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ORDINANCE NO. 20344


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earthquake safety, of Chapter 5, Uniform Code for Building Conservation, 1997 Edition, is hereby specifically repealed.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
shall not grant modifications to provisions related to flood resistance, except as provided in TMC Chapters 14.20 (building code) and 17.30 (floodplain management).

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

Section 105, Permits.

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

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

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

109.3.3, Lowest floor elevation.

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

For additions and substantial improvements to existing buildings in flood hazard areas, upon placement of the lowest floor, including basement, and prior to further vertical construction, any elevation documentation required in Chapter 14.20 TMC or Chapter 17.30 TMC shall be submitted to the code official.
Section 9. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 14.25.090, which said section reads as follows:

112, Means of Appeals.

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

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

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

113.4, Violation penalties.

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

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

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

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

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

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

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

**502.3, Flood hazard areas.**

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

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

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

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

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

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

507.3, Flood hazard areas.

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

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

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

701.3, Flood hazard areas.

Section 701.3, Flood hazard areas, is hereby deleted in its entirety and the
following provision shall be substituted therefor:

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

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


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

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

705, Reroofing.

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

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

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

708.1, Minimum requirements.

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

Level 1 alterations to existing buildings or structures are permitted without requiring the entire building or structure to comply with the energy requirements 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.
Section 1402.6, Flood hazard areas, is hereby deleted in its entirety and the following provision shall be substituted therefor:

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

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

1301.4.1, Structural analysis.

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

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

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

1508.1, Construction sites.

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

Structures, sites, and equipment directly associated with the actual process of construction, including but not limited to scaffolding, bridging, material 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

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Michael A. Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk