

1 (Published in the Topeka Metro News February 13, 2023)

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3 **ORDINANCE NO. 20407**

4
5 AN ORDINANCE introduced by City Manager Stephen Wade adopting the 2021
6 International Fire Code, amending Chapter 14.40 of the Topeka
7 Municipal Code and repealing original section.
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9 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

10 Section 1. That section 14.40.010, Adoption of 2015 International Fire Code.,
11 of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

12 **Adoption of ~~2015~~2021 International Fire Code.**

13 There is hereby adopted by reference, and incorporated herein as if fully set out
14 in this chapter, the ~~2015~~2021 International Fire Code, as amended, including
15 Appendices B, C, D, E, and ~~F~~, G, H, I and N, except as hereafter provided in Article II of
16 this chapter.

17 Section 2. That section 14.40.020, Copies on file in Clerk's office, of The Code
18 of the City of Topeka, Kansas, is hereby amended to read as follows:

19 **Copies on file in Clerk's office.**

20 At least one copy of the ~~2015~~2021 International Fire Code as adopted in this
21 chapter shall be on file with the City Clerk to be available for inspection by the public at
22 all reasonable business hours. The Police Department, Municipal Court and all
23 administrative departments of the City charged with the duty of enforcement of this
24 chapter shall be supplied, at the cost of the City, such number of copies of the code as
25 may be deemed expedient by the Fire Chief.

26 Section 3. That section 14.40.030, Generally, of The Code of the City of
27 Topeka, Kansas, is hereby amended to read as follows:

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Generally.

Amendments to the ~~2015~~2021 International Fire Code adopted by TMC 14.40.010 shall be as set out in this article. All references to section and chapter numbers in the text of this article shall be construed as if followed by the words “of the fire code” unless clearly indicated to the contrary.

Section 4. That section 14.40.040, Chapter 1, Section 105.1.1, Permits required, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Chapter 1, Section ~~105.1.1, Permits required~~102.4. Application of building code.

Chapter 1, Section ~~105.1.1, Permits required~~Section 102.4, Application of building code, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

- ~~The Topeka Fire Department will issue operational permits for the following:~~
- ~~1. Explosives;~~
 - ~~2. Flammable and combustible liquids;~~
 - ~~3. Liquid or gas fueled vehicles or equipment in assembly buildings;~~
 - ~~4. LP gas;~~
 - ~~5. Open burning;~~
 - ~~6. Pyrotechnic special effects materials; and~~
 - ~~7. Temporary membrane structures, tents, and canopies.~~

The design and construction of new structures shall comply with the 2021 International Building Code. Repairs, alterations and additions to existing structures

shall comply with the applicable sections of this code and the 2021 International Existing Building Code.

Section 5. That section 14.40.050, Chapter 1, Section 105.6.32, Open burning, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Chapter 1, Section ~~105.6.32~~5.34, Open burning.

Chapter 1, Section ~~105.6.32~~5.34, Open burning, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to.

Exception: Recreational Fires defined at subsections (a) and (b):

(a) An outdoor fire burning approved material, at ground level, other than rubbish with a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

(b) An outdoor fire burning approved material other than rubbish in a commercially produced fire pit or fireplace with a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

Section 6. That section 14.40.060, Chapter 1, Section 108, Board of appeals, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Chapter 1, Section ~~108~~111, Board of appeals.

Chapter 1, Section ~~408111~~, Board of appeals, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

The appeals board under this code shall be the board of building and fire appeals created under and governed by TMC 2.235.010.

Section 7. That section 14.40.070, Chapter 3, Section 304.1.2, Vegetation, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Chapter 31, Section 304.1.2, Vegetation109.3, Recordkeeping.

Chapter ~~31~~, Section ~~304.1.2, Vegetation109.3, Recordkeeping~~, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

~~Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises. When the fire chief or their designee determines that total removal of growth is impractical due to size or environmental factors, approved fuel breaks shall be established. Designated areas shall be cleared of combustible vegetation to establish fuel breaks. Vegetation clearance requirements in urban-wildland interface areas shall be in accordance with the International Wildland-Urban Interface Code.~~

Recordkeeping. A record of periodic inspections, tests, servicing and other operations and maintenance shall be maintained on the premises or other approved location for not less than 3 years, or a different period of time where specified in this code or referenced standards. Records shall be made available for inspection by the fire code official, and a copy of the records shall be provided to the fire code official on request.

The fire code official is authorized to prescribe the form and format of such

recordkeeping. The fire code official is authorized to require that certain required records be filed with the fire code official.

Fire Protection Inspection, Testing and Maintenance Records. Required test and inspection records shall be available to the fire code official at all times. Contractors who perform inspection, testing and/or maintenance services on fire and life safety systems within the City of Topeka are required to electronically submit all compliant and non-compliant reports to the Topeka Fire Department by a method approved by the Fire Chief. Required test and inspection records shall be submitted within thirty (30) days of testing and inspection to the fire code official. Any data management fees charged by third party administrators to process, store and report such documentation, as approved, shall be the responsibility of the party submitting the report. Reports submitted other than in accordance with this section may not be accepted at the discretion of the fire code official.

Section 8. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 14.40.080 which said section reads as follows:

Chapter 3, Section 319.1, General.

Chapter 3, Section 319.1, General, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

319.1 General. Mobile food preparation vehicles that are equipped with any appliances that produce smoke or grease-laden vapors shall comply with this section and the 2021 Edition of NFPA 1, Chapter 50.8 Mobile and Temporary Cooking Operations.

Section 9. That section 14.40.080, Chapter 6, Section 603.8, Incinerators, of

The Code of the City of Topeka, Kansas, is hereby renumbered as 14.40.090 and amended to read as follows:

Chapter 6, Section 603~~5~~.8, Incinerators.

Chapter 6, Section 603~~5~~.8, Incinerators, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

Commercial and industrial incinerators and chimneys shall be constructed in accordance with the International Building Code, the International Fuel Gas Code and the International Mechanical Code.

Section 10. That section 14.40.090, Chapter 6, Section 603.8.1, Residential incinerators, of The Code of the City of Topeka, Kansas, is hereby renumbered as 14.40.100 and amended to read as follows:

Chapter 6, Section 603~~5~~.8.1, Residential incinerators.

Chapter 6, Section 603~~5~~.8.1, Residential incinerators, is hereby deleted in its entirety.

Section 11. That section 14.40.100, Chapter 9, Section 903.2.1.2, Group A-2, of The Code of the City of Topeka, Kansas, is hereby renumbered as 14.40.110 and amended to read as follows:

Chapter 9, Section 903.2.1.2, Group A-2.

Chapter 9, Section 903.2.1.2, Group A-2, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

An automatic sprinkler system shall be provided ~~for~~ throughout stories containing Group A-2 occupancies and throughout all stories from the Group A-2 occupancy to and including the levels of exit discharge serving that occupancy where one of the following

conditions exists:

1. The fire area exceeds 5,000 square feet (465 m²);
2. The fire area has an occupant load of 300 or more; or
3. The fire area is located on a floor other than the level of exit discharge serving such occupancies.

Section 12. That section 14.40.110, Chapter 9, Section 903.2.8, Group R, of The Code of the City of Topeka, Kansas, is hereby renumbered as 14.40.120 and amended to read as follows:

Chapter 9, Section 903.2.8, Group R.

Chapter 9, Section 903.2.8, Group R, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

Exceptions:

1. An automatic sprinkler system is not required for a building containing not more than two (2) ~~one or two~~ single-family dwelling units, ~~either individually or in~~ combination with other nonresidential occupancies, provided however, that a fire alarm and detection system shall be installed and monitored in accordance with NFPA 72. The system shall be installed in the residential units as well as the nonresidential occupancy areas.

2. An automatic sprinkler system is not required for buildings consisting solely of four (4) units or less.

Section 13. That section 14.40.115, Chapter 11, Construction Requirements for

Existing Buildings, of The Code of the City of Topeka, Kansas, is hereby deleted in its entirety.

~~Chapter 11, Construction Requirements for Existing Buildings.~~

~~Chapter 11, Construction Requirements for Existing Buildings, is hereby deleted in its entirety.~~

Section 14. That section 14.40.120, Chapter 57, Section 5704.2.3.2, Label or placard, of The Code of the City of Topeka, Kansas, is hereby renumbered as 14.40.130 and amended to read as follows:

~~Chapter 579, Section 5704.2.3.2, Label or placard~~912.3. Fire hose threads.

~~Chapter 579, Section 5704.2.3.2~~912.3, Label or placard~~Fire hose threads,~~ is hereby deleted in its entirety and the following provisions shall be substituted therefor:

~~Tanks more than 100 gallons (379 L) in capacity, which are permanently installed or mounted and used for the storage of Class I, II or IIIA liquids, shall bear a label and placard identifying the material therein. Placards shall be in accordance with NFPA 704.~~

~~Exception: Tanks located underground.~~

Fire hose threads used in connection with standpipe systems shall be approved and shall be compatible with fire department hose threads.

The FDC shall be equipped with a single 5 inch Storz connection and shall have a 30 degree downward angle. For systems piped with a 3 inch or smaller riser, a single 2 1/2 inch outlet FDC shall be acceptable. The FDC shall be arranged so that connection is no more than 48 inches above the finished grade, sidewalk or location of the connection. If remote, the FDC standing pipe shall be painted red and shall include "FDC" signage on the vertical pipe in white lettering no less than 6 inches in height.

Section 15. That original § 14.40.010 through § 14.40.110 and § 14.40.120 of the Code of the City of Topeka, Kansas, are hereby specifically repealed.

Section 16. This ordinance shall take effect on April 1, 2023, and be in force from and after its passage, approval and publication in the official City newspaper.

Section 17. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 18. 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 City Council on February 7, 2023.

CITY OF TOPEKA, KANSAS

(SEAL)

Michael A. Padilla, Mayor

Brenda Younger, City Clerk