

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

ORDINANCE NO. 20344

AN ORDINANCE introduced by Interim City Manager William E. Cochran, concerning the adoption of the 2021 International Existing Building Code and repeal of the Uniform Code for Building Conservation by amending Chapter 14.25 of the Topeka Municipal Code.

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

Section 1. That section 14.25.010, Adopted, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows.

Adopted.

~~(a) The Uniform Code for Building Conservation, 1997 Edition, published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California, is hereby adopted by the City for existing buildings and historic structures and is hereby incorporated herein as if fully set out.~~

~~(b) At least one copy of the Uniform Code for Building Conservation as adopted in this chapter shall be on file with the City Clerk to be available for inspection by the public during business hours.~~

International Existing Building Code (IEBC) – Adopted.

(a) Except as provided in subsection (b), the International Existing Building Code (IEBC), 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 repair, alteration, change of occupancy, addition to and relocation of existing buildings.

(b) Appendices B, C and D are specifically not adopted herein.

Section 2. That section 14.25.020, Table 5-E, hazard categories and

classifications earthquake safety, of The Code of the City of Topeka, Kansas, is hereby amended as follows.

~~Table 5-E, hazard categories and classifications earthquake safety.~~

~~Table 5-E, hazard categories and classifications earthquake safety, of Chapter 5, Uniform Code for Building Conservation, 1997 Edition, is hereby specifically repealed.~~

IEBC – Copies on file in clerk’s office.

At least one copy of the IEBC, 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 14.25.030 which said section reads as follows:

Generally.

The amendments to the IEBC adopted herein shall be set out in this chapter. All references to section and chapter numbers shall be construed as if followed by the words “of the International Existing Building Code,” unless clearly indicated otherwise.

Section 4. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 14.25.040, which said section reads as follows:

Section 103, Code Compliance Agency.

Section 103, Code Compliance Agency, is hereby deleted in its entirety and the following provision shall be substituted therefor:

The development services division shall be responsible for the implementation, administration and enforcement of the provisions of this code. Any reference to “Department of Building Safety” will mean the development services division. Whenever the term “code official” is used in the IEBC, it shall be construed to mean to

development services division director or designee.

Section 5. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 14.25.050, which said section reads as follows:

104.2.1, Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas.

Section 104.2.1, Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas, is hereby deleted in its entirety and the following provision shall be substituted therefor:

For applications for reconstruction, rehabilitation, repair, alteration, additions or other improvement of existing buildings or structures located in flood hazard areas, the building official shall determine whether the proposed work constitutes substantial improvement or repair of substantial damage. Where the building official determines that the proposed work constitutes substantial improvement or repair of substantial damage, the building official shall require the building to meet the requirements provided in the TMC Chapters 14.20 (building code) and 17.30 (floodplain management).

Section 6. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 14.25.060, which said section reads as follows:

104.10.1, Flood hazard areas.

Section 104.10.1, Flood hazard areas, is hereby deleted in its entirety and the following provision shall be substituted therefor:

For existing buildings located in flood hazard areas for which repairs, alterations and additions constitute substantial improvement, the code official

75 shall not grant modifications to provisions related to flood resistance, except as
76 provided in TMC Chapters 14.20 (building code) and 17.30 (floodplain
77 management).

78 Section 7. That The Code of the City of Topeka, Kansas, is hereby amended
79 by adding a section, to be numbered 14.25.070, which said section reads as follows:

80 **Section 105, Permits.**

81 Section 105, Permits, is hereby deleted in its entirety and the following provision
82 shall be substituted therefor:

83 Any owner or owner's authorized agent who intends to repair, add to,
84 alter, relocate, demolish, or change the occupancy of a building or to repair,
85 install, add, alter, remove, convert, or replace any electrical, gas, mechanical, or
86 plumbing system, the installation of which is regulated by this chapter, or to
87 cause any such work to be performed, shall first apply to the code official and
88 obtain a permit, if required by TMC Title 14.

89 Section 8. That The Code of the City of Topeka, Kansas, is hereby amended
90 by adding a section, to be numbered 14.25.080, which said section reads as follows:

91 **109.3.3, Lowest floor elevation.**

92 Section 109.3.3, Lowest floor elevation, is hereby deleted in its entirety and the
93 following provision shall be substituted therefor:

94 For additions and substantial improvements to existing buildings in flood
95 hazard areas, upon placement of the lowest floor, including basement, and prior
96 to further vertical construction, any elevation documentation required in Chapter
97 14.20 TMC or Chapter 17.30 TMC shall be submitted to the code official.

98 Section 9. That The Code of the City of Topeka, Kansas, is hereby amended
99 by adding a section, to be numbered 14.25.090, which said section reads as follows:

100 **112, Means of Appeals.**

101 Section 112, Means of Appeals, is hereby deleted in its entirety and the following
102 provision shall be substituted therefor:

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

106 Section 10. That The Code of the City of Topeka, Kansas, is hereby amended
107 by adding a section, to be numbered 14.25.100, which said section reads as follows:

108 **113.4, Violation penalties.**

109 Section 113.4, Violation penalties, is hereby deleted in its entirety and the
110 following provision shall be substituted therefor:

111 Violation of any provision of TMC 14.25.010 shall constitute a
112 misdemeanor. Any person who violates any provision of TMC 14.25.010 or fails
113 to comply with any of its requirements shall, upon conviction thereof, be fined not
114 to exceed \$499.00. Each day such violation continues shall be considered a
115 separate offense.

116 Section 11. That The Code of the City of Topeka, Kansas, is hereby amended
117 by adding a section, to be numbered 14.25.110, which said section reads as follows:

118 **115, Unsafe Structures and Equipment; 116, Emergency Measures; 117,**
119 **Demolition.**

120 Sections 115 through 117 are deleted in their entirety.

Section 12. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 14.25.120, which said section reads as follows:

201.3, Terms defined in other codes.

Section 201.3, Terms defined in other codes, is hereby deleted in its entirety and the following provision shall be substituted therefor:

(a) Where terms are not defined in this code and are defined in other codes, such terms shall have the meanings ascribed to them in those codes.

Any reference to the following codes in the IEBC will be deleted and replaced with the following codes:

- International Property Maintenance Code is replaced with the property maintenance code, adopted in Chapter 8.60 TMC.
- International Building Code is replaced with the building code, adopted in Chapter 14.20 TMC.
- Electrical Code is replaced with the electrical code, adopted in Chapter 14.30 TMC.
- International Plumbing Code is replaced with the plumbing code, adopted in 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 is replaced with the energy conservation codes, adopted in Chapter 14 TMC.

(b) Any reference to the sections in Chapter 11 of the 2015 International Fire Code will be deleted and replaced with applicable sections of the IEBC unless the building code official, in consultation with the fire code official, determines that the public's health and safety is better served by following the applicable provisions of the Life Safety Code adopted at TMC 14.45.010.

Section 13. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 14.25.130, which said section reads as follows:

302.2, Additional codes.

Section 302.2, Additional codes, is hereby deleted in its entirety and the following provision shall be substituted therefor:

Alterations, repairs, additions and changes of occupancy to, or relocation of, existing buildings and structures shall comply with the provisions for alterations, repairs, additions, and changes of occupancy or relocation, respectively, in this code and the following codes: NFPA 70, TMC Chapter 14 (energy conservation codes); TMC Chapter 14.40 (fire code); TMC Chapter 14.50 (mechanical code); TMC Chapter 14.55 (residential code); and TMC Chapter 14.35 (plumbing code). Where provision of the other codes conflict with provisions of this code, the provisions of this code shall take precedence.

Section 14. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 14.25.140, which said section reads as follows:

306, Accessibility For Existing Buildings.

167 Section 306, Accessibility for Existing Buildings, is hereby deleted in its entirety
168 and the following provision shall be substituted therefor:

169 Applicable city ordinances, state and federal statutes and implementing
170 regulations concerning accessibility shall apply to maintenance, change of
171 occupancy, additions and alterations to existing buildings, including those
172 identified as historic buildings.

173 Section 15. That the Code of the City of Topeka, Kansas, is hereby amended by
174 adding a section, to be numbered 14.25.150, which said section reads as follows:

175 **502.3, Flood hazard areas.**

176 Section 502.3. Flood hazard areas, is hereby deleted in its entirety and the
177 following provision shall be substituted therefor:

178 For buildings and structures in flood hazard areas established in Section
179 1612.3 of the International Building Code, or Section R322 of the International
180 Residential Code, as applicable, any addition that constitutes substantial
181 improvement of the existing structure shall comply with the requirements
182 provided in the TMC Chapters 14.20 (building code) and 17.30 (floodplain
183 management). Additions to buildings and structures in such flood hazard areas
184 that do not constitute substantial improvement are not required to comply to meet
185 the requirements provided in the TMC Chapters 14.20 (building code) and 17.30
186 (floodplain management).

187 Section 16. That The Code of the City of Topeka, Kansas, is hereby amended
188 by adding a section, to be numbered 14.25.160, which said section reads as follows:

189 **503.2, Flood hazard areas.**

190 Section 503.2, Flood hazard areas, is hereby deleted in its entirety and the
191 following provision shall be substituted therefor:

192 For buildings and structures in flood hazard areas established in Section
193 1612.3 of the International Building Code, or Section R322 of the International
194 Residential Code, as applicable, any alteration that constitutes substantial
195 improvement of the existing structure shall comply with the requirements
196 provided in the TMC Chapters 14.20 (building code) and 17.30 (floodplain
197 management). Alterations to buildings and structures in such flood hazard areas
198 that do not constitute substantial improvement are not required to comply to meet
199 the requirements provided in the TMC Chapters 14.20 (building code) and 17.30
200 (floodplain management).

201 Section 17. That The Code of the City of Topeka, Kansas, is hereby amended
202 by adding a section, to be numbered 14.25.170, which said section reads as follows:

203 **507.3, Flood hazard areas.**

204 Section 507.3, Flood hazard areas, is hereby deleted in its entirety and the
205 following provision shall be substituted therefor:

206 In flood hazard areas, repairs that constitute substantial improvement shall
207 require that the building comply with the requirements provided in the TMC Chapters
208 14.20 (building code) and 17.30 (floodplain management).

209 Section 18. That the Code of the City of Topeka, Kansas, is hereby amended
210 by adding a section, to be numbered 14.25.180, which said section reads as follows:

211 **701.3, Flood hazard areas.**

212 Section 701.3, Flood hazard areas, is hereby deleted in its entirety and the

213 following provision shall be substituted therefor:

214 In flood hazard areas, alterations that constitute substantial improvement
215 shall require that the building comply with TMC Chapters 14.20 (building code),
216 14.55 (residential code), as applicable, and 17.30 (floodplain management).

217 Section 19. That The Code of the City of Topeka, Kansas, is hereby amended
218 by adding a section, to be numbered 14.25.190, which said section reads as follows:

219 **702.7.1, International Fuel Gas Code.**

220 Section 702.7.1, International Fuel Gas Code, is hereby deleted in its entirety.

221 Section 20. That The Code of the City of Topeka, Kansas, is hereby amended
222 by adding a section, to be numbered 14.25.200, which said section reads as follows:

223 **705, Reroofing.**

224 Section 705, Reroofing, is hereby deleted in its entirety and the following
225 provision shall be substituted therefor:

226 Materials and methods of application used for recovering or replacing an
227 existing roof covering shall comply with TMC Chapter 14.20.

228 Section 21. That The Code of the City of Topeka, Kansas, is hereby amended
229 by adding a section, to be numbered 14.25.210, which said section reads as follows:

230 **708.1, Minimum requirements.**

231 Section 708.1, Minimum requirements, is hereby deleted in its entirety and the
232 following provision shall be substituted therefor:

233 Level 1 alterations to existing buildings or structures are permitted without
234 requiring the entire building or structure to comply with the energy requirements
235 of TMC Chapter 14.55 (residential code) and the energy conservation codes in

TMC Chapter 14. The alterations shall conform to the requirements in TMC Chapter 14.55 and the energy conservation codes as they relate to new construction only.

Section 22. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 14.25.220, which said section reads as follows:

1103.3, Flood hazard areas.

Section 1103.3, Flood hazard areas, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

Additions and foundations in flood hazard areas shall comply with TMC Chapters 14.20 (building code) and 17.30 (floodplain management).

Section 23. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 14.25.230, which said section reads as follows:

1201.4, Flood hazard areas.

Section 1201.4, Flood hazard areas, except for the provision marked "Exception," is hereby deleted in its entirety and the following provision shall be substituted therefor:

In flood hazard areas, if all proposed work, including repairs, work required because of a change of occupancy, and alterations, constitutes substantial improvement, then the existing building shall comply with the requirements provided in the TMC Chapters 14.20 (building code) and 17.30 (floodplain management).

Section 24. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 14.25.240, which said section reads as follows:

1402.6, Flood hazard areas.

259 Section 1402.6, Flood hazard areas, is hereby deleted in its entirety and the
260 following provision shall be substituted therefor:

261 If relocated or moved into a flood hazard area, structures shall comply with
262 the requirements provided in the TMC Chapters 14.20 (building code) and 17.30
263 (floodplain management).

264 Section 25. That The Code of the City of Topeka, Kansas, is hereby amended
265 by adding a section, to be numbered 14.25.250, which said section reads as follows:

266 **1301.4.1, Structural analysis.**

267 Section 1301.4.1, Structural analysis, is hereby deleted in its entirety and the
268 following provision shall be substituted therefor:

269 The owner shall have a structural analysis of the existing building made to
270 determine adequacy of structural systems for the proposed alteration, addition or
271 change of occupancy. The analysis shall demonstrate that the building with the
272 work completed meets the structural provisions of IEBC Chapters 4, 6-12, and
273 14.

274 Section 26. That The Code of the City of Topeka, Kansas, is hereby amended
275 by adding a section, to be numbered 14.25.260, which said section reads as follows:

276 **1508.1, Construction sites.**

277 Section 1508.1, Construction sites, is hereby deleted in its entirety and the
278 following provision shall be substituted therefor:

279 Structures, sites, and equipment directly associated with the actual
280 process of construction, including but not limited to scaffolding, bridging, material
281 hoists, material storage, or construction trailers shall comply with city ordinances,

state and federal statutes and implementing regulations for accessibility.

Section 27. That original § 14.25.010 and § 14.25.020 of The Code of the City of Topeka, Kansas, are hereby specifically repealed.

Section 28. This ordinance shall take effect and be in force on April 1, 2022 after its passage, approval and publication in the official City newspaper.

Section 29. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 30. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

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

CITY OF TOPEKA, KANSAS

Michael A. Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk