereby incorporated by reference, for the purpose of establishing rules and regulations for construction, alteration, addition, demolition, equipment, use and occupancy, location and maintenance of buildings and structures within that portion of Pottawatomie County, Kansas subject to these regulations, that certain standard existing buildings code known as the 2021 International Existing Building Code, First Printing December 2020, including Appendices A and C as being recommended by the International Code Council, 500 New Jersey Avenue, NW 6th Floor, Washington, DC, 20001, save and except such articles, sections, parts or portions thereof as hereinafter omitted, deleted, modified or changed. No fewer than one (1) copy of such publication shall be marked or stamped "Official Copy as adopted by Resolution No. _____," and shall be attached to a copy of this ordinance and filed with the county clerk and open for inspection and available to the public at all reasonable hours. All administrative departments of the county charged with enforcement of this code shall be supplied, at the cost of the county, such number of official copies, similarly marked, as may be deemed expedient.

SECTION 4. That Resolution 2019-68 (Corresponding with Section 8-252 of Chapter 8 of the Code of Ordinances of the City of Manhattan, Kansas) is hereby amended to read as follows:

Amendments.

The International Existing Building Code, adopted by this Resolution, is hereby changed, altered, modified and otherwise amended as follows:

1. Section 101.1 of the International Existing Building Code is hereby changed to read as follows:

Section 101.1 Title.

These regulations shall be known as the Existing Building Code of Pottawatomie County, Kansas, herein after known as "this code".

2. Section 103.1 of the International Existing Building Code is hereby changed to read as follows:

Section 103.1 Creation of agency.

The County Building Official, as designated by the Board of County Commissioners, is hereby created, and the official in charge thereof shall be known as the Building Official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

3. Section 108.2 of the International Existing Building Code is hereby changed to read as follows:

Section 108.2 Schedule of Permit Fees.

On buildings or structures requiring a permit other than those owned by the county, a fee for each permit shall be paid as required, in accordance with the following schedule:

Building Permit Fee	
Valuation	Fee
\$0-\$500	\$19.00
\$501-\$2,000	\$19.00 for the first \$500 plus \$2.47 for each additional \$100 or fraction thereof, up to and including \$2000
\$2,001-\$25,000	\$56.09 for the first \$2,000 plus \$11.34 for each additional \$1,000 or fraction thereof up to and including \$25,000
\$25,001-\$50,000	\$317.31 for the first \$25,000 plus \$8.18 for each additional \$1,000 or fraction thereof, up to and including \$50,000
\$50,001-\$100,000	\$521.43 for the first \$50,000 plus \$5.67 for each additional \$1,000 or fraction thereof, up to and including \$100,000
\$100,001-\$500,000	\$804.93 for the first \$100,000 plus \$4.53 for each additional \$1,000 or fraction thereof, up to and including \$500,000
\$500,001-\$1,000,000	\$2,619.33 for the first \$500,000 plus \$3.84 for each additional \$1000 or fraction thereof, up to and including \$1,000,000
\$1,000,000 and up	\$4,543.08 for the first \$1,000,000 plus \$2.95 for each additional \$1,000 or fraction thereof
Swimming pools, prefabricated saferooms, prefabricated carports, fences, and retaining walls	\$50.00
Other Fees	
Description	Fee
Plan Review Fee	30% of the building permit fee as calculated by the Building Official. Plan review fee shall be paid at time of application and applied to building permit fee at time of permit issuance.
Temporary Certificate of Occupancy	\$250 for the first re-issuance past expiration date, and \$500 for each subsequent re-issuance
Reinspection Fee	\$50.00 for each re-inspection beyond the first re-inspection.

Each inspection which is not deemed ready for inspection at the scheduled time shall be considered a failed inspection and subject to re-inspection. The re-inspection fee shall be paid within 10 calendar days of the date of the inspection causing the fee, and prior to a certificate of occupancy being issued for that project. Subsequent inspections for that permitted project shall not be conducted until all past due re-inspection fees have been paid. The Building Official shall have the authority to waive re-inspection fees as deemed necessary.

4. Section 108.3 of the International Existing Building Code is hereby changed to read as follows:

Section 108.3 Building Permit Valuations.

The determination of value or valuation under any of the provisions of this code shall be made by the Building Official. The valuation shall be calculated by using the most recent version of Valuation Data Table as published in the International Code Council Building Safety Journal Magazine. The amount to be used for determining the building permit fee shall be the total value of all construction work for which the permit is issued including all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment. No fee, other than that set forth above, shall be charged for new construction; although this does not preclude the building official from charging separate fees for sewer and water connections and sign installations.

The governing body shall have the right to waive fees as it deems necessary.

5. Section 108.4 of the International Existing Building Code is hereby changed to read as follows:

Section 108.4 Work commencing before permit issuance.

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee equal to the permit fee in addition to the required permit fees.

6. Section 112 of the International Existing Building Code is hereby deleted.
7. Section 114.1 of the International Existing Building Code is hereby changed to read as follows:

Section 114.1 Authority.

Where the building official finds any work regulated by this code being performed in a manner contrary to the provisions of this code, in a dangerous or unsafe manner, or in violation of any County Resolution, the building official is authorized to issue a stop work order.

8. Section 114.4 of the International Existing Building Code is hereby changed to read as follows:

Section 114.4 Failure to Comply.

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a fine of not less than one hundred dollars (\$100) or more than five hundred dollars (\$500.00), or imprisonment for a term not to exceed one hundred eighty (180) days, or by both fine and imprisonment, at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

9. Section 306 of the International Existing Building Code is hereby deleted.
10. Section 505.2 of the International Existing Building Code is hereby deleted.
11. Section 505.3.1 of the International Existing Building Code is hereby deleted.
12. Section 702.4 of the International Existing Building Code is hereby deleted.
13. Section 702.5.1 of the International Existing Building Code is hereby deleted.
14. Section 806.1 of the International Existing Building Code is hereby changed to read as follows:

Section 806.1 New installations.

All newly installed electrical equipment and wiring relating to work done in any work area shall comply with the materials and methods requirements of Chapter 4.

Exception:

Electrical equipment and wiring in newly installed partitions and ceilings shall comply with all applicable requirements of the National Electrical Code as adopted in this Resolution.

15. Section 806.4.4 of the International Existing Building Code is hereby changed to read as follows:

Section 806.4.4 Ground Fault Circuit Interruption.

Newly installed receptacle outlets shall be provided with ground fault circuit interruption as required by the National Electrical Code as adopted in this Resolution.

16. Section 806.4.7 of the International Existing Building Code is hereby changed to read as follows:

Section 806.4.7 Clearance for equipment.

Clearance for electrical service equipment shall be provided in accordance with the National Electrical Code as adopted in this Resolution

17. Section 1007.1 of the International Existing Building Code is hereby changed to read as follows:

Section 1007.1 Special occupancies.

Where the occupancy of an existing building or part of an existing building is changed to one of the following special occupancies as described in the National Electrical Code, the electrical wiring and equipment of the building or portion thereof that contains the proposed occupancy shall comply with the applicable requirements of the National Electrical Code as adopted in this Resolution. Health care facilities, including Group I-2, ambulatory health care facilities and outpatient clinics, shall also comply with the applicable requirements of NFPA 99:

1. Hazardous locations
2. Commercial garages, repair and storage
3. Aircraft hangers
4. Gasoline dispensing and service stations
5. Bulk storage plants
6. Spray application, dipping and coating processes
7. Health care facilities, including Group I-2, ambulatory health care facilities and outpatient clinics.
8. Places of assembly
9. Theatres, audience areas of motion picture and television studios, and similar locations
10. Motion picture and television studios and similar locations
11. Motion picture projectors
12. Agricultural buildings

18. Section 1007.2 of the International Existing Building Code is hereby changed to read as follows:

Section 1007.2 Unsafe conditions.

Where the occupancy of an existing building or part of an existing building is changed, all unsafe conditions shall be corrected without requiring that all parts of the electrical system be brought up to the current edition of the National Electrical Code as adopted in this Resolution.

19. Section 1007.3 of the International Existing Building Code is hereby changed to read as follows:

Section 1007.3 Service upgrade.

Where the occupancy of an existing building or part of an existing building is changed, electrical service shall be upgraded to meet the requirements of the National Electrical Code as adopted in this Resolution, for the new occupancy.

20. Section 1007.4 of the International Existing Building Code is hereby changed to read as follows:

Section 1007.4 Number of electrical outlets.

Where the occupancy of an existing building or part of an existing building is changed, the number of electrical outlets shall comply with the National Electrical Code as adopted in this Resolution, for the new occupancy.

21. Section 1011.5.6 of the International Existing Building Code is hereby changed to read as follows:

Section 1011.5.6 Existing emergency escape and rescue openings.

Where a change of occupancy would require an emergency escape and rescue opening in accordance with Section 1031 of the International Building Code, operable windows serving as the emergency escape and rescue opening shall comply with the following:

1. An existing operable window shall provide a minimum net clear opening of 4 square feet (0.38 m²) with a minimum net clear opening width and height of 18 inches (457 mm) and a maximum sill height above floor level of 48 inches (1219 mm). Permanently installed step(s) may be used to attain maximum sill height. Such step(s) must have a minimum tread of 12 inches and a maximum riser height of 16 inches.
2. A replacement window where such window complies with both of the following:
 - 2.1. The replacement window meets the size requirements in Item 1.
 - 2.2. The replacement window is the manufacturer's largest standard size window that will fit within the existing frame or existing rough opening. The replacement window shall be permitted to be of the same operating style as the existing window or a style that provides for an equal or greater window opening area than the existing window.

SECTION 5. That Resolution 2019-68 (Corresponding with Section 13-1 of Chapter 13 of the Code of Ordinances, City of Manhattan, Kansas), is hereby amended to read as follows:

State fire marshal regulations and Life Safety Code applicable to child-care facilities.

The regulations of the State of Kansas pertaining to licensed day care homes and group day care homes shall govern and control in the fire and life safety regulations and inspections of licensed day care homes and group day care homes within the County, notwithstanding any contrary or conflicting provisions of other local codes and Resolutions.

SECTION 6. That Resolution 2019-68 (Corresponding with Section 13-16 of Chapter 13 of the Code of Ordinances, City of Manhattan, Kansas), is hereby amended to read as follows:

Adoption of the International Fire Code.

There is hereby incorporated by reference for the purpose of prescribing regulations concerning conditions hazardous to life and property from fire, hazardous materials or explosion within that portion of Pottawatomie County, Kansas subject to these regulations, that certain code known as the International Fire Code, edition of 2021, prepared and published in a book form by the International Code Council including Appendix B, C, D, E, F, G, I, K, L, M, and N, save and except such portions as are hereinafter deleted, modified or amended by this article. The same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect. No fewer than one (1) copy of such publication shall be marked or stamped "Official Copy as adopted by Resolution No. _____," and shall be attached to a copy of this ordinance and filed with the county clerk and open for inspection and available to the public at all reasonable hours. All administrative departments of the county charged with enforcement of this code shall be supplied, at the cost of the county, such number of official copies, similarly marked, as may be deemed expedient.

SECTION 7. That Resolution 2019-68 (Corresponding with Section 13-18 of Chapter 13 of the Code of Ordinances, City of Manhattan, Kansas), is hereby amended to read as follows:

Amendments.

The International Fire Code, adopted by Section 13-16, is hereby changed, altered, modified, and otherwise amended as follows:

1. Section 101.1 of the International Fire Code is hereby changed to read as follows:

Section 101.1 Title.

These regulations shall be known as the Fire Code of the Pottawatomie County, Kansas, hereinafter referred to as "this code."

2. Section 103.1 of the International Fire Code is hereby changed to read as follows:

Section 103.1 Creation of agency.

The County Building Official, as designated by the Board of County Commissioners, is hereby created and the official in charge thereof shall be known as the fire code official. The fire code official may delegate any duties or authorities granted under this code. The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code.

3. Section 105.5.49 of the International Fire Code is hereby changed to read as follows:

Section 105.5.49 Temporary membrane structures and tents.

An operational permit is required to operate an air-supported temporary membrane structure, a temporary special event structure or a tent having an area in excess of 600 square feet (56 m²).

Exceptions:

1. Tents used exclusively for recreational camping purposes.
2. Tents open on all sides, with no power, lights or sources of ignition present which comply with all of the following:
 - 2.1. Individual tents having a maximum size of 1200 square feet (111 m²).
 - 2.2. The aggregate area of multiple tents placed side by side without a fire break clearance of not less than 12 feet (3658 mm) shall not exceed 1200 square feet (111 m²) total.
 - 2.3. A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be provided.
4. Section 105.6.24 of the International Fire Code is hereby changed to read as follows:

Section 105.6.24 Temporary membrane structures and tents.

A construction permit is required to erect an air-supported temporary membrane structure, a temporary stage canopy or a tent having an area in excess of 600 square feet (56 m²).

Exceptions:

1. Tents used exclusively for recreational camping purposes.
2. Tents and awnings open on all sides, with no power, lights or sources of ignition present which comply with all of the following:
 - 2.1. Individual tents having a maximum size of 1200 square feet (111 m²).
 - 2.2. The aggregate area of multiple tents placed side by side without a fire break clearance of not less than 12 feet (3658 mm) shall not exceed 1200 square feet (111 m²) total.
 - 2.3. A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be provided.
5. Section 111 of the International Fire Code is hereby deleted.
6. Section 112.4 of the International Fire Code is hereby changed to read as follows:

Section 112.4 Violation penalties.

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, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code,

shall be guilty of a misdemeanor, punishable by a fine of not more than \$500.00 or by imprisonment not exceeding six months, or both such fine and imprisonment as outlined in Section 1-7 of the Code of Ordinances. Each day that a violation continues after notice has been served shall be deemed a separate offense.

7. Section 113.1 of the International Fire Code shall be changed to read as follows:

Section 113.1 Authority.

Where the fire code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code, in a dangerous or unsafe manner, or in violation of any County Resolution, the building official is authorized to issue a stop work order.

8. Section 113.4 of the International Fire Code is hereby changed to read as follows:

Section 113.4 Failure to comply.

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a fine of not less than one hundred dollars (\$100) or more than five hundred dollars (\$500.00), or imprisonment for a term not to exceed one hundred eighty (180) days, or by both fine and imprisonment, at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

9. Section 202, definition of Lodging houses under Residential Group R-3 is hereby changed to read as follows:

Section 202; [BG] Residential Group R-3; [BG] Lodging houses.

Owner- or manager-occupied lodging houses with five or fewer guest rooms and 10 or fewer total occupants shall be permitted to be constructed in accordance with the International Residential Code.

10. Section 307.4, exceptions 1 and 2, of the International Fire Code are hereby deleted.

11. Section 307.4.3, exception of the International Fire Code is hereby deleted.

12. Section 308.1.4, exception 3 of the International Fire Code is hereby changed to read as follows:

3. LP-gas cooking devices having an LP-gas container with a water capacity no greater than 47 pounds [nominal 20 pound (9.072 kg) LP-gas capacity].

13. Section 308.1.6.3 of the International Fire Code is hereby changed to read as follows:

Section 308.1.6.3 Sky lanterns.

A person shall not release or cause to be released a sky lantern, floating lantern, or aerial luminary.

14. Section 403.4 of the International Fire Code is hereby changed to read as follows:

Section 403.4 Group E Occupancies.

An approved fire safety and evacuation plan in accordance with Section 404 shall be prepared and maintained for Group E occupancies and for buildings containing both Group E and an atrium. Group E occupancies shall comply with Sections 403.4.1 through 403.4.3 and Kansas State Fire Marshal Administrative Regulations.

15. Section 405.3 of the International Fire Code is hereby changed to read as follows:

Section 405.3 Frequency.

Required emergency evacuation drills shall be held at the intervals specified in Table 405.3 or more frequently where necessary to familiarize all occupants with drill procedures.

Exception:

Fire and Evacuation drills shall be conducted in Group E public and private schools and educational institutions, except community college, colleges and universities, as required by the Kansas Office of the State Fire Marshal.

16. Section 503.1.1 of the International Fire Code is hereby changed to read as follows:

Section 503.1.1 Buildings and facilities.

Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exceptions:

1. The fire code official is authorized to increase the dimension of 150 feet

(45 720 mm) where any of the following conditions occur:

- 1.1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
 - 1.2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.
 - 1.3. There are not more than two detached one- or two- family dwellings, Group R-3 or Group U occupancies.
2. Where approved by the fire code official, fire apparatus access roads shall be permitted to be exempted or modified for solar photovoltaic power generation facilities.

17. Section 507.2.1 of the International Fire Code is hereby changed to read as follows:

Section 507.2.1 Fire Service Mains.

Fire Service mains and appurtenances shall be installed in accordance with NFPA 24 and the county's Standard Construction Specifications. All mains and fire hydrants shall be installed in a dedicated public utility easement, on file with the county register of deeds, and become the property of the county upon satisfactory installation. The county public works department shall be notified of construction activities to insure the opportunity for formal inspections by the county.

18. Section 903.4.2 of the International Fire Code is hereby changed to read as follows:

Section 903.4.2 Alarms.

An approved audible/visual device, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system. Such sprinkler waterflow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

19. Section 904.13.5.3 of the International Fire Code is hereby changed to read as follows:

Section 904.13.5.3 Fusible link and sprinkler head replacement.

Fusible links and automatic sprinkler heads shall be replaced at least annually, and other protection devices shall be serviced or replaced in accordance with the manufacturer's instructions. Replaced links and heads shall be left on site with the required service tag for verification by the fire code official.

Exception:

Frangible bulbs are not required to be replaced annually.

20. Section 915.1.4 of the International Fire Code is hereby changed to read as follows:

Section 915.1.4 Fuel-burning appliances outside of dwelling units, sleeping units and classrooms.

Carbon monoxide detection shall be provided in dwelling units, sleeping units and classrooms located in buildings that contain fuel-burning appliances or fuel-burning fireplaces.

Exceptions:

1. Carbon monoxide detection shall not be required in dwelling units, sleeping units and classrooms without communicating openings between the fuel-burning appliance or fuel-burning fireplace and the dwelling unit, sleeping unit or classroom.
2. Carbon monoxide detection shall not be required in dwelling units, sleeping units and classrooms where a carbon monoxide detector is provided in an approved location between the fuel-burning appliance or fuel-burning fireplace and the dwelling unit, sleeping unit or classroom.

21. Section 1010.2.1 of the International Fire Code is hereby changed to read as follows:

Section 1010.2.1 Unlatching.

The unlatching of any door or leaf for egress shall require not more than one motion in a single linear or rotational direction to release all latching and all locking devices.

Exceptions:

1. Places of detention or restraint.
2. Where manually operated bolt locks are permitted by Section 1010.2.5.
3. Doors with automatic flush bolts as permitted by Section 1010.2.4, Item 6.
4. Doors from individual dwelling units and sleeping units of Group R occupancies as permitted by Section 1010.2.4, Item 7.
5. Doors where thumb turn locks are permitted by Section 1010.2.4, Items 4 and 5.

22. Section 1010.2.4 of the International Fire Code is hereby changed to read as follows:

Section 1010.2.4 Locks and latches.

Locks and latches shall be permitted to prevent the operation of doors where any of the following exists:

13. Places of detention or restraint.
14. In Group I-1, Condition 2 and Group I-2 occupancies where the clinical needs of persons receiving care require containment or where persons receiving care pose a security threat, provided that all clinical staff can readily unlock doors at all times, and all such locks are keyed to keys carried by all clinical staff at all times or all clinical staff have the codes or other means necessary to operate the locks at all times.
15. In buildings in occupancy Group A having an occupant load of 300 or less, Group B, F, M and S, and in places of religious worship, the main exterior door or doors is permitted to be equipped with thumb turn operated locking devices from the egress side provided:
 - 3.1 A readily visible durable sign is posted on the egress side on or adjacent to the door stating: **THIS DOOR TO REMAIN UNLOCKED WHEN THIS SPACE IS OCCUPIED.** This sign shall be in letters one inch high on a contrasting background.
 - 3.2 The use of the key-operated or thumb turn locking device is revocable by the fire code official for due cause.
16. Doors other than those regulated by item 3 in Group B, F, M and S, and in places of religious worship having an occupant load of 500 or less, the secondary exterior door or doors is permitted to be equipped with thumb turn operated locking devices from the egress side.
17. Doors serving rooms or spaces Accessory to Group A occupancies not in the means of egress for the Group A occupancy, are permitted to be equipped with thumb turn operated locking devices from the egress side.
18. Where egress doors are used in pairs, approved automatic flush bolts shall be permitted to be used, provided that the door leaf having the automatic flush bolts has no doorknob or surface mounted hardware. The unlatching of any leaf shall not require more than one operation.
19. Doors from individual dwelling units or sleeping units of Group R occupancies having an occupant load of 10 or less are permitted to be equipped with a night latch, dead bolt or security chain, provided such devices are openable from the inside without the use of a key or tool.
20. Fire doors after the minimum elevated temperature has disabled the unlatching mechanism in accordance with listed fire door test procedures.
21. Doors serving roofs no intended to be occupied shall be permitted to be locked, preventing entry to the building from the roof.
22. Other than egress courts, where occupants must egress from an exterior space through the building for means of egress, exit access doors shall be permitted to be equipped with an approved locking device where installed and operated in accordance with all of the following:
 - 10.1. The maximum occupant load shall be posted where required by Section 1004.9. Such sign shall be permanently affixed inside the building and shall be posted in a conspicuous space near all the exit access doorways.

- 10.2. The egress door locking device is readily distinguishable as locked and shall be a key-operated locking device.
 - 10.3. A clear window or glazed door opening, not less than 5 square feet (0.46 m²) in area, shall be provided at each exit access door to determine if there are occupants using the outdoor area.
 - 10.4. A readily visible durable sign shall be posted on the interior side on or adjacent to each locked required exit access door serving the exterior area stating: "THIS DOOR TO REMAIN UNLOCKED WHEN THE OUTDOOR AREA IS OCCUPIED." The letters on the sign shall be not less than 1 inch (25.4 mm) high on a contrasting background.
 - 10.5. The occupant load of the occupied exterior area shall not exceed 300 occupants in accordance with Section 1004.
23. Locking devices are permitted on doors to balconies, decks or other exterior spaces serving individual dwelling or sleeping units.
 24. Locking devices are permitted on doors to balconies, decks or other exterior spaces of 250 square feet (23.23 m²) or less, serving a private office space.

23. Section 1011.12 of the International Fire Code is hereby changed to read as follows:

Section 1011.12 Stairway to roof.

In buildings four or more stories above *grade plane*, one *stairway* shall extend to the roof surface, unless the roof has a slope steeper than four units vertical in twelve units horizontal (33 percent slope) or unless deemed not necessary by the *building official*. In buildings without an occupied roof, access to the roof from the top story shall be permitted to be by an *alternating tread device*.

24. Section 1015.4 of the International Fire Code is hereby changed to read as follows:

Section 1015.4. Opening limitations.

Required guards shall not have openings that allow passage of a sphere 4 ½" (114 mm) in diameter from the walking surface to the required guard height.

Exceptions:

1. The triangular openings at the open side of a stair, formed by the riser, tread and bottom rail shall not allow passage of a sphere 6" (152 mm) in diameter.
2. At elevated walking surfaces for access to and use of electrical, mechanical and plumbing systems or equipment, guards shall not have openings that allow passage of a sphere 21 inches (533 mm) in diameter.
3. In areas that are not open to the public within occupancies in Group I-3, F, H or S and for alternating read devices and ships ladders,

guards shall not have openings that allow passage of a sphere 21 inches (533 mm) in diameter.

4. In assembly seating areas, guards required at the end of aisles in accordance with Section 1030.17.4 shall not have openings that allow passage of a sphere 4 ½" (114 mm) in diameter up to a height of 26 inches (660 mm). From a height of 26 inches (660 mm) to 42 inches (1067 mm) above the adjacent walking surfaces, guards shall not have openings that allow passage of a sphere 8 inches (203 mm) in diameter.

25. Section 1015.8 of the International Fire Code is hereby changed to read as follows:

Section 1015.8 Window openings.

In occupancy groups R-2 and R-3, one and two family and multiple family dwellings, where the opening of the sill portion of an operable window is located more than 72 inches (1829 mm) above the finished grade or other surface below, the lowest part of the clear opening of the window shall be at a height not less than 18 inches (457.2 mm) above the finished floor surface of the room in which the window is located. Operable sections of windows located lower than 18 inches (457.2 mm) shall be limited to a 4 inch (101.6 mm) opening or be supplied with approved guards when more than 72 inches (1829 mm) above the finished grade or surface below.

26. Section 1031.2 of the International Fire Code is hereby changed to read as follows:

Section 1031.2 Where required.

In addition to the means of egress required by this chapter, emergency escape and rescue openings shall be provided in Group R and Group I-1 occupancies. Basements and sleeping rooms below the fourth story shall have not fewer than one emergency escape and rescue opening in accordance with this section. Where basements contain one or more sleeping rooms, an emergency escape and rescue opening shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Such openings shall open directly into a public way, or to a yard or court that opens to a public way.

Exceptions:

1. In other than Group R-3 occupancies, buildings equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2 may have the required above grade egress windows fixed in a closed position as long as the required ventilation is maintained.
2. Emergency escape and rescue openings are not required from basements or sleeping rooms that have an exit door or exit access

door that opens directly into a public way or to a yard, court or exterior exit egress balcony that opens to a public way.

3. Storm shelters are not required to comply with this section where the shelter is constructed in accordance with ICC 500.

27. Section 1031.3.1 of the International Fire Code is hereby changed to read as follows:

Section 1031.3.1 Minimum size.

Emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet.

28. Section 1032.7 of the International Fire Code is hereby changed to read as follows:

Section 1032.7 Emergency escape and rescue opening.

Every sleeping room located in a basement in an occupancy in Use Group I-1 or R shall have at least one openable window or exterior door approved for emergency egress or rescue; or shall have access to not less than two approved independent exits.

An approved emergency escape or rescue window shall have a minimum clear opening width and height of 18 inches, a minimum total clear openable area of 4 square feet, and a maximum sill height above floor level of 48 inches. Permanently installed step(s) may be used to attain maximum sill height. Such step(s) must have a minimum tread of 12 inches and a maximum riser height of 16 inches. Emergency escape or rescue windows wells shall be a minimum of 24 inches measured from the exterior wall of the structure to the inside of the well and shall be at least as wide as the window.

Exception:

Buildings equipped throughout with an automatic fire suppression system may have fixed windows in accordance with the International Building Code as adopted by Pottawatomie County.

29. Section 1103.5.1 of the International Fire Code is hereby changed to read as follows:

Section 1103.5.1 A-2.

Where alcoholic beverages are consumed in a Group A-2 occupancy with a fire area having an occupant load of 300 or more, the A-2 occupancy shall be equipped with an automatic sprinkler system accordance with section 903.3.1.1. This section shall become effective January 1, 2025.

30. Section 1103.8.1 Exceptions 1 and 2 are hereby deleted.

31. Section 2304.3.6 of the International Fire Code is hereby deleted.

32. Section 3103.2 of the International Fire Code is hereby changed to read as follows:

Section 3103.2 Approval required.

Tents and membrane structures having an area in excess of 600 square feet (56 m²) shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the fire code official.

Exceptions:

1. Tents used exclusively for recreational camping purposes.
2. Tents open on all sides, with no power, lights or sources of ignition present which comply with all of the following:
 - 2.1. Individual tents having a maximum size of 1200 square feet (111 m²).
 - 2.2. The aggregate area of multiple tents placed side by side without a fire break clearance of not less than 12 feet (3658 mm) shall not exceed 1200 square feet (111 m²) total.
 - 2.3. A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be provided.

33. Section 3305.5.1 of the International Fire Code is hereby changed to read as follows:

Section 3305.5.1 Fire watch during construction.

A fire watch shall be provided during nonworking hours for new combustible construction that exceeds 40 feet (12 192 mm) in height above the lowest adjacent grade at any point along the building perimeter, for new multistory construction with an aggregate area exceeding 50,000 square feet (4645 m²) per story or as required by the fire code official.

34. Section 5601.2.4 of the International Fire Code is hereby deleted.

35. Section 5704.2.7.10.1 of the International Fire Code is hereby changed to read as follows:

Section 5704.2.7.10.1 Leaking tank disposition.

Leaking tanks shall be promptly emptied, repaired and returned to service or removed in accordance with Section 5704.2.13 or 5704.2.14.

36. Section 5704.2.13.1.3 of the International Fire Code is hereby changed to read as follows:

Section 5704.2.13.1.3 Out of service for one year.

Underground tanks that have been out of service for a period of one year shall be removed from the ground in accordance with Section 5704.2.14 or tested by

an approved method to show that the tank does not leak.

37. Section 5704.2.13.1.4 of the International Fire Code is hereby deleted.

38. Section D107.1 of the International Fire Code is hereby changed to read as follows:

Section D107.1 One- or two-family dwelling residential developments.

Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3.

Exceptions:

1. Where there are more than 30 dwelling units existing, or proposed to exist, on a single public or private fire apparatus access road and the owners of all building lots, beyond those building lots which are closest to the development entrance and where 30 dwelling units exist, or are proposed to exist, have contractually bound said lots by an agreement with the County that all dwelling units constructed, or to be constructed thereon, will be equipped throughout with an approved automatic sprinkler system, access from two directions shall not be required; or,
2. Where the fire code official determines, in consultation with the county's legal counsel, that a legally binding commitment exists for the additional approved fire apparatus access roads to be constructed in the reasonably foreseeable future, but no more than three years after the approval of the final plat for the development, the fire code official may allow more than 30 dwelling units to exist on a single access road.

39. Section L101.1 of the International Fire Code is hereby changed to read as follows:

Section L101.1 Scope.

Fire fighter air replenishing systems (FARS) shall be provided as required by the fire code official in accordance with this appendix. The fire code official is authorized to require FARS based on the fire department's capability of replenishing fire fighter breathing air during sustained emergency operations. Considerations shall include:

1. Building characteristics, such as number of stories above or below grade, floor area, type of construction and fire resistance of the primary structural frame to allow sustained fire-fighting operations based on a rating of not less than 2 hours.
2. Special hazards, other than buildings, that require unique accommodations to allow the fire department to replenish fire fighter

- breathing air.
- 3. Fire department staffing level.
- 4. Availability of a fire department breathing air replenishment vehicle.

SECTION 14. That Resolution 2019-68 (Corresponding with Section 13-24 of Chapter 13 of the Code of Ordinances, City of Manhattan, Kansas), is hereby amended to read as follows:

Appeals.

Whenever the fire code official shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the International Fire Code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may file a written appeal from the decision of the fire code official to the chief of the fire department within 30 days from the date of the decision appealed. Said appeal shall specify what section of the code and/or interpretation of the fire code official is in dispute and attach to the written appeal any pertinent evidence for the fire chief's consideration. The chief of the fire department shall issue a written decision on the appeal within 30 days from receipt of said appeal.

SECTION 15. That Resolution 2019-68 (Corresponding with Section 8-132 of Chapter 8 of the Code of Ordinances of the City of Manhattan, Kansas), is hereby amended to read as follows:

Adoption of the International Fuel Gas Code.

There is hereby incorporated by reference for the purpose of regulating all fuel gas work done or performed within that portion of Pottawatomie County, Kansas subject to these regulations that certain standard fuel gas code known as the 2021 International Fuel Gas Code, First Printing August 2020, including appendices A, B, C and D as recommended by the International Code Council, 500 New Jersey Avenue, NW 6th Floor, Washington, DC, 20001, save and except such articles, sections, parts, or portions thereof as are hereinafter omitted, deleted, modified or changed. No fewer than one (1) copy of such publication shall be marked or stamped "Official Copy as adopted by Resolution No. _____," and shall be attached to a copy of this ordinance and filed with the county clerk and open for inspection and available to the public at all reasonable hours. All administrative departments of the county charged with enforcement of this code shall be supplied, at the cost of the county, such number of official copies, similarly marked, as may be deemed expedient.

SECTION 16. That Resolution 2019-68 (Corresponding with Section 8-138 of Chapter 8 of the Code of Ordinances of the City of Manhattan, Kansas), is hereby amended to reads as follows:

Amendments.

The International Fuel Gas Code, adopted by Resolution 2019-68, is hereby changed, altered, modified and otherwise amended as follows:

1. Section 101.1 of the International Fuel Gas Code is hereby changed to read as follows:

Section 101.1 Title.

These regulations shall be known as the Fuel Gas Code of Pottawatomie County, Kansas, hereafter referred to as “this code.”

2. Section 103.1 of the International Fuel Gas Code is hereby changed to read as follows:

Section 103.1 Creation of agency.

The County Building Official, as designated by the Board of County Commissioners, is hereby created and the official in charge thereof shall be known as the code official. The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code.

3. Section 109.2 of the International Fuel Gas Code is hereby changed to read as follows:

Section 109.2 Fee Schedule.

The fees for all fuel gas work requiring a permit shall be \$25.00.

For each re-inspection beyond the second re-inspection. \$50.00

Each inspection which is not deemed ready for inspection at the scheduled time shall be considered a failed inspection and subject to re-inspection. The re-inspection fee shall be paid within 10 calendar days of the date of the inspection causing the fee, and prior to a certificate of occupancy being issued for that project. Subsequent inspections for that permitted project shall not be conducted until all past due re-inspection fees have been paid. The Building Official shall have the authority to waive re-inspection fees as deemed necessary.

4. Section 109.6 of the International Fuel Gas Code is hereby changed to read as follows:

Section 109.6 Fee refunds.

The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than 100% of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

5. Section 113 of the International Fuel Gas Code is hereby deleted.
6. Section 114 of the Internal Fuel Gas Code is hereby deleted.
7. Section 115.4 of the International Fuel Gas Code is hereby changed to read as follows:

Section 115.4 Violation penalties.

Any person 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 five hundred dollars (\$500) or by imprisonment not exceeding one hundred eighty days (180), or by both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

8. Section 116.1 of the International Plumbing Code is hereby changed to read as follows:

Section 116.1 Authority.

Where the building official finds any work regulated by this code being performed in a manner contrary to the provisions of this code, in a dangerous or unsafe manner, or in violation of any County Resolution, the building official is authorized to issue a stop work order.

9. Section 116.4 of International Fuel Gas Code is hereby changed to read as follows:

Section 116.4 Failure to Comply.

Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a fine of not less than one hundred (\$100) dollars or more than five hundred (\$500) dollars, or imprisonment for a term not to exceed one hundred eighty (180) days, or by both fine and imprisonment, at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

10. Section 309.2 of the International Fuel Gas Code is hereby changed to read as follows:

Section 309.2 Connections.

Electrical connections between equipment and the building wiring, including the grounding of the equipment, shall conform to the National Electrical Code as adopted in this Resolution.

11. Section 407.2 of the International Fuel Gas Code is hereby changed to read as follows:

Section 407.2 Design and installation.

Piping shall be supported with pipe hooks, pipe straps, bands, brackets, hangers or building structural components, suitable for the size of *piping*, of adequate strength and quality, and located at intervals so as to prevent or damp out excessive vibration. *Piping* shall be anchored to prevent undue strains on connected *appliances* and shall not be supported by other *piping*. Pipe hangers and supports shall conform to the requirements of MSS SP-58 and shall be spaced in accordance with Section 415. Supports, hangers and anchors shall be installed so as not to interfere with the free expansion and contraction of the *piping* between anchors. All parts of the supporting *equipment* shall be designed and installed so they will not be disengaged by movements of the supported *piping*.

SECTION 17. That Resolution 2019-68 (Corresponding with Section 8-166 of Chapter 8 of the Code of Ordinance of the City of Manhattan, Kansas) is hereby amended to read as follows:

Adoption of the International Mechanical Code.

There is hereby incorporated by reference for the purpose of regulating all mechanical work done or performed within that portion of Pottawatomie County, Kansas subject to these regulations that certain standard mechanical code known as the 2021 International Mechanical Code, second printing January 2021, including Appendix A, as recommended by the International Code Council, 500 New Jersey Avenue, NW 6th Floor, Washington, DC, 20001, save and except such articles, sections, parts or portions as may be hereinafter omitted, deleted, modified or changed. No fewer than one (1) copy of such publication shall be marked or stamped "Official Copy as adopted by Resolution No: _____," and shall be attached to a copy of this ordinance and filed with the county clerk and open for inspection and available to the public at all reasonable hours. All administrative departments of the county charged with enforcement of this code shall be supplied, at the cost of the county, such number of official copies, similarly marked, as may be deemed expedient.

SECTION 18. That Resolution 2019-68 (Corresponding with Section 8-167 of Chapter 8 of the Code of Ordinances of the City of Manhattan, Kansas) is hereby amended to read as follows:

Sec. 8-167. - Amendments.

The International Mechanical Code, adopted by Resolution 2019-68, is hereby changed, altered, modified and otherwise amended as follows:

1. Section 101.1 of the International Mechanical Code is hereby amended to read as follows:

Section 101.1 Title.

These regulations shall be known as the Mechanical Code of Pottawatomie County, Kansas, hereinafter referred to as “this code.”

2. Section 103.1 of the International Mechanical Code is hereby changed to read as follows:

Section 103.1 Creation of agency.

The County Building Official, as designated by the Board of County Commissioners, is hereby created and the official in charge thereof shall be known as the code official. The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code.

3. Section 109.2.1 of the International Mechanical Code is hereby added to read as follows:

Section 109.2.1 Fee schedule.

The fees for mechanical work shall be \$25.00 per permit.

For each re-inspection beyond the first re-inspection. \$50.00

Each inspection which is not deemed ready for inspection at the scheduled time shall be considered a failed inspection and subject to re-inspection. The re-inspection fee shall be paid within 10 calendar days of the date of the inspection causing the fee, and prior to a certificate of occupancy being issued for that project. Subsequent inspections for that permitted project shall not be conducted until all past due re-inspection fees have been paid. The Building Official shall have the authority to waive re-inspection fees as deemed necessary.

4. Section 113.1 of the International Mechanical Code is hereby changed to read as follows:

Section 113.1 Authority.

Where the building official finds any work regulated by this code being performed in a manner contrary to the provisions of this code, in a dangerous or unsafe manner, or in violation of any County Resolution, the building official is authorized to issue a stop work order.

5. Section 113.4 of the International Mechanical Code is hereby changed to read as follows:

Section 113.4 Failure to comply.

Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a fine of not less

than \$100 or more than \$500, or imprisonment for a term not to exceed one hundred eighty (180) days, or by both fine and imprisonment, at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

6. Section 114 of the International Mechanical Code is hereby deleted.
7. Section 115.4 of the International Mechanical Code is hereby changed to read as follows:

Section 115.4 Violation penalties.

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 mechanical work in violation of the approved construction documents or directive or 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 or by imprisonment not exceeding 180 days, or by both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

8. Section 301.10 of the International Mechanical Code is hereby changed to read as follows:

Section 301.10 Electrical.

Electrical wiring, controls and connections to equipment and appliances regulated by this code shall be in accordance with the National Electrical Code as adopted in this Resolution.

9. Section 505.4 of the International Mechanical code is hereby changed to read as follows:

Section 505.4 Makeup air required.

Exhaust hood systems capable of exhausting in excess of 400 cubic feet per minute shall be provided with *makeup air* at a rate approximately equal to the difference between the exhaust air rate and 400 cubic feet per minute where other systems exist that may be affected by the exhaust hood system. Such makeup air systems shall be equipped with a means of closure and shall be automatically controlled to start and operate simultaneously with the exhaust system.

SECTION 19. That Resolution 2019-68 (Corresponding with Section 8-92 of Chapter 8 of the Code of Ordinances of the City of Manhattan, Kansas), is hereby amended to read as follows:

Adoption of the International Plumbing Code.

There is hereby incorporated by reference for the purpose of regulating all plumbing work done or within that portion of Pottawatomie County, Kansas subject

to these regulations that certain standard plumbing code known as the International Plumbing Code, 2021 Edition, second printing December 2020, including appendices B, C, D and E as recommended by the International Code Council, 500 New Jersey Avenue, NW 6th Floor, Washington, DC, 20001, save and except such articles, sections, parts, or portions thereof as are hereinafter omitted, deleted, modified or changed. No fewer than one (1) copy of such publication shall be marked or stamped "Official Copy as adopted by Resolution No: _____," and shall be attached to a copy of this ordinance and filed with the county clerk and open for inspection and available to the public at all reasonable hours. All administrative departments of the county charged with enforcement of this code shall be supplied, at the cost of the county, such number of official copies, similarly marked, as may be deemed expedient.

SECTION 20. That Resolution 2019-68 (Corresponding with Section 8-93 of Chapter 8 of the Code of Ordinances of the City of Manhattan, Kansas), is hereby amended to read as follows:

Amendments.

The International Plumbing Code, adopted by Resolution 2019-68, is hereby changed, altered, modified or otherwise amended as follows:

1. Section 101.1 of the International Plumbing Code is hereby changed to read as follows:

Section 101.1 Title.

These regulations shall be known as the Plumbing Code of the Pottawatomie County, Kansas, and hereinafter referred to as "this code."

2. Section 103.1 of the International Plumbing Code is hereby changed to read as follows:

Section 103.1 Creation of agency.

The County Building Official, as designated by the Board of County Commissioners, is hereby created and the official in charge thereof shall be known as the code official. The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code.

3. Section 109.2 of the International Plumbing Code is hereby changed to read as follows:

Section 109.2 Fee schedule.

The fees for all plumbing work requiring permit shall be \$25.00.

For each re-inspection beyond the first re-inspection. \$50.00

Each inspection which is not deemed ready for inspection at the scheduled time shall be considered a failed inspection and subject to re-inspection. The re-

inspection fee shall be paid within 10 calendar days of the date of the inspection causing the fee, and prior to a certificate of occupancy being issued for that project. Subsequent inspections for that permitted project shall not be conducted until all past due re-inspection fees have been paid. The Building Official shall have the authority to waive re-inspection fees as deemed necessary.

4. Section 109.3 of the International Plumbing Code is hereby changed to read as follows:

Section 109.3 Work commencing before permit issuance.

Any person who commences any work on a plumbing system before obtaining the necessary permits shall be subject to a fee equal to the permit fee in addition to the required permit fees at the discretion of the building official.

5. Section 113.1 of the International Plumbing Code is hereby changed to read as follows:

Section 113.1 Authority.

Where the building official finds any work regulated by this code being performed in a manner contrary to the provisions of this code, in a dangerous or unsafe manner, or in violation of any County Resolution, the building official is authorized to issue a stop work order.

6. Section 113.4 of the International Plumbing Code is hereby changed to read as follows:

Section 113.4 Failure to Comply.

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a fine of not less than one hundred dollars (\$100) or more than five hundred dollars (\$500.00), or imprisonment for a term not to exceed one hundred eighty (180) days, or by both fine and imprisonment, at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

7. Section 114 of said International Plumbing Code is hereby deleted.
8. Section 115.4 of the International Plumbing Code is hereby changed to read as follows:

Section 115.4 Violation penalties.

Any person 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 plumbing 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 five hundred (\$500) dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

9. Section 403.1 of the International Plumbing Code is hereby changed to read as follows:

Section 403.1 Minimum number of fixtures.

Plumbing fixtures shall be provided in the minimum numbers as shown in Table 403.1 based on the actual use of the building or space. Uses not shown in Table 403.1 shall be considered individually by the code official. The number of occupants for purposes of section 403 shall be determined by the International Building Code or may be determined by the code official for specific occupancies. Individual fixtures may be waived by the code official when specific conditions warrant.

10. Section 502.1 of the International Plumbing Code is hereby changed to read as follows:

Section 502.1 General.

Water heaters shall be installed in accordance with the manufacturer's installation instructions. Oil fired water heaters shall conform to the requirements of this code and the International Mechanical Code adopted in This Resolution. Electric water heaters shall conform to the requirements of this code and the provisions of the National Electrical Code as adopted in this Resolution. Gas fired water heaters shall conform to the requirements of the International Fuel Gas Code as adopted in Resolution.

11. Section 607.2 of the International Plumbing Code is hereby changed to read as follows:

Section 607.2 Hot or tempered water supply to fixtures.

Where the *developed length* of hot water piping from the source of hot water supply to the farthest fixture exceeds 50 feet (15,240 mm), the hot water supply system shall be provided with a method of maintaining the temperature in accordance with the International Energy Conservation Code.

12. Section 701.8 of the International Plumbing Code is hereby added to read as follows:

Section 701.8 Prohibited connection.

No roof drains, surface water, subsurface drainage including interior and exterior foundation drains, or sump pumps, shall be connected to the sanitary sewer system. Section 717.5 of the International Residential Code is hereby changed to read as follows:

13. Section 717.5 Prohibited applications.

Where the preinstallation recorded video camera survey reveals that piping systems are not installed correctly, or defects exist, relining shall not be permitted without the approval of the building official. The defective portions of piping shall be exposed and repaired with pipe and fittings in accordance with this code. Defects shall include, but are not limited to, backslope or insufficient slope, complete pipe wall deterioration or complete separations such as from tree root invasion or improper support.

14. Section 903.1 of the International Plumbing Code is hereby changed to read as follows:

Section 903.1 Roof extension. All open vent pipes that extend through a roof shall be terminated at least 6 inches (153 mm) above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet (2134 mm) above the roof.

SECTION 21. That Resolution 2019-68 (Corresponding with Section 8-203 of Chapter 8 of the Code of Ordinances of the City of Manhattan, Kansas) is hereby amended to read as follows:

Sec. 8-203. - Adoption of the International Residential Code.

There is hereby incorporated by reference, for the purpose of establishing rules and regulations for construction, alteration, addition, demolition, equipment, use and occupancy, location and maintenance of buildings and structures within that portion of Pottawatomie County, Kansas subject to these regulations, that certain standard residential code known as the 2021 International Residential Code, including Appendices AA, AB, AC, AE, AF, AG, AH, AJ, AM, AN, AO, AP, AQ, AR, AS, AU, and AW as being recommended by the International Code Council, 500 New Jersey Avenue, NW 6th Floor, Washington, DC, 20001, save and except such articles, sections, parts or portions thereof as hereinafter omitted, deleted, modified or changed. No fewer than one (1) copy of such publication shall be marked or stamped "Official Copy as adopted by Resolution No: _____," and shall be attached to a copy of this ordinance and filed with the county clerk and open for inspection and available to the public at all reasonable hours. All administrative departments of the county charged with enforcement of this code shall be supplied, at the cost of the county, such number of official copies, similarly marked, as may be deemed expedient.

SECTION 22. That Resolution 2019-68 (Corresponding with Section 8-204 of Chapter 8 of the Code of Ordinances of the City of Manhattan, Kansas), is hereby changed to read as follows:

Amendments.

The International Residential Code, adopted by this Resolution, is hereby changed, altered, modified or otherwise amended as follows:

1. Section R101.1 of the International Residential Code is hereby changed to read as follows:

Section R101.1 Title.

These regulations shall be known as the Residential Code for one and two family dwellings of the Pottawatomie County, Kansas, and herein after known as “this code”.

2. Section R103.1 of the Internal Residential Code is hereby changed to read as follows:

Section R103.1 Creation of enforcement agency.

The County Building Official, as designated by the Board of County Commissioners is hereby created and the official in charge thereof shall be known as the code official.

3. Section R105.2 of the International Residential Code is hereby changed to read as follows:

Section R105.2 Work exempt from permit.

Permits shall not be required for the following. 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 this code or any other law or ordinances of this jurisdiction.

Building:

1. One story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet.
2. Detached pergolas and other detached structures which do not exceed 400 square feet, are entirely open and do not have solid roofs.
3. Fences not over 7 feet high.
4. Retaining walls that are not over 7 feet in height measured from grade on the low end to the top of the wall, unless supporting a surcharge.
5. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
6. Sidewalks and driveways.
7. Porches, decks and similar uses that are not more than 30 inches from floor to grade at any point and are not roofed or enclosed.
8. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.
9. Swings and other playground equipment.

10. Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.
11. Prefabricated swimming pools that are less than 24" deep.

Electrical:

A permit shall not be required for minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

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 and ventilation appliances.
2. Portable cooling units or portable evaporative coolers.
3. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
4. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
5. Self contained refrigeration systems containing 10 pounds or less of refrigerant that are actuated by motors of 1 horsepower or less.
6. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

The clearing of stoppages or stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, 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.

3. Section R107.3 of the International Residential Code is hereby changed to read as follows:

Section R107.3 Temporary power.

The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the National Electrical Code as adopted in this Resolution.

4. Section R108.2 of the International Residential Code is hereby changed to read as follows:

Section R108.2 Schedule of permit fees.

On buildings or structures requiring a permit other than those owned by the county, a fee for each permit shall be paid as required, in accordance with the following schedule:

Building Permit Fee	
Valuation	Fee
\$0-\$500	\$19.00
\$501-\$2,000	\$19.00 for the first \$500 plus \$2.47 for each additional \$100 or fraction thereof, up to and including \$2000
\$2,001-\$25,000	\$56.09 for the first \$2,000 plus \$11.34 for each additional \$1,000 or fraction thereof up to and including \$25,000
\$25,001-\$50,000	\$317.31 for the first \$25,000 plus \$8.18 for each additional \$1,000 or fraction thereof, up to and including \$50,000
\$50,001-\$100,000	\$521.43 for the first \$50,000 plus \$5.67 for each additional \$1,000 or fraction thereof, up to and including \$100,000
\$100,001-\$500,000	\$804.93 for the first \$100,000 plus \$4.53 for each additional \$1,000 or fraction thereof, up to and including \$500,000
\$500,001-\$1,000,000	\$2,619.33 for the first \$500,000 plus \$3.84 for each additional \$1000 or fraction thereof, up to and including \$1,000,000
\$1,000,000 and up	\$4,543.08 for the first \$1,000,000 plus \$2.95 for each additional \$1,000 or fraction thereof
Swimming pools, prefabricated saferooms, prefabricated carports, fences, and retaining walls	\$50.00
Other Fees	
Description	Fee
Temporary Certificate of Occupancy	\$250 for the first re-issuance past expiration date, and \$500 for each subsequent re-issuance
Reinspection Fee	\$50.00 for each re-inspection beyond the first re-inspection.

Each inspection which is not deemed ready for inspection at the scheduled time shall be considered a failed inspection and subject to re-inspection. The re-inspection fee shall be paid within 10 calendar days of the date of the inspection causing the fee, and prior to a certificate of occupancy being issued for that project. Subsequent inspections for that permitted project shall not be conducted until all past due re-inspection fees have been paid. The Building Official shall have the authority to waive re-inspection fees as deemed necessary.

No fee, other than that set forth above, shall be charged for new construction; although this does not preclude the building official from charging separate fees for sewer and water connections and sign installations.

The governing body shall have the right to waive fees as it deems necessary.

5. Section R108.3 of the International Residential Code is hereby changed to read as follows:

Section R108.3 Building permit valuations.

The determination of value or valuation under any of the provisions of this code shall be made by the building official. The valuation shall be calculated by using the most recent version of Valuation Data Table as published by the International Code Council. The amount to be used for determining the building permit fee shall be the total value of all construction work for which the permit is issued including all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment. No fee, other than that set forth above, shall be charged for new construction; although this does not preclude the building official from charging separate fees for sewer and water connections and sign installations.

The governing body shall have the right to waive fees as it deems necessary.

6. Section R108.6 of the International Residential Code is hereby changed to read as follows:

Section R108.6 Work commencing before permit issuance.

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee equal to the permit fee in addition to the required permit fees at the discretion of the Building Official.

7. Section R112 of the International Residential Code is hereby deleted.
8. Section R114.1 of the International Residential Code shall be changed to read as follows:

Section R114.1 Authority.

Where the building official finds any work regulated by this code being performed in a manner contrary to the provisions of this code, in a dangerous or unsafe manner, or in violation of any County Resolution, the building official is authorized to issue a stop work order.

9. Section R114.4 of the International Residential Code is hereby changed to read as follows:

Section R114.4 Failure to comply.

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a fine of not less than one hundred dollars (\$100) or more than five hundred dollars (\$500.00), or imprisonment for a term not to exceed one hundred eighty (180) days, or by both fine and imprisonment, at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

10. Section R302.5.1 of the International Residential Code is hereby changed to read as follows:

Section R302.5.1 Opening protection.

Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 1 3/8 inches (35mm) in thickness, solid or honeycomb core steel doors not less than 1 3/8 inches (35mm) thick, or 20-minute fire rated doors.

11. Section R303.1 of the International Residential Code is hereby changed to read as follows:

Section R303.1 Habitable rooms.

All habitable rooms shall have an aggregate glazing area of not less than 8 percent of the floor area of such rooms. Natural ventilation shall be through windows, doors, louvers or other approved openings to the outdoor air. Such openings shall be provided with ready access or shall otherwise be readily controllable by the building occupants. The minimum openable area to the outdoors shall be 4 percent of the floor area being ventilated.

Exceptions:

1. Where not required by section R310 and where supply and return air is provided to the room, glazed openings need not be provided for ventilation.

2. Artificial light may be substituted for glazed openings at a rate of 6-foot candles (65 lux) over the entire room at a height of 30 inches (762 mm) above the floor where such openings are not required by section R310.

12. Section R303.4 of the International Residential Code is hereby deleted.

13. Section R310.1 of the International Residential Code is hereby changed to read as follows:

Section R310.1 Emergency escape and rescue opening required.

Basements, habitable attics and every sleeping room shall have not less than one operable emergency escape and rescue opening. Where basements contain one or more sleeping rooms, an emergency escape and rescue opening shall be required in each sleeping room. Emergency escape and rescue openings shall open directly into a public way, or to a yard or court that opens into a public way.

Exception: Storm shelters and basements used only to house mechanical equipment not exceeding a total floor area of 200 square feet.

14. Section R310.2.1 of the International Residential Code is hereby changed to read as follows:

Section R310.2.1 Minimum opening area.

All emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet. The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside. The net clear height opening shall be not less than 24 inches and the net clear width shall be not less than 20 inches.

15. Section R310.2.3 of the International Residential Code is hereby changed to read as follows:

Section R310.2.3 Window wells.

The minimum horizontal area of the window well shall be 9 square feet, with a minimum horizontal projection and width of 36 inches. The area of the window well shall allow the emergency escape and rescue opening to be fully opened.

Exception:

The ladder or steps required by Section R310.2.1 shall be permitted to encroach a maximum of 6 inches into the required dimensions of the window well.

16. Section R310.7 of the International Residential Code is hereby added to read as follows:

Section R310.7 Alterations or repairs of existing basements.

New sleeping rooms created in an existing basement shall be provided with emergency escape and rescue openings in accordance with Section R310.1. Other than new sleeping rooms, where existing basements undergo alterations or repairs, an emergency escape and rescue opening is not required.

Exception:

An operable window provided in an existing opening location, complying with the following shall be acceptable as an emergency escape and rescue opening:

A minimum clear opening width and height of 18 inches, a minimum total clear openable area of 4 square feet, and a maximum sill height above floor level of 48 inches. Permanently installed step(s) may be used to attain maximum sill height. Such step(s) must have a minimum tread of 12 inches and a maximum riser height of 16 inches. Emergency escape or rescue windows wells shall be a minimum of 24 inches measured from the exterior wall of the structure to the inside of the well and shall be at least as wide as the window.

17. Section R311.7.5.1 of the International Residential Code is hereby changed to read as follows:

Section R311.7.5.1 Risers.

The maximum riser height shall be 8 inches (203 mm). The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). Risers shall be vertical or sloped from the underside of the nosing of the tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open risers are permitted provided that the opening between the treads does not permit the passage of a 4-inch diameter (102 mm) sphere.

Exception:

The opening between adjacent treads is not limited on stairs with a total rise of 30 inches (762 mm) or less.

18. Section R312.1.3 of the International Residential Code is hereby changed to read as follows:

Section R312.1.3 Guard opening limitations.

Open guardrails shall have intermediate rails or an ornamental pattern such that a sphere 4 1/2" (102 mm) in diameter cannot pass through.

Exceptions:

1. The open space between the intermediate rails or ornamental pattern of guardrails in areas of commercial and industrial-type occupancies which

are not accessible to the public may be such that a sphere 12 inches (305 mm) in diameter cannot pass through.

2. The triangular openings formed by the riser, tread and bottom element of a guardrail at the open side of a stairway may be of such size that a sphere 6 inches (152 mm) in diameter cannot pass through.

19. Section R312.2.1 of the International Residential Code is hereby changed to read as follows:

Section R312.2.1 Window sills.

In dwelling units, where the opening of an operable window is located more than 72 inches (1829 mm) above the finished grade or surface below, the lowest part of the clear opening of the window shall be a minimum of 18 inches (457 mm) above the finished floor of the room in which the window is located. Operable sections of windows shall not permit openings that allow passage of a 4-inch diameter (102 mm) sphere where such openings are located within 18 inches (457 mm) of the finished floor unless such windows are provided with approved guards.

20. Section R313 of the International Residential Code is hereby deleted.

21. Section R507.9.2 of the International Residential Code is hereby deleted.

22. Chapter 11 of the International Residential Code is hereby deleted.

23. Section M1503.6 of the International Residential Code is hereby changed to read as follows:

Section M1503.6 Makeup air required.

Where one or more gas, liquid or solid fuel burning appliance that is neither direct vent nor uses a mechanical draft venting system is located within a dwelling unit's air barrier, exhaust hood systems capable of exhausting in excess of 400 cubic feet per minute shall be provided with makeup air at a rate approximately equal to the difference between the maximum exhaust rate and 400 cubic feet per minute. Such makeup air systems shall be equipped with a means of closure and shall automatically be controlled to start and operate simultaneously with the exhaust system.

24. Section P2503.4 of the International Residential Code is hereby deleted.

25. Section P2503.5 of the International Residential Code is hereby deleted.

26. Section E3601.6.2 of the International Residential Code is hereby changed to read as follows:

Section E3601.6.2 Service disconnect location.

The service disconnecting means shall be installed on the outside of a building or structure at a readily accessible location nearest the service location. Each occupant shall have access to the disconnect serving the dwelling unit in which they reside.

27. Section E3901.11 of the International Residential Code is hereby deleted.

28. Section E3901.4.2 of the International Residential Code is hereby changed to read as follows:

Section E3901.4.2 Island and peninsular countertops and workspaces.

Receptacle outlets shall be installed in accordance with the following: [210.52(C)(2)]

1. At least one receptacle outlet shall be provided for the first 9 square feet (0.84 m²), or fraction thereof, of the countertop or work surface. A second separate and remotely located receptacle outlet shall be provided if the island or peninsula countertop or work surface is greater than 9 square feet.
2. At least one receptacle outlet shall be located within 2 feet (600 mm) of the outer end of a peninsular countertop or work surface. Additional receptacle outlets shall be permitted to be located as determined by the installer, designer or building owner. The location of the receptacle outlets shall be in accordance with Section E3901.4.3. [210.52(C)(2)(b)]

A peninsular countertop shall be measured from the connected perpendicular wall. [210.52(C)(2)]

29. Section E3902.2 of the International Residential Code is hereby changed to read as follows:

Section E3902.2 Garage and accessory building receptacles.

All 125-volt, single phase, 15 or 20 ampere receptacles installed in garages and grade level portions of unfinished accessory buildings used for storage or work areas shall have ground fault circuit interrupter protection for personnel.

Exception:

Receptacles that are not readily accessible.

30. Section E3902.17 of the International Residential Code is hereby deleted.

31. Section E3905.8 of the International Residential Code is hereby changed to read as follows:

Section E3905.8 Boxes at fan outlets.

Outlet boxes and outlet box systems used as the sole support of ceiling-suspended fans (paddle) shall be marked by their manufacturer as suitable for this purpose and shall not support ceiling-suspended fans (paddle) that weigh more than 70 pounds (31.8 kg). For outlet boxes and outlet box systems designed to support ceiling-suspended fans (paddle) that weigh more than 35 pounds (15.9 kg), the required marking shall include the maximum weight to be supported.

Outlet boxes mounted in the ceilings of habitable rooms in a location acceptable for the installation of a ceiling-suspended (paddle) fan shall comply with one of the following:

1. Listed for sole support of ceiling-suspended (paddle) fans.
2. An outlet box complying with the applicable requirements of Section E3905.6 and providing access to structural framing capable of supporting of a ceiling-suspended (paddle) fan bracket or equipment. [314.27(C)]

Exception:

Outlet boxes within 3 feet of a wall or provided for a smoke or carbon monoxide alarms.

32. Section E4002.9 of the International Residential Code is hereby changed to read as follows:

Section E4002.9 Receptacles in wet locations.

Where installed in a wet location, receptacles shall have an enclosure that is weatherproof when the receptacle cover is closed and an attachment plug cap is not inserted. Receptacles installed in wet locations shall be a listed weather resistant type.

33. Section E4002.10 of the International Residential Code is hereby deleted.

34. Section P3011.5 of the International Residential Code is hereby changed to read as follows:

Section P3011.5 Prohibited applications.

Where the preinstallation recorded video camera survey reveals that piping systems are not installed correctly, or defects exist, relining shall not be permitted without the approval of the building official. The defective portions of piping shall be exposed and repaired with pipe and fittings in accordance with this code. Defects shall include, but are not limited to, backslope or insufficient slope, complete pipe wall deterioration or complete separations such as from tree root invasion or improper support.

35. Section AF104 of the International Residential Code is hereby deleted.

36. Section AJ101.1 of the International Residential Code is hereby changed to read as follows:

Section AJ101.1 General

The purpose of these provisions is to encourage the continued use or reuse of legally existing buildings and structures. These provisions are intended to permit work in existing buildings that is consistent with the purpose of this code. Compliance with these provisions shall be deemed to meet the requirements of this code. The Building Official may require an owner to repair any dangerous condition observed during inspection that impacts or may impact the safety of the work area defined by the scope of the building permit.

SECTION 23. That Resolution 2019-68 (Corresponding with Section 8-47 of Chapter 8 of the Code of Ordinances of the City of Manhattan, Kansas) is hereby amended to read as follows:

Adoption of the National Electrical Code.

There is hereby incorporated by reference for the purpose of establishing standards for the protection of the public health, safety and welfare within that portion of Pottawatomie County, Kansas subject to these regulations, that certain electrical code known as the National Electrical Code (NFPA 70), 2020 Edition, including Annex A, B, C, D, E, F, G, H, and I, a standard of the National Fire Protection Association, One Batterymarch Park, Quincy, Massachusetts, 02169, save and except such articles, sections, parts or portions as may be hereinafter omitted, deleted, modified or changed. No fewer than one (1) copy of such publication shall be marked or stamped "Official Copy as adopted by Resolution No: _____," and shall be attached to a copy of this ordinance and filed with the county clerk and open for inspection and available to the public at all reasonable hours. All administrative departments of the county charged with enforcement of this code shall be supplied, at the cost of the county, such number of official copies, similarly marked, as may be deemed expedient.

SECTION 24. That Resolution 2019-68 (Corresponding with Section 8-48 of Chapter 8 of the Code of Ordinances, City of Manhattan, Kansas), is hereby amended to read as follows:

Amendments.

The National Electrical Code, adopted by Resolution 2019-68 is hereby changed, altered, modified and otherwise amended as follows:

1. Article 210.52(C)(2) of the National Electrical Code is hereby changed to read as follows:

Article 210.52(C)(2) Island and Peninsular Countertops and Work Surfaces.

- (a) At least one receptacle outlet shall be provided for the first 9 square feet (0.84 m²), or fraction thereof, of the countertop or work surface. A second separate and remotely located receptacle outlet shall be provided if the island or peninsula counter top or work surface is greater than 9 square feet.

- (b) At least one receptacle outlet shall be located within 600 mm (2 ft) of the outer end of a peninsular countertop or work surface. Additional required receptacle outlets shall be permitted to be located as determined by the installer, designer, or building owner. The location of the receptacle outlets shall be in accordance with 210.52(C)(3).

A peninsular countertop shall be measured from the connected perpendicular wall.

- 2. Article 300.5(C) of the National Electrical Code is hereby changed to read as follows:

Article 300.5(C) Underground Cables Under Buildings.

Underground cable and conductors installed under a building shall be in a raceway.

- 3. Article 314.27(C) of the National Electrical Code is hereby changed to read as follows:

Article 314.27(C) Boxes at Ceiling-Suspended (Paddle) Fan Outlets.

Outlet boxes or outlet box systems used as the sole support of a ceiling-suspended (paddle) fan shall be listed, shall be marked by their manufacturer as suitable for this purpose, and shall not support ceiling-suspended (paddle) fans that weigh more than 32 kg (70 lb). For outlet boxes or outlet box systems designed to support ceiling-suspended (paddle) fans that weigh more than 16 kg (35 lb), the required marking shall include the maximum weight to be supported.

Outlet boxes mounted in the ceilings of habitable rooms of dwelling occupancies in a location acceptable for the installation of a ceiling-suspended (paddle) fan shall comply with one of the following:

- (1) Listed for the sole support of ceiling-suspended (paddle) fans
- (2) An outlet box complying with the applicable requirements of 314.27 and providing access to structural framing capable of supporting of a ceiling-suspended (paddle) fan bracket or equivalent

Exception: Outlet boxes within 3 feet of a wall or provided for a smoke or carbon monoxide alarms.

- 4. Article 334.10 of the National Electrical Code is hereby changed to read as follows:

Article 334.10 Uses Permitted.

Type NM, Type NMC, and Type NMS cables shall be permitted to be used in the following:

- (1) One- and two-family dwellings.
- (2) Multi-family dwellings permitted to be of Type III, IV and V construction.

A) Type NM. Type NM cable shall be permitted as follows:

- (1) For both exposed and concealed work in normally dry locations except as prohibited in section 334.10(3).
- (2) To be installed or fished in air voids in masonry block or tile walls.

B) Type NMC. Type NMC cable shall be permitted as follows:

- (1) For both exposed or concealed work in dry, moist, damp or corrosive locations, except as prohibited by 334.10(3).
- (2) In outside and inside walls of masonry block or tile.
- (3) In a shallow chase in masonry, concrete or adobe protected against nails or screws by a steel plate at least 1/16 inch thick and covered with plaster, adobe or similar finish.

C) Type NMS. Type NMS cable shall be permitted as follows:

- (1) For both exposed and concealed work in normally dry locations except as prohibited by 334.10(3).
- (2) To be installed or fished in air voids in masonry block or tile walls.

- 5. Article 334.12(A) of the National Electrical Code is hereby changed to read as follows:

Article 334.12(A) Types NM, NMC, and NMS.

Types NM, NMC and NMS cables shall not be permitted as follows:

- (1) In any structure not specifically permitted in 334.10 (1) and (2)
- (2) As service entrance cable.
- (3) In hoistways or on elevators or escalators.
- (4) Embedded in poured concrete or aggregate.

- 6. Article 334.12(B) of the National Electrical Code is hereby changed to read as follows:

Article 334.12(B) Types NM and NMS.

Type NM and NMS cables shall not be used under the following conditions or in the following locations:

- (1) Where exposed to corrosive fumes or vapors.
- (2) Where embedded in masonry, concrete, adobe, fill or plaster.
- (3) In a shallow chase in masonry, concrete, or adobe and covered with plaster, adobe or similar finish.
- (4) Where exposed or subject to excessive moisture or dampness.

7. Articles 406.4(D)(4), 406.4(D)(5), and 406.4(D)(6) of the National Electrical Code are hereby deleted.
8. Article 406.9(B)(1) of the National Electrical code is hereby changed to read as follows:

Article 406.9(B)(1) 15 and 20 Ampere Receptacles in a Wet Location.

15 and 20 ampere, 125- and 250-volt receptacles installed in a wet location shall have an enclosure for the receptacle that is weatherproof when the receptacle is covered (attachment plug cap not inserted and receptacle covers closed). All 15 and 20 ampere, 125- and 250-volt non locking type receptacles shall be listed weather resistant type.

SECTION 25. Building Code. Adoption of the International Swimming Pool and Spa Code.

(Corresponding with Section 8-370 of Chapter 8 of the Code of Ordinances of the City of Manhattan, Kansas) There is hereby incorporated by reference for the purpose of regulating all swimming pool and spa work done or performed within that portion of Pottawatomie County, Kansas subject to these regulations that certain standard swimming pool and spa code known as the 2021 International Swimming Pool and Spa Code as recommended by the International Code Council, 500 New Jersey Avenue, NW 6th Floor, Washington, DC, 20001, save and except such articles, sections, parts, or portions thereof as are hereinafter omitted, deleted, modified or changed. No fewer than one (1) copy of such publication shall be marked or stamped "Official Copy as adopted by Resolution Number: _____," and shall be attached to a copy of this ordinance and filed with the county clerk and open for inspection and available to the public at all reasonable hours. All administrative departments of the county charged with enforcement of this code shall be supplied, at the cost of the county, such number of official copies, similarly marked, as may be deemed expedient.

SECTION 26. The International Swimming Pool and Spa Code, as adopted by Section 25 above, is hereby amended to reads as follows:

Amendments.

The International Swimming Pool and Spa Code, adopted by Section 25 above, is hereby changed, altered, modified and otherwise amended as follows:

1. Section 101.1 of the International Swimming Pool and Spa Code is hereby changed to read as follows:

Section 101.1 Title.

These regulations shall be known as the Swimming Pool and Spa Code of Pottawatomie County, Kansas, hereafter referred to as "this code."

2. Section 103.1 of the International Swimming Pool and Spa Code is hereby changed to read as follows:

Section 103.1 Creation of Agency.

The County Building Official, as designated by the Board of County Commissioners is hereby created and the official in charge thereof shall be known as the code official. The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code.

3. Section 105.6.2 of the International Swimming Pool and Spa Code is hereby deleted.
4. Section 105.6.3 of the International Swimming Pool and Spa Code is hereby deleted.
5. Section 107.4 of the International Swimming Pool and Spa Code is hereby changed to read as follows:

Section 107.4 Violation penalties.

Any person 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 five hundred dollars (\$500) or by imprisonment not exceeding one hundred eighty days (180), or by both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

6. Section 111 of the International Swimming Pool and Spa Code is hereby deleted.
7. Section 112 of the International Swimming Pool and Spa Code is hereby deleted.
8. Section 114.1 of the International Swimming Pool and Spa Code is hereby changed to read as follows:

Section 114.1 Authority.

Where the building official finds any work regulated by this code being performed in a manner contrary to the provisions of this code, in a dangerous or unsafe manner, or in violation of any County Resolution, the building official is authorized to issue a stop work order.

9. Section 114.4 of the International Swimming Pool and Spa Code is hereby changed to read as follows:

Section 114.4 Failure to comply.

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a fine of not less than one hundred dollars (\$100) or more than five hundred dollars (\$500.00), or

imprisonment for a term not to exceed one hundred eighty (180) days, or by both fine and imprisonment, at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

10. Section 320.1 of the International Swimming Pool and Spa Code is hereby changed to read as follows:

Section 320.1 Backwash water or draining water.

Backwash water and draining water shall be discharged to the sanitary sewer or into an approved disposal system on the premise or shall be disposed of by other means approved by the state or local authority. Direct connections shall not be made between the end of the backwash line and the disposal system. Drains shall discharge through an air gap.

SECTION 27. That Resolution 2019-68 (Corresponding with Section 8-8 of Chapter 8 of the Code of Ordinances of the City of Manhattan, Kansas), is hereby changed to read as follows:

Sec. 8-8. - Continuing education.

Every licensed general contractor shall name a designated representative or representatives in the full-time employment of that contractor who shall cumulatively complete at least 12 hours of continuing education biennially in order to renew the license. At least six of those hours shall be in approved education that is related to the codes adopted by the County. The building official shall identify courses and education programs provided by governmental entities, trade associations, contractor education providers, and others on the codes adopted by the Pottawatomie County, Kansas, which satisfy the continuing education requirements of this section. Continuing education hours will only be accepted for one individual completing each course or program, or for one individual attending each seminar, training, or other continuing education event. Continuing education hours cannot be duplicated and are not transferable.

SECTION 28. Effective Date. This Resolution shall take effect on the 23rd day of January, 2023.

Dennis P. Weixelman, Chair

ATTEST:

Deloyce McKee, Vice-Chair

Dawn R. Henry, County Clerk

Greg Riat, Member

Dwight D. Eisenhower State Office Building
700 S.W. Harrison Street
Topeka, KS 66603-3745
Julie L. Lorenz, Secretary
Tod L. Salfrank, Chief



Phone: 785-296-3861
Fax: 785-296-6946
kdot#publicinfo@ks.gov
<http://www.ksdot.org>
Laura Kelly, Governor

December 13, 2022

Steve Roggenkamp, Road & Bridge Project Coordinator
Pottawatomie County
612 E. Campbell St.
Westmoreland, KS 66549

Dear Steve Roggenkamp,

Congratulations! Your bridge project to replace LPA Bridge II.0-2.3 (GRT15), NBI Structure #000750957003623, located on Armstrong Road over Vermillion Creek, 2 miles north & 1 mile east of Havensville, has been selected for funding as part of the Kansas Department of Transportation (KDOT) Federal Fiscal Year (FFY) 2024 Off System Bridge Program. The second application you submitted was not selected for this round of funding.

The Kansas Department of Transportation (KDOT) received 99 applications requesting assistance for projects totaling \$93.2 million in construction costs. KDOT was able to award \$20.5 million to 22 projects in the program supporting \$22.3 million worth of total construction costs.

The maximum amount of funding for your project is \$1,160,000. Eligible work includes construction and inspection performed under contract. Your agency is responsible for any costs over the maximum award as well as costs for design, right-of-way acquisition, utility relocation and any non-participating costs.

To program your project, we must have a current Request for Construction Project, 1302 form, for you on file. Please complete the enclosed form and return it to us prior to January 31, 2023. Once your form is returned, KDOT will program the project and send you a project schedule for developing the project in accordance with KDOT's procedures and requirements. Should your project fail to meet all requirements for a FFY 2024 letting, the funding will be revoked.

We look forward to working with you in developing your project.

Sincerely,

A handwritten signature in black ink, appearing to read "Tod Salfrank".

Tod L. Salfrank, Chief
Bureau of Local Projects

cc: Leroy Koehn, PE, District Engineer
Calvin Reed, PE, Director of Engineering and Design
Chris Herrick, PE, Director of Planning and Development

PROJECT PROGRAMMING REQUEST

<input checked="" type="checkbox"/> New Project		<input type="checkbox"/> Amend Existing Project		Date:	1/23/2023
Program Year: 2024		Funding Program:		Off-System Bridge	
KDOT District		MPO		MPO TIP #	
1					
County	City	Route / Corridor	Functional Classification		
Pottawatomie	Havensville	Armstrong Rd.	7 = Local		
Project Sponsor / Lead Agency					
Pottawatomie County					
Project Mgr / Contact		Phone		E-mail Address	
Steve Roggenkamp		785-457-3631		sroggenkamp@pottcount.org	
Project Title					
GRT15 Armstrong Road Bridge Replacement					
Project Length: 0.230 miles		Desired Letting Date:		October 2024	
Letting Type:		<input checked="" type="checkbox"/> KDOT		<input type="checkbox"/> LPA	
				<input type="checkbox"/> Force Account	
Location, Project Limits, Description, Scope of Work					
Armstrong Road over Vermillion Creek 2N & 1E of Havensville, KS. Replacement of bridge with a 130' RCSH and realignment of roadway with a total project length of 1200 feet.					
Purpose and Need					
The current bridge is posted for 9 tons, the substructure is in poor condition, and the bridge has a 16' wide driving surface making it a hindrance to the passage of trucks and agricultural equipment. There is also a sharp 90 degree turn in the road directly north of the bridge. The detour route is 5 miles around for farm equipment; however a significant portion of this detour route is K-63 Highway. This adds significant time and expense to the movement of slow moving equipment. Detouring slow moving agricultural equipment onto a state highway is also a safety concern.					
Project Benefits					
The wider bridge with no need for load posting and improved sight distance will greatly enhance the safety and utility of the crossing for residents and the agricultural industry.					
RR within 1/2 mile?	RR Company Name		No. of Tracks	Existing Crossing Protection	
No					

In accordance with the Bureau of Local Projects (BLP) Memo 99-11, dated December 16, 1999, we are required, under the Comprehensive Transportation Program (CTP), to collect and record total costs of all work phases of projects. This includes local agency federal-aid and state-aid projects that include any non-participating, pre-construction local agency costs for preliminary engineering (plan design), rights of way and utility adjustments. Please show your estimate of the cost for all work phases below:

Project Cost Estimate			
	Participating	Non-Participating	Total
PE (Design)	\$ -	\$ 109,202.50	\$ 109,202.50
Utilities	\$ -	\$ 10,920.25	\$ 10,920.25
ROW	\$ -	\$ 27,300.25	\$ 27,300.25
CE (Inspection)	\$ 131,043.00	\$ -	\$ 131,043.00
Construction Total	\$ 955,522.00	\$ -	\$ 955,522.00
Bridge(s)	\$ 764,417.50	\$ -	\$ 764,417.50
Grading and Surfacing	\$ 191,104.50	\$ -	\$ 191,104.50
		\$ -	\$ -
	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -
			\$ -
Project Totals	\$ 1,086,565.00	\$ 147,423.00	\$ 1,233,988.00

PROJECT PROGRAMMING REQUEST

BE IT RESOLVED: That sufficient funds from Pottawatomie County

are now, or will be available and are hereby pledged to the Secretary in the amount and at the time required for the supplementing of federal funds available for the completion of this project. Prior to Federal Authorization, any project expenditures made by the LPA are ineligible for federal funding and remain the responsibility of the LPA. Upon cancellation of the project by the LPA, the LPA shall reimburse the Secretary within thirty (30) days after receipt of statement of cost incurred by the Secretary prior to cancellation.

Please sign below in accordance with your local policy.

Recommended for Approval:

Appropriate Local Officials

Nathan Bergman, County Engineer

Dennis P. Weixelman, Chair

ATTEST:

Deloyce McKee, Vice Chair

Dawn Henry, County Clerk

Greg Riat, Member



Department of Public Works

612 E. Campbell Street
Westmoreland, KS 66549

Phone: 785-457-3631
Fax: 785-457-3422



COUNTY COMMISSION MEMORANDUM

DATE: January 18, 2023
FROM: Steve Roggenkamp, Project Coordinator
TO: Board of County Commissioners
SUBJECT: Road opening hearing

BACKGROUND

Located in Blue Township, the Green Valley Road and Highway 24 Intersection project included construction of a reverse frontage road (Edgewood Drive), and 2 roads to connect the frontage road to Highway 24 (Powers Lane and Farmers Lane). Right of way for these roads was acquired prior to the start of the project and construction of these roads was completed in 2022.

In accordance with Kansas State Statute 68-102 public notification followed by a public hearing is required to officially open a new road.

AUTHORITY

The Board of County Commissioners has the authority to lay out and open a road under K.S.A. 68-102.

68-101. *Laying out, altering or vacating roads.*

(a) Upon petition of any adjacent landowner, the board of county commissioners may lay out, alter or vacate a road. The board of county commissioners also may layout or alter any road when deemed necessary by the board.

(b) The board of county commissioners may vacate any road in the county whenever the board determines such road is not a public utility by reason of neglect, nonuse, or inconvenience or from other cause or causes such road has become practically impassable and the necessity for such road as a public utility does not justify the expenditure of the necessary funds to repair such road or put the same in condition for public travel.

(c) Notice of the laying out, alteration or vacation of any road shall be given in the manner provided by K.S.A. [68-102a](#), and amendments thereto.

PROCEDURE

If the Board of County Commissioners agrees to hold a public hearing for opening these roads, you must schedule a date and time for the hearing. A notice of the hearing must be published in the newspaper at least 20 days prior to the hearing. It appears the first available date for a hearing is Monday February 27, 2023 (the BOCC does not meet on February 20th – Presidents Day). Publication date for the hearing notice could be as early as Thursday January 26, 2023. Adjacent property owners would be mailed a notice of the hearing date.

BOARD OF COUNTY COMMISSIONERS
AGENDA MEMO
January 23, 2023

FROM: Gregg Webster, Zoning Administrator
BOCC MEETING DATE: January 23, 2023
SUBJECT: Road Vacation Public Hearing

BACKGROUND

On December 12, 2022, I presented to you, a request to vacate a portion of a road in Spring Creek Township. It is located on the north line of Section 1, Township 6, Range 8. The request is to vacate a 1 mile portion of the road easement of Parallel Road. No physical roadway exists in the eastern ½ mile. A dirt path (minimal maintenance road) exists in the western ½ mile. All property owners on both sides of the "road" have signed the petitions, requesting the vacation.

Since it is located on the County line, Marshall County had to agree to vacate the portion of the road easement in their county. They received a petition from the same landowners, requesting the vacation. They have already held their public hearing on the request and have approved the vacation of the western half mile. The eastern half mile was not included, due to an incorrect description. They will be pursuing the vacation of the eastern half of the easement. The adjoining property owners signed the petition, but an incorrect description was used in the legal notice.

REVIEW

The Public Works Department has reviewed the request, and a copy of their letter is enclosed. The utility companies serving the area (Blue Valley Technology and Nemaha-Marshall Electric Cooperative) were notified and had no objections to the vacation.

AUTHORITY

The Board of County Commissioners has the authority to vacate roads under K.S.A. 68-102:

68-102. *Laying out, altering or vacating roads.* (a) *Upon petition of any adjacent landowner, the board of county commissioners may lay out, alter or vacate a road. The board of county commissioners also may layout or alter any road when deemed necessary by the board.*

(b) *The board of county commissioners may vacate any road in the county whenever the board determines such road is not a public utility by reason of neglect, nonuse, or inconvenience or from other cause or causes such road has become practically impassable and the necessity for such road as a public utility does not justify the expenditure of the necessary funds to repair such road or put the same in condition for public travel.*

(c) *Notice of the laying out, alteration or vacation of any road shall be given in the manner provided by K.S.A. 68-102a, and amendments thereto.*

PROCEDURE

The Board of County Commissioners agreed to hold a public hearing on the vacation request, and a notice of the hearing was published in the newspaper at least 20 days prior to the hearing. The BOCC holds the public hearing on the request and makes a decision on approval of the request.

Action Options For Today

By motion:

1. Vacate the road easement as requested.
2. Vacate only the west half mile until such time that Marshall Co. has vacated the eastern half mile.
3. Deny the request completely.
4. Table the item to a future meeting.

Enclosures:

1. *Copy of the Petition from Landowners*
2. *Locator Map*
3. *Area Map*
4. *Photo*
5. *Public Works Letter*

POTTAWATOMIE COUNTY, KANSAS PETITION TO VACATE COUNTY ROAD

To the Board of Commissioners of Pottawatomie County, Kansas

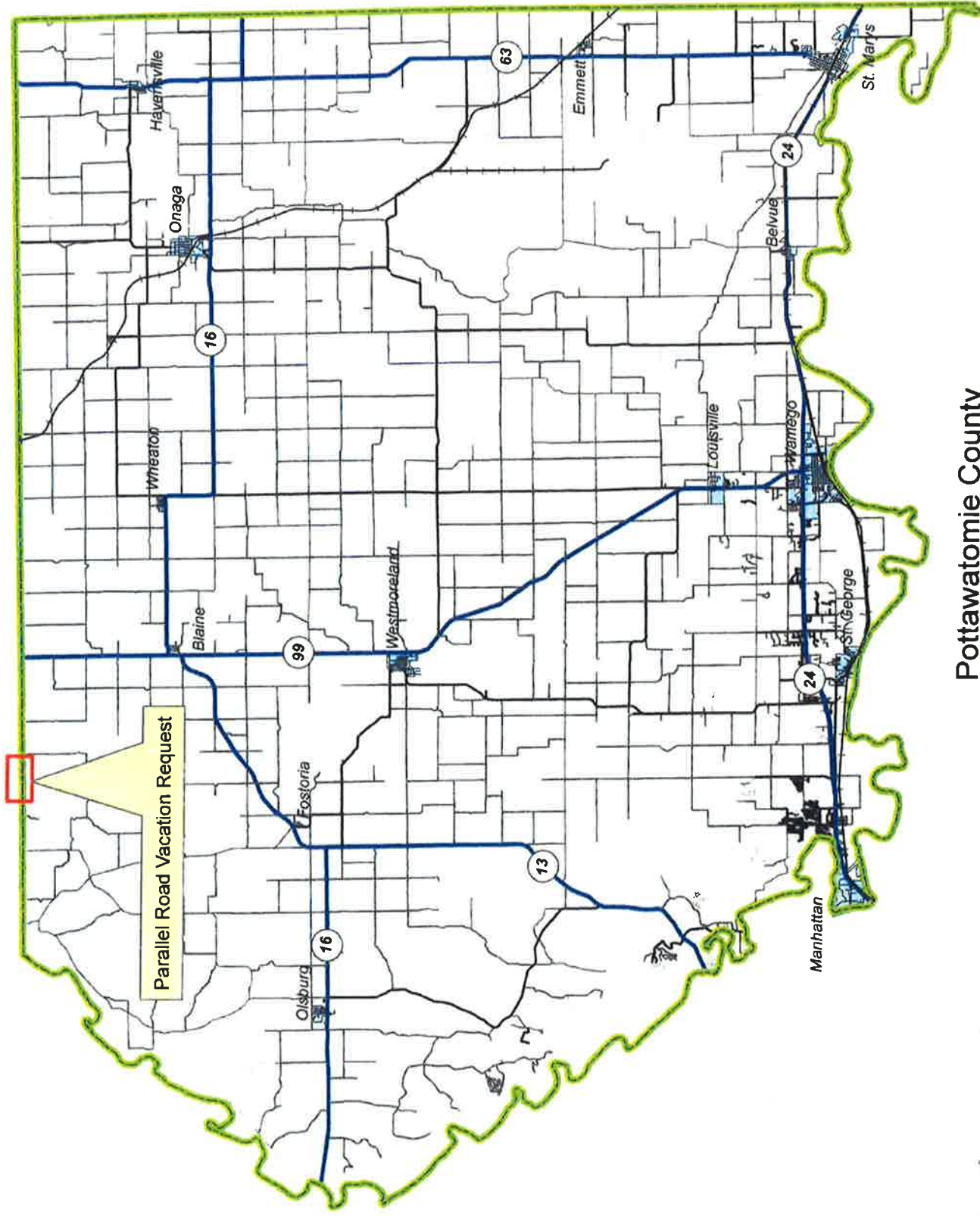
Comes now the undersigned petitioners and, pursuant to K.S.A. 68-102, respectfully requests that the following described road, street, alley or portion thereof, located in Pottawatomie County, be vacated, because said road is not a public utility by reason of neglect, nonuse, or inconvenience, and the necessity for such road as a public utility does not justify the expenditure of the necessary funds to repair such road or put the same in condition for public travel

All that portion of County Road #772 located along the north line of Section 1, Township 10S, Range 8E of the 8th P.M., Pottawatomie County, Kansas.

The undersigned petitioners are the owners of 100% of the real estate abutting on the above described area. Wherefore, petitioners pray that proceedings commence for the vacation of said road vacation pursuant to K.S.A. 68-102.

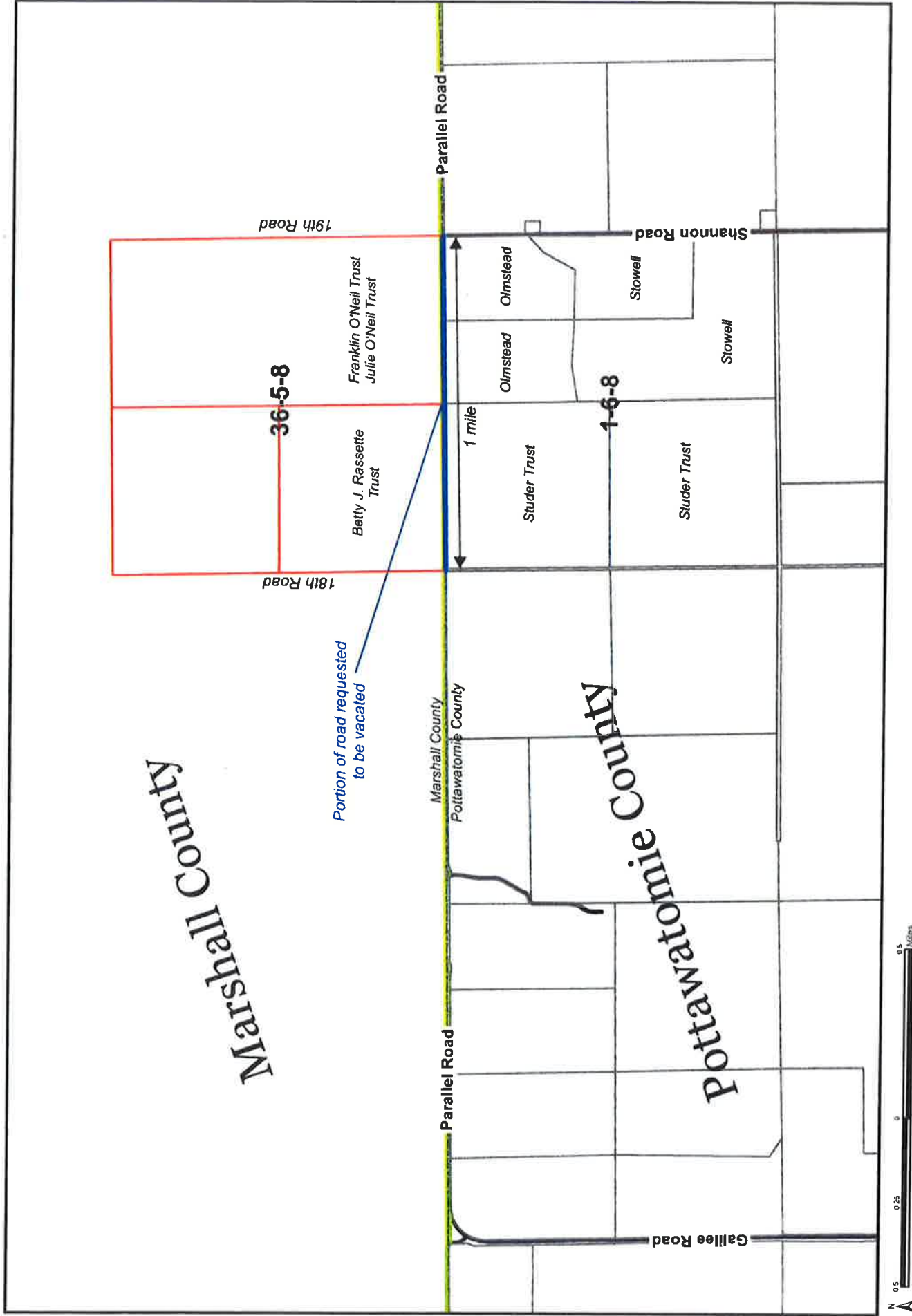
Respectfully submitted,

Signature	Print Name	Address	Date
<i>Michael Studer</i>	MICHAEL STUDER	2089 Popl Exp Beattie KS	9-11-22
<i>Vickie J. Studer</i>	VICKIE J. STUDER	" " " "	9-11-22
<i>Rosalie Olmsted</i>	Rosalie Olmsted	1011 Main Beattie, KS	9-11-22
<i>Tim Olmsted</i>	Timothy Olmsted	1011 Main Beattie, KS	9-11-22
<i>Frank J. Beattie</i>		2124 Indiana Beattie, KS	10/24/22
<i>Pauline O'Neil</i>	Felice O'Neil	2124 Indiana Beattie, KS	10/24/22
<i>Brian Rasse</i>	Brian Rasse	201 N 2 nd - 5 Frankfort, KS	10/28/22



Pottawatomie County

Locator Map - Road Vacation Request



Road Vacation Request - In Pottawatomie County, it is a Portion of Road #772 (Parallel Road)



Road Vacation Request – A Portion of Parallel Road in Spring Creek Township



Road Vacation Request Parallel Road Sec 1, Twp 6, Rng 8, in Spring Creek Township.

Public Works staff has reviewed vacation request and has found no reason to not allow the vacation of said portion of road. The road was physically inspected on 8/23/2022 and was researched the following day to follow up on any discrepancies that made not of been known at this time.

Recommendation of vacating road by staff 8/29/22.

Tim Eisenbarth

Public Works Administrator

ESTIMATE OF PROBABLE CONSTRUCTION COST
PROJECT NO. 2016-007
Schoeman Road over Kansas River

Bid Item	Unit	Quantity	Unit Price	12/30/2022 Total
Contractor Construction Staking	L.S.	1	\$25,000.00	\$25,000.00
Field Office and Laboratory (Type A)	L.S.	1	\$15,000.00	\$15,000.00
Mobilization	L.S.	1	\$650,000.00	\$650,000.00
Object Markers (Type 3)	each	4	\$250.00	\$1,000.00
Removal of Existing Structure	L.S.	1	\$400,000.00	\$400,000.00
Clearing & Grubbing	L.S.	1	\$25,000.00	\$25,000.00
Rock Excavation	CY	540	\$30.00	\$16,200.00
Common Excavation (Rural Small)	CY	1884	\$7.00	\$13,188.00
Common Excavation (Contractor Furnished)	CY	17833	\$15.00	\$267,495.00
Compaction of Earthwork (Type A)(MR 5-5)	CY	14788	\$2.50	\$36,970.00
Water (Grading)(Set Price)	Mgal	1	\$35.00	\$35.00
Aggregate Ditch Lining (6")	tons	5	\$65.00	\$325.00
Slope Drain (Stone)	Lin. Ft	134	\$55.00	\$7,370.00
Concrete Pavement (10" Unif.)(AE)(Br. APP)	S.Y.	72	\$265.00	\$19,133.00
Guard Rail, Steel Plate (MGS)	lin. ft.	325	\$75.00	\$24,375.00
Guard Rail End Terminal (MGS-MSKT)	Each	4	\$4,800.00	\$19,200.00
HMA (Commercial Grade)(Class A)	tons	1203	\$135.00	\$162,405.00
Aggregate Base (AB-3)(6")	SY	2896	\$11.00	\$31,856.00
Temporary Fertilizer (15-30-15)	lbs.	900	\$1.30	\$1,170.00
Temporary Seed (Canada Wildrye Grass Seed)	lbs.	120	\$15.00	\$1,800.00
Temporary Seed (Grain Oats)	lbs.	270	\$4.50	\$1,215.00
Temporary Seed (Sterile Wheatgrass)	lbs.	270	\$7.50	\$2,025.00
Soil Erosion Mix	lbs.	0.66	\$18.00	\$11.88
Erosion Control (Class 1, Type C)	SY	31	\$5.00	\$155.00
Temporary Ditch Check (Rock)	CY	57	\$80.00	\$4,544.00
Biodegradable Log (12")	lin. ft.	1,500	\$3.75	\$5,625.00
Biodegradable Log (18")	lin. ft.	3,000	\$6.50	\$19,500.00
Filter Sock (18")	lin. ft.	600	\$11.00	\$6,600.00
Silt Fence	lin. ft.	3,200	\$3.00	\$9,600.00
Mulching (Temporary)	ton	18	\$350.00	\$6,300.00
Fertilizer (13-13-13)	lbs.	260	\$2.00	\$520.00
Fertilizer (15-30-15)	lbs.	375	\$3.00	\$1,125.00
Seed, (Big Bluestem Grass) (Kaw)	lbs.	9.4	\$25.00	\$235.00
Seed, (Blue Grama Grass) (Lovington)	lbs.	0.7	\$45.00	\$31.50
Seed, (Buffalograss)(Treated)	lbs.	5.9	\$80.00	\$472.00
Seed (Canada Wildrye Grass)	lbs.	47	\$50.00	\$2,350.00
Seed (Indiangrass)(Osage)	lbs.	9.4	\$25.00	\$235.00
Seed, (Little Bluestem Grass)(Aldous)	lbs.	9.4	\$27.00	\$253.80
Seed, (Perennial Ryegrass)	lbs.	58.5	\$15.50	\$906.75
Seed, (Prairie Junegrass)	lbs.	3.4	\$51.00	\$173.40
Seed, (Side Oats Grama Grass) (El Reno)	lbs.	37.8	\$17.50	\$661.50
Seed, (Sterile Wheatgrass)	lbs.	47	\$17.00	\$799.00
Seed (Switchgrass)(Blackwell)	lbs.	3.3	\$14.40	\$47.52
Seed, (Tall Dropseed)	lbs.	2.4	\$20.50	\$49.20
Seed, (Tall Fescue)(Endophyte Free)	lbs.	58.5	\$13.50	\$789.75
Seed, (Western Wheatgrass)(Barton)	lbs.	26.6	\$17.00	\$452.20
Seed, (Native Wildflower Mix 1)	lbs.	48.3	\$85.00	\$4,105.50
Pavement Marking (Multi-Component)(White)(4")	lin. ft.	8,350	\$1.25	\$10,437.50
Pavement Marking (Multi-Component)(Yellow)(4")	lin. ft.	8,350	\$1.25	\$10,437.50
Work Zone Sign (Special)(16.25 Sq. Ft. & Less)	Each	4	\$250.00	\$1,000.00
Traffic Control	L.S.	1	\$20,000.00	\$20,000.00
Class I Excavation	CY	247	\$55.00	\$13,585.00
Concrete Grade 4.0 (AE)	CY	106.6	\$875.00	\$93,275.00
Concrete Grade 4.0 (AE)(SW)	CY	1832.4	\$1,025.00	\$1,878,210.00
Reinforcing Steel (Gr. 60)	lb.	7180	\$1.65	\$11,847.00

ESTIMATE OF PROBABLE CONSTRUCTION COST
PROJECT NO. 2016-007
Schoeman Road over Kansas River

12/30/2022

Reinforcing Steel (Gr. 60)(Epoxy)	lb.	557330	\$1.95	\$1,086,793.50
Structural Steel - A709 Gr. 36	lb.	1060	\$7.50	\$7,950.00
Structural Steel - A709 Gr. 50	lb.	26050	\$3.15	\$82,057.50
Structural Steel - A709 Gr. 50W	lb.	7480	\$3.15	\$23,562.00
Structural Steel - M270 Gr. 50T3	lb.	42560	\$3.15	\$134,064.00
Structural Steel - M270 Gr. 50WT3	lb.	60440	\$3.15	\$190,386.00
Bearing (Steel)	each	16	\$5,200.00	\$83,200.00
Welded Stud Shear Connectors	each	5484	\$7.50	\$41,130.00
Steel Pile (HP12x53)	lin. ft.	1045	\$75.00	\$78,375.00
Expansion Device (Finger Plate)	lin. ft.	72	\$2,900.00	\$208,800.00
Expansion Joint (Strip Seal Assembly)	lin. ft.	27	\$750.00	\$20,250.00
Bridge Drainage System	each	8	\$9,400.00	\$75,200.00
Bridge Deck Grooving	SY	4674	\$9.00	\$42,066.00
Bridge Painting Organic Zinc/Acrylic System	L.S.	1	\$1,890,000.00	\$1,890,000.00
Environmental Protection	L.S.	1	\$725,000.00	\$725,000.00
Substructure Waterproofing Membrane	SY	140	\$200.00	\$28,000.00
Concrete Surface Repair	SF	200	\$125.00	\$25,000.00
Drilling and Grouting	each	124	\$35.00	\$4,340.00
Temporary Shoring	L.S.	1	\$65,000.00	\$65,000.00
Slope Protection (Riprap Stone)	CY	1403	\$85.00	\$119,255.00
Slope Protection (Aggregate)	CY	489	\$100.00	\$48,900.00
Reinforcing Steel (Gr. 60)(Set Price)	lb.	1	\$3.00	\$3.00
Bridge Backwall Protection System	SY	52	\$40.00	\$2,080.00
Electric Conduit (2")(Metallic)	lin. ft.	2,188	\$42.00	<u>\$91,896.00</u>
			Sub-Total	\$8,898,405.00
			10% Contingency	\$889,840.50
			Total	<u>\$9,788,245.50</u>

ESTIMATE OF PROBABLE CONSTRUCTION COST
PROJECT NO. 2016-007

Schoeman Road over Kansas River

New Superstructure - 26' Roadway				12/30/2022
Bid Item	Unit	Quantity	Unit Price	Total
Contractor Construction Staking	L.S.	1	\$25,000.00	\$25,000.00
Field Office and Laboratory (Type A)	L.S.	1	\$15,000.00	\$15,000.00
Mobilization	L.S.	1	\$750,000.00	\$750,000.00
Object Markers (Type 3)	each	4	\$250.00	\$1,000.00
Removal of Existing Structure	L.S.	1	\$250,000.00	\$250,000.00
Clearing & Grubbing	L.S.	1	\$25,000.00	\$25,000.00
Rock Excavation	CY	540	\$30.00	\$16,200.00
Common Excavation	CY	1884	\$7.00	\$13,188.00
Common Excavation (Contractor Furnished)	CY	17833	\$15.00	\$267,495.00
Compaction of Earthwork (Type A)(MR 5-5)	CY	14788	\$2.50	\$36,970.00
Water (Grading)(Set Price)	Mgal	1	\$35.00	\$35.00
Aggregate Ditch Lining (6")	tons	5	\$65.00	\$325.00
Slope Drain (Stone)	Lin. Ft	134	\$55.00	\$7,370.00
Concrete Pavement (10" Unif.)(AE)	S.Y.	72.2	\$265.00	\$19,133.00
Guard Rail, Steel Plate (MGS)	lin. ft.	325	\$75.00	\$24,375.00
Guard Rail End Terminal (MGS-MSKT)	Each	4	\$4,800.00	\$19,200.00
HMA (Commercial Grade)(Class A)	tons	1203	\$135.00	\$162,405.00
Aggregate Base (AB-3)(6")	SY	2896	\$11.00	\$31,856.00
Temporary Fertilizer (15-30-15)	lbs.	900	\$1.30	\$1,170.00
Temporary Seed (Canada Wildrye Grass Seed)	lbs.	120	\$15.00	\$1,800.00
Temporary Seed (Grain Oats)	lbs.	270	\$4.50	\$1,215.00
Temporary Seed (Sterile Wheatgrass)	lbs.	270	\$7.50	\$2,025.00
Soil Erosion Mix	lbs.	0.66	\$18.00	\$11.88
Erosion Control (Class 1, Type C)	SY	31	\$5.00	\$155.00
Temporary Ditch Check (Rock)	CY	57	\$80.00	\$4,544.00
Biodegradable Log (12")	lin. ft.	1,500	\$3.75	\$5,625.00
Biodegradable Log (18")	lin. ft.	3,000	\$6.50	\$19,500.00
Filter Sock (18")	lin. ft.	600	\$11.00	\$6,600.00
Silt Fence	lin. ft.	3,200	\$3.00	\$9,600.00
Mulching (Temporary)	ton	18	\$350.00	\$6,300.00
Fertilizer (13-13-13)	lbs.	260	\$2.00	\$520.00
Fertilizer (15-30-15)	lbs.	375	\$3.00	\$1,125.00
Seed, (Big Bluestem Grass) (Kaw)	lbs.	9.4	\$25.00	\$235.00
Seed, (Blue Grama Grass) (Lovington)	lbs.	0.7	\$45.00	\$31.50
Seed, (Buffalograss)(Treated)	lbs.	5.9	\$80.00	\$472.00
Seed (Canada Wildrye Grass)	lbs.	47	\$50.00	\$2,350.00
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Seed, (Little Bluestem Grass)(Aldous)	lbs.	9.4	\$27.00	\$253.80
Seed, (Perennial Ryegrass)	lbs.	58.5	\$15.50	\$906.75
Seed, (Prairie Junegrass)	lbs.	3.4	\$51.00	\$173.40
Seed, (Side Oats Grama Grass) (El Reno)	lbs.	37.8	\$17.50	\$661.50
Seed, (Sterile Wheatgrass)(Regreen/Quick Guard)	lbs.	47	\$17.00	\$799.00
Seed (Switchgrass)(Blackwell)	lbs.	3.3	\$14.40	\$47.52
Seed, (Tall Dropseed)	lbs.	2.4	\$20.50	\$49.20
Seed, (Tall Fescue)(Endophyte Free)	lbs.	58.5	\$13.50	\$789.75
Seed, (Western Wheatgrass)(Barton)	lbs.	26.6	\$17.00	\$452.20
Seed, (Native Wildflower Mix 1)	lbs.	48.3	\$85.00	\$4,105.50
Pavement Marking (Multi-Component)(White)(6")	lin. ft.	8,350	\$1.25	\$10,437.50
Pavement Marking (Multi-Component)(Yellow)(4")	lin. ft.	8,350	\$1.25	\$10,437.50
Work Zone Sign (Special)(16.25 Sq. Ft. & Less)	Each	4	\$250.00	\$1,000.00
Traffic Control	L.S.	1	\$20,000.00	\$20,000.00
Class I Excavation	CY	247	\$55.00	\$13,585.00
Concrete Grade 4.0 (AE)	CY	106.6	\$875.00	\$93,275.00
Concrete Grade 4.0 (AE)(SW)	CY	1985.1	\$875.00	\$1,736,962.50
Reinforcing Steel (Gr. 60)	lb.	7180	\$1.65	\$11,847.00

ESTIMATE OF PROBABLE CONSTRUCTION COST
PROJECT NO. 2016-007

Schoeman Road over Kansas River

New Superstructure - 26' Roadway				12/30/2022
Reinforcing Steel (Gr. 60)(Epoxy)	lb.	557330	\$1.95	\$1,086,793.50
Structural Steel - A709 Gr. 36	lb.	1060	\$7.50	\$7,950.00
Structural Steel - A709 Gr. 50W	lb.	1740500	\$3.05	\$5,308,525.00
Structural Steel - M270 Gr. 50WT3	lb.	1227500	\$3.05	\$3,743,875.00
Bearing Device	each	46	\$5,200.00	\$239,200.00
Welded Stud Shear Connectors	each	22100	\$6.50	\$143,650.00
Steel Pile (HP12x53)	lin. ft.	1045	\$75.00	\$78,375.00
Expansion Device (Finger Plate)	lin. ft.	78	\$2,900.00	\$226,200.00
Expansion Joint (Strip Seal Assembly)	lin. ft.	27	\$750.00	\$20,250.00
Bridge Drainage System	each	8	\$9,400.00	\$75,200.00
Bridge Deck Grooving	SY	4674	\$9.00	\$42,066.00
Substructure Waterproofing Membrane	SY	140	\$200.00	\$28,000.00
Concrete Surface Repair	SF	200	\$125.00	\$25,000.00
Drilling and Grouting	each	124	\$35.00	\$4,340.00
Slope Protection (Riprap Stone)	CY	1403	\$85.00	\$119,255.00
Slope Protection (Aggregate)	CY	489	\$100.00	\$48,900.00
Reinforcing Steel (Gr. 60)(Set Price)	lb.	1	\$3.00	\$3.00
Bridge Backwall Protection System	SY	52	\$42.00	\$2,184.00
Electric Conduit (2")(Metallic)	lin. ft.	2,188	\$42.00	\$91,896.00
Sub-Total				\$14,925,512.00
10% Contingency				\$1,492,551.20
Total				\$16,418,063.20