

(Published in the Topeka Metro News February 21, 2022)

ORDINANCE NO. 20343

AN ORDINANCE introduced by Interim City Manager William E. Cochran, concerning the adoption of the 2021 International Energy Conservation Code for Commercial Buildings by adding Chapter 14.85 to the Topeka Municipal Code.

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

Section 1. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 14.85.010 which said section reads as follows:

International Energy Conservation Code (Commercial) (IECC) – Adopted.

(a) Except as provided in subsections (b) and (c), the International Energy Conservation Code for Commercial Buildings (IECC), 2021 Edition, as published by the International Code Council and amended by this chapter, is hereby adopted as the code for the purpose of regulating the design and construction of commercial buildings for the effective use and conservation of energy over the useful life of each building.

(b) Appendices RA, RB, RC (Residential Provisions) and CA (Board of Appeals/Commercial) are not adopted herein.

(c) Residential Provisions in Chapters 1-6 [RE] are not adopted herein.

Section 2. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 14.85.020 which said section reads as follows:

IECC – Copies on file in clerk's office.

At least one copy of the IECC, as amended, shall be on file with the city clerk to be available for inspection by the public at all reasonable business hours.

Section 3. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 14.85.030 which said section reads as follows:

29 **Code official designated.**

30 Whenever the term “code official” is used in the IECC, it shall be construed to
31 mean the development services division director or designee.

32 Section 4. That The Code of the City of Topeka, Kansas, is hereby amended
33 by adding a section, to be numbered 14.85.040 which said section reads as follows:

34 **Amendments -- Generally.**

35 The amendments to the IECC adopted herein shall be set out in this chapter. All
36 references to section and chapter numbers shall be construed as if followed by the
37 words “of the International Energy Conservation Code,” unless clearly indicated
38 otherwise.

39 Section 5. That The Code of the City of Topeka, Kansas, is hereby amended
40 by adding a section, to be numbered 14.85.050 which said section reads as follows:

41 **General references to adopted codes.**

42 (a) Any reference to the following codes in the IECC will be deleted and
43 replaced with the following codes:

- 44 • International Property Maintenance Code is replaced with the property
45 maintenance code, adopted in Chapter 8.60 TMC.
- 46 • International Building Code is replaced with the building code, adopted in
47 Chapter 14.20 TMC.
- 48 • Electrical Code is replaced with the electrical code, adopted in Chapter 14.30
49 TMC.
- 50 • International Plumbing Code is replaced with the plumbing code, adopted in
51 Chapter 14.35 TMC.

- International Fire Code is replaced with the fire code, adopted in Chapter 14.40 TMC.
- International Mechanical Code is replaced with the mechanical code, adopted in Chapter 14.50 TMC.
- International Residential Code is replaced with the residential code, adopted in Chapter 14.55 TMC.
- International Energy Conservation Code (Residential) is replaced with the energy conservation code, adopted in Chapter 14.80 TMC.

Section 6. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 14.85.060 which said section reads as follows:

Amendments to Chapter 1 [CE].

(a) Section C103, CONSTRUCTION DOCUMENTS, is hereby amended to include Section C103.6.4, Code footprint, which reads as follows:

(1) A code footprint shall be included with each set of construction documents submitted for commercial building permit review and approval. A code footprint shall mean a building and life safety code compliance document that contains both graphic and narrative information and that meets the requirements of this code section and the code official's policy regarding format and regulation.

(2) Each code footprint shall be prepared by an architect registered with the State of Kansas.

(3) A code footprint shall be prepared for all new buildings, new building additions, changes in occupancy, or building renovation, with the exception of buildings used solely as dwelling houses containing no more than

76 two families.

77 (4) All commercial projects shall be submitted with Comcheck that
78 reflects the adopted sections of the IECC.

79 (b) Section C104, FEES, is hereby deleted in its entirety and the following
80 provisions are substituted therefore:

81 Permit; Fees. Whenever any person shall erect, construct, alter, repair,
82 move, improve or convert any commercial building that is regulated by this
83 chapter, the person shall first apply to the code official and obtain a permit, if
84 required, in accordance with TMC 14.20.060.

85 (c) Section C110, BOARD OF APPEALS, is hereby deleted in its entirety and
86 the following provision shall be substituted therefor:

87 Appeals of orders, decisions or determinations made by the code official
88 relative to the application and interpretation of this code shall be considered by
89 the Board of Building and Fire Appeals pursuant to Chapter 2.235 TMC.

90 Section 7. That The Code of the City of Topeka, Kansas, is hereby amended
91 by adding a section, to be numbered 14.85.070 which said section reads as follows:

92 **Amendments to Chapter 3 [CE].**

93 Section C302, DESIGN CONDITIONS, is hereby deleted in its entirety.

94 Section 8. That The Code of the City of Topeka, Kansas, is hereby amended
95 by adding a section, to be numbered 14.85.080 which said section reads as follows:

96 **Amendments to Chapter 4 [CE].**

97 (a) Section C402.2.2, Above-grade walls, is hereby deleted in its entirety.

98 (b) Section C402.5.2, Dwelling and sleeping unit enclosure testing, is hereby
99 deleted in its entirety.

(c) Section C402.5.3, Building thermal envelope testing, is hereby deleted in its entirety.

(d) Section C402.5.11, Operable openings interlocking, is hereby deleted in its entirety.

(e) Section C403, BUILDING MECHANICAL SYSTEMS, is hereby deleted in its entirety.

(f) Section C404, SERVICE WATER HEATING, is hereby deleted in its entirety.

(g) Section C405, ELECTRICAL POWER & LIGHTING SYSTEMS, is hereby deleted in its entirety.

(h) Section C406, ADDITIONAL EFFICIENCY REQUIREMENTS, is hereby deleted in its entirety.

(i) Section C407, TOTAL BUILDING PERFORMANCE, is hereby deleted in its entirety.

(j) Section C408, MAINTENANCE INFORMATION AND SYSTEM COMMISSIONING, is hereby deleted in its entirety.

Section 9. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 14.85.090 which said section reads as follows:

Amendments to Chapter 5 [CE].

(a) Section C502.3.3, Building mechanical systems, is hereby deleted in its entirety.

(b) Section C502.3.4, Service water-heating systems, is hereby deleted in its entirety.

(c) Section C502.3.5, Pools and inground permanently installed spas, is

124 hereby deleted in its entirety.

125 (d) Section C502.3.6, Lighting power and systems, is hereby deleted in its
126 entirety.

127 (e) Section C503.3, Heating and cooling systems, is hereby deleted in its
128 entirety.

129 (f) Section C503.4, Service hot water systems, is hereby deleted in its
130 entirety.

131 (g) Section C503.5, Lighting systems, is hereby deleted in its entirety.

132 (h) Section C505, CHANGE OF OCCUPANCY OR USE, is hereby deleted in
133 its entirety.

134 Section 10. This ordinance shall take effect and be in force on April 1, 2022
135 after its passage, approval and publication in the official City newspaper.

136 Section 11. This ordinance shall supersede all ordinances, resolutions or rules,
137 or portions thereof, which are in conflict with the provisions of this ordinance.

138 Section 12. Should any section, clause or phrase of this ordinance be declared
139 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
140 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

141 PASSED AND APPROVED by the Governing Body on February 15, 2022.

142 CITY OF TOPEKA, KANSAS

143
144
145
146
147 _____
Michael A. Padilla, Mayor

148 ATTEST:

149
150
151 _____
152 Brenda Younger, City Clerk