

ORDINANCE NO. 20408

AN ORDINANCE introduced by City Manager Stephen Wade adopting the 2021 International Building Code, amending § 14.20.010 and § 14.20.060 of the Topeka Municipal Code and repealing original sections.

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

Section 1. That section 14.20.010, Adoption of building code, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Adoption of building code.

The ~~2015~~2021 International Building Code, first printing ~~March 2015~~October 2020, as amended by TMC 14.20.060, is hereby adopted by reference and incorporated herein as if fully set out in this chapter as the building code of the City. Additionally, the provisions contained in Appendix C, Group U,-- Agricultural Buildings, J – Grading, and O – Performance-Based Application, are specifically adopted and incorporated herein and made a part of this code.

Section 2. That section 14.20.060, Amendments, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Amendments.

Local amendments to the International Building Code are set out in this section.

(a) 101.1, Title, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

These regulations shall be known as the Building Code of the City of Topeka, Kansas, hereinafter referred to as “this code.”

(b) 101.4.1, Gas, is hereby deleted in its entirety and the following provisions for Electrical shall be ~~substituted therefor~~added:

Electrical. The provisions of the electrical code adopted by the City shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

(c) 101.4.2, Mechanical, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

The provisions of the mechanical code adopted by the City shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems. All references to the International Mechanical Code contained herein shall instead refer to the mechanical code adopted by the City.

(d) 101.4.3, Plumbing, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

The provisions of the plumbing code adopted by the City shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. All references to the International Plumbing Code contained herein shall instead refer to the plumbing code adopted by the City.

~~(e) 101.4.6, Energy, is hereby deleted in its entirety.~~

(f) ~~101.4.7, Existing buildings, is hereby deleted in its entirety and the following provisions shall be substituted therefor:~~

~~The provisions of the Uniform Code for Building Conservation as adopted by the City may be considered and applied by the building official to the extent necessary in the building officials sole discretion to implement and enforce this code for the alteration, repair, addition, and change of occupancy of existing structures.~~

(g) ~~102.6, Existing structures, is hereby deleted in its entirety and the following provisions shall be substituted therefor:~~

~~The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code, the Uniform Code for Building Conservation, the International Property Maintenance Code or the Life Safety Code.~~

(~~h~~e) Section 103 is hereby deleted in its entirety.

(~~i~~f) 105.2, Work exempt from permit, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

Exemptions 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 the provisions of this code or any other laws or ordinances of this jurisdiction.

Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than 120 square feet (11 m²).

2. Oil derricks.

3. Retaining walls that are not over 4 feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.

4. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18,925 L) and the ratio of height to diameter or width is not greater than 2:1.

5. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

6. Temporary motion picture, television and theater stage sets and scenery.

7. 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.

8. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.

9. Swings and other playground equipment accessory to detached one- and two-family dwellings.

10. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support.

11. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1,753 mm) in height.

Electrical:

Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

1. Portable heating appliance.

2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.

2. Portable ventilation equipment.

116 3. Portable cooling unit.

117 4. Steam, hot or chilled water piping within any heating or cooling
118 equipment regulated by this code.

119 5. Replacement of any part that does not alter its approval or make it
120 unsafe.

121 6. Portable evaporative cooler.

122 7. Self-contained refrigeration system containing 10 pounds (4.54 kg)
123 or less of refrigerant and actuated by motors of 1 horsepower (0.75 kW) or
124 less.

125 *Plumbing:*

126 1. The stopping of leaks in drains, water, soil, waste or vent pipe,
127 provided, however, that if any concealed trap, drain pipe, water, soil, waste or
128 vent pipe becomes defective and it becomes necessary to remove and
129 replace the same with new material, such work shall be considered as new
130 work and a permit shall be obtained and inspection made as provided in this
131 code.

132 2. The clearing of stoppages or the repairing of leaks in pipes, valves
133 or fixtures and the removal and reinstallation of water closets, provided such
134 repairs do not involve or require the replacement or rearrangement of valves,
135 pipes or fixtures.

136 (jg) Section 106, Floor and Roof Design Loads, is hereby deleted in its
137 entirety.

(k~~h~~) Section 107, Submittal Documents, is hereby amended by the addition of the following provisions:

107.1.1 Code footprint. 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 department policy regarding format and regulation.

Each code footprint shall be prepared by an architect registered with the State of Kansas. 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 two families.

(li) Section 109, Fees, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

109.1 General. Whenever any person shall erect, construct, enlarge, alter, repair, move, improve, convert or demolish any building or structure, or cause the same to be done, an application shall be made to the development services office. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee has been paid.

Exception: Repair or replacement of less than 50 percent (50%) of roof area will not require a roofing permit. Provided, however, repair or

161 replacement of more than 5,000 square feet of any sized roof shall require a
162 roofing permit.

163 109.2 Permit fees.

164 109.2.1 The fee for each permit issued for work to be commenced
165 within the City of Topeka boundaries shall be as set forth in the Table in
166 109.7, except as provided in 109.6.

167 109.2.2 The determination of value or valuation under any of the
168 provisions of this code shall be made by the building official. The value to be
169 used in computing the building permit and building plan review fees shall be
170 the total value of all construction work for which the permit is issued, as well
171 as all finish work, painting, roofing, electrical, plumbing, heating, air
172 conditioning, elevators, fire-extinguishing systems and any other permanent
173 equipment.

174 109.3 Plan review fees. When submittal documents are required by Section
175 107, a plan review fee shall be paid to the City. Said plan review fee shall be
176 40 percent (40%) of the building permit fee as shown in Table 109.7. The
177 plan review fees specified in this section are separate fees from the permit
178 fees specified in Section 109.2 and are in addition to the permit fees. When
179 submittal documents are incomplete or changed so as to require additional
180 plan review or when the project involves deferred submittal items as defined
181 in Section 107.3.4.1, an additional plan review fee shall be charged at the
182 rate shown in the Table.

109.4 Expedited plan review. An applicant requesting a plan review by the division of development services may request an expedited plan review. Expedited plan review will be undertaken by qualified development services employees outside of normal working hours and will not interfere with normal plan review procedures or projects which have been submitted for plan review. An applicant seeking expedited plan review will compensate the City at the rate of two times the plan review fee for the expedited plan review.

109.5 Administrative and other inspection fees.

109.5.1 Administrative fees. In addition to the permitting and other fees permitted in this section, the following fees and charges for services shall also apply:

| | |
|--|----------|
| Compliance letter: | \$100.00 |
| Floodplain verifications: | \$30.00 |
| Technology improvement for each permit or license: | \$3.00 |

109.5.2 Other inspection fees. The following fees shall apply to inspections or certificates of elevators, dumbwaiters, escalators and moving walks:

| | |
|---|----------|
| Annual passenger elevator certificate per unit: | \$50.00 |
| Annual freight elevator certificate per unit: | \$50.00 |
| Annual escalator certificate per unit: | \$35.00 |
| Annual dumbwaiter certificate per unit: | \$20.00 |
| Annual access lift certificate per unit: | \$20.00 |
| Full load test: | \$200.00 |

Reinspection fee: \$50.00

109.6 Waiver of fees. Building permit fees and plan review fees as required by this section for building projects with a total valuation of five million dollars (\$5,000,000.00) or more may be modified by the City Manager to a lesser amount, such modification not to exceed twenty-five percent (25%) of the scheduled fees provided the City Manager determines the building project encourages economic development and creation of jobs. Modifications of building permit fees and plan review fees which exceed twenty-five percent (25%) of the scheduled fees shall be approved by the Governing Body. However, no modification of building permit fees and plan review fees shall be made if: 1) the applicant utilizes other available tax incentives and/or 2) the subject property is exempt from real estate taxation.

109.6.1 Building permit and plan review fees for projects identified by the Governing Body shall be waived provided and to the extent the Joint Economic Development Organization reimburses the City for such fees.

109.6.2. The City Manager is authorized to consider fee waivers in cases of: (1) emergency situations; and (2) affordable or charitable housing projects where materials and labor are donated.

109.7 Table.

Building Permit Fees

| TOTAL VALUATION | FEE |
|------------------------|---|
| \$1.00 to \$500.00 | \$23.50 |
| \$501.00 to \$2,000.00 | \$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000.00 |

| TOTAL VALUATION | FEE |
|-----------------------------------|--|
| \$2,001.00 to \$25,000.00 | \$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00 |
| \$25,001.00 to \$50,000.00 | \$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00 |
| \$50,001.00 to \$100,000.00 | \$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00 |
| \$100,001.00 to \$500,000.00 | \$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00 |
| \$500,001.00 to \$1,000,000.00 | \$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00 |
| \$1,000,001.00 to \$30,000,000.00 | \$5,608.75 for the first \$1,000,000.00 plus \$3.65 for each additional \$1,000.00, or fraction thereof |
| \$30,000,001.00 or over | \$111,458.75 |

217 109.8 Work commencing before permit issuance. Any person who
218 commences any work on a building, structure, electrical, gas, mechanical or
219 plumbing system before obtaining the necessary permits shall be subject to a
220 fee established by the building official that shall be in addition to the required
221 permit fees.

222 109.9 Related fees. The payment of the fee for the construction, alteration,
223 removal or demolition for work done in connection to or concurrently with the
224 work authorized by a building permit shall not relieve the applicant or holder
225 of the permit from the payment of other fees that are prescribed by law.

226 109.10 Refunds. The building official is authorized to establish a refund
227 policy.

(m) ~~110.3.7~~110.3.9, Energy efficiency inspections, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

Inspections shall be made to determine compliance with Chapter 13 and shall include, but not be limited to, inspections for: envelope insulation R- and U-values and fenestration U-value.

(n) ~~111.1, Use and~~Change of occupancy, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

When issuance of a building permit is required and building official inspection approval is obtained, building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

Exception: Certificates of occupancy are not required for work exempt from permits in accordance with Section 105.2.

111.1.1 Except as provided in section 111.1.2, no certificate of occupancy shall be issued unless the driveway approaches have been installed and sidewalks constructed along all adjoining rights-of-way of the subject lot or all lots or portions thereof joined to it or are the subject of a contract as part of a benefit district created pursuant to K.S.A. 12-6a01 et seq. or Appendix A, Article XII of the Topeka Municipal Code.

111.1.2 The Director of Planning or designee may waive the requirement of section 111.1.1 if either of the following conditions applies:

(1) The sidewalk is the subject of a waiver granted in conjunction with approval of the subdivision plat.

(2) Unique circumstances exist where the Director of Planning or designee determine that the subject sidewalk link would not be part of a viable sidewalk system in that community or conditions exist whereby construction of the sidewalk is impractical.

(3) Weather conditions prevented installation of the driveway approaches or construction of the sidewalks. However, in such event, the property owner shall install driveway approaches and construct sidewalks within 90 days from the date of the final inspection.

111.1.3 Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances.

(e) Section 113, ~~Board~~Means of Appeals, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

Appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code shall be in accordance with TMC 2.235.010.

(pm) 509.4.2, Protection, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

Where Table 509.1 permits an automatic sprinkler system without a fire barrier, the incidental uses shall be separated from the remainder of the building by construction capable of resisting the passage of smoke. The walls shall extend from the top of the foundation or floor assembly below to the underside of the ceiling that is a component of a fire-resistance-rated floor assembly or roof assembly above or to the underside of the floor or roof sheathing, deck or slab above. Doors shall be self- or automatic-closing upon detection of smoke in accordance with Section ~~716.5.9.3~~ 716.2.6.6. Doors shall not have air transfer openings and shall not be undercut in excess of the clearance permitted in accordance with NFPA 80. Walls surrounding the incidental use shall not have openings, air transfer openings, or duct openings unless provided with smoke dampers in accordance with Section 710.8.

(en) 703.75, Marking and identification, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

Where there is an accessible concealed floor, floor-ceiling or attic space, fire walls, fire barriers, fire partitions, smoke barriers, and smoke partitions required to have protected openings or penetrations shall be effectively and permanently identified with signs or stenciling in the concealed space. Such identification shall:

1. Be located within 20 feet of the end of each wall and at intervals not exceeding 75 feet measured horizontally along the wall or partition on one wall/partition side only.

2. Include lettering not less than 3 inches (76 mm) in height with a minimum 3/8-inch (9.5 mm) stroke in a contrasting color incorporating the suggested wording, "FIRE WALL AND/OR SMOKE PARTITION—PROTECT ALL OPENINGS." or commercially available sign approved by the building inspector.

(f0) Commentary Figure 903.2 is hereby deleted in its entirety and the following provisions shall be substituted therefor:

Commentary Figure 903.2
SUMMARY OF OCCUPANCY-RELATED AUTOMATIC SPRINKLER THRESHOLDS

| Occupancy | Threshold | Exception |
|------------------------------|---|---------------------------------|
| All occupancies | Buildings with floor level \geq 55 feet above Fire Department vehicle access and occupant load \geq 30. | Open parking structures. F-2 |
| Assembly (A-1, A-3, A-4) | Fire area > 12,000 sq. ft. or fire area occupant load \geq 300 or fire area above/below level of exit discharge. Multitheater complex (A-1 only) | None |
| Assembly (A-2) | Fire area > 5,000 sq. ft. or fire area occupant load > 300 or fire area above/below level of exit discharge. | None |
| Assembly (A-5) | Accessory areas > 1,000 sq. ft. <u>Enclosed spaces under grandstands or bleachers \leq 1,000 sq. ft. and not constructed in accordance with Section 1029.1.1.1 or > 1,000 sq. ft.</u> | None |
| Ambulatory care facility (B) | \geq 4 care recipients incapable of self-preservation or any care recipients incapable of self-preservation above or below level of exit discharge. | None |

| | | |
|--|--|--|
| Educational (E) | Fire area > 12,000 sq. ft. or below level of exit discharge. <u>Fire area occupant load ≥ 300.</u> | Each classroom has exterior door at grade. |
| Factory (F-1) Mercantile (M) Storage (S-1) | Fire area > 12,000 sq. ft. or building > three stories or combined fire area > 24,000 sq. ft. Woodworking > 2,500 sq. ft. (F-1 only). Manufacture > 5,000 <u>2,500</u> sq. ft. (F-1), display and sale > 5,000 sq. ft. (M), storage > 5,000 <u>2,500</u> sq. ft. (S-1) of upholstered furniture or mattresses. Bulk storage of tires > 20,000 cu. Ft. (S-1 only). | Refer to Chapter 9 for thresholds and fire area criteria |
| High hazard (H-1, H-2, H-3, H-4, H-5) | Sprinklers required. | Refer to local amendment <u>None</u> |
| Institutional (I-1, I-2, I-3, I-4) | Sprinklers required. | Day Care at level of exit discharge and each classroom has exterior exit door. |
| Residential (R) | Sprinklers required. | Refer to 903.2.8 |
| Repair garage (S-1) | Fire area > 12,000 sq. ft. or ≥ two stories (including basement) with fire area > 10,000 sq. ft. or repair garage servicing vehicles in basement or servicing commercial motor vehicles in fire area > 5,000 sq. ft. | None |
| Parking garage (S-1) | Commercial motor vehicles parking area > 5,000 sq. ft. | None |
| Parking garage (S-2) | Fire area > 12,000 sq. ft. or fire area > 5,000 sq. ft. for storage of commercial motor vehicles; or beneath other groups (enclosed parking) | Not if beneath Group R-3 |
| Covered and open malls (402.5) | Sprinklers required. | Attached open parking structures. |
| High-rises (403.3) | Sprinklers required. | Open garages; certain telecommunications buildings |

| | | |
|---|--|-----------------------|
| Unlimited area buildings (507) | A-3, A-4, B, F, M, S: one story. B, F, M, S: two story. | One story F-2 or S-2. |
| Note: Thresholds located in Section 903.2 unless noted. See also Table 903.2.11.6 for additional required suppression systems. For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m ² . | | |

(sp) 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 Group A-2 occupancies where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet (464.5 m²).
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than the level of exit discharge.

~~(t) 903.2.1.6, Assembly occupancies on roofs, is hereby deleted in its entirety and the following provisions shall be substituted therefor:~~

~~Where an occupied roof is above a building four stories or more and has an assembly occupancy with an occupant load exceeding 100 for Group A-2 and 300 for other Group A occupancies, all floors between the occupied roof and the level of exit discharge shall be equipped with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.~~

~~Exception: Open parking garages of Type I or Type II construction.~~

~~(u) 903.2.4, Group F-1, is hereby deleted in its entirety and the following provisions shall be substituted therefor:~~

~~An automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exists:~~

325 ~~1. A Group F-1 fire area exceeds 12,000 square feet (1,115 m²).~~

326 ~~2. A Group F-1 fire area is located more than three stories above grade~~
327 ~~plane.~~

328 ~~3. The combined area of all Group F-1 fire areas on all floors, including any~~
329 ~~mezzanines, exceeds 24,000 square feet (2,230 m²).~~

330 ~~4. A Group F-1 occupancy used for the manufacture of upholstered furniture~~
331 ~~or mattresses exceeds 2,500 square feet (232 m²).~~

332 ~~5. A Group S-1 occupancy used for the storage of upholstered furniture or~~
333 ~~mattresses exceeds 5,000 square feet (464 m²).~~

334 ~~(v) 903.2.7, Group M, is hereby deleted in its entirety and the following~~
335 ~~provisions shall be substituted therefor:~~

336 ~~An automatic sprinkler system shall be provided throughout buildings~~
337 ~~containing a Group M occupancy where one of the following conditions~~
338 ~~exists:~~

339 ~~1. A Group M fire area exceeds 12,000 square feet (1,115 m²).~~

340 ~~2. A Group M fire area is located more than three stories above grade plane.~~

341 ~~3. The combined area of all Group M fire areas on all floors, including any~~
342 ~~mezzanines, exceeds 24,000 square feet (2,230 m²).~~

343 ~~4. A Group M occupancy where the primary use is for the display and sale of~~
344 ~~upholstered furniture or mattresses exceeds 5,000 square feet (464 m²).~~

345 ~~(wg) 903.2.8, Group R, is hereby deleted in its entirety and the following~~
346 ~~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 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.

~~(x) — 903.2.9, Group S-1, is hereby deleted in its entirety and the following provisions shall be substituted therefor:~~

~~An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:~~

~~1. A Group S-1 fire area exceeds 12,000 square feet (1,115 m²).~~

~~2. A Group S-1 fire area is located more than three stories above grade plane.~~

~~3. The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2,230 m²).~~

~~4. A Group S-1 fire area used for the storage of commercial motor vehicles where the fire area exceeds 5,000 square feet (464 m²).~~

369 ~~5. A Group S-1 occupancy used for the storage of upholstered furniture or~~
370 ~~mattresses exceeds 5,000 square feet.~~

371 ~~(y) 904.3.2, Actuation, is hereby deleted in its entirety and the following~~
372 ~~provisions shall be substituted therefor:~~

373 ~~Automatic fire-extinguishing systems shall be automatically actuated and~~
374 ~~provided with a manual means of actuation in accordance with Section~~
375 ~~904.12.1. Where more than one hazard could be simultaneously involved in~~
376 ~~fire due to their proximity, all hazards shall be protected by a single system~~
377 ~~designed to protect all hazards that could become involved.~~

378 ~~(z) 1029.1.1.1, Spaces under grandstands and bleachers, is hereby deleted~~
379 ~~in its entirety and the following provisions shall be substituted therefor:~~

380 ~~Where spaces under grandstands or bleachers are used for purposes other~~
381 ~~than ticket booths less than 100 square feet (9.29 m²) and toilet rooms, such~~
382 ~~spaces shall be separated by fire barriers complying with Section 707 and~~
383 ~~horizontal assemblies complying with Section 711 as follows:~~

384 ~~1. Areas of 1,000 square feet are required to be separated by 1-hour fire-~~
385 ~~resistance rated construction and horizontal assemblies with not less than 1-~~
386 ~~hour fire-resistance rated construction.~~

387 ~~2. Areas over 1,000 and less than 5,000 square feet are required to be~~
388 ~~protected with a fire sprinkler system or separated by fire barriers and~~
389 ~~horizontal assemblies with not less than 2-hour fire-resistance rated~~
390 ~~construction.~~

3. ~~Areas over 5,000 square feet are required to be protected with a fire sprinkler system.~~

(aar) Chapter 11, Accessibility, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

Accessibility under this code, including all references within this code, shall be governed by the applicable City ordinances, State and Federal statutes and implementing regulations.

~~(bb) Chapter 13, Energy Efficiency, is hereby deleted in its entirety.~~

~~(cc) Chapter 16, Section 1608.2, Ground snow loads, is hereby deleted in its entirety and the following provisions shall be substituted therefor:~~

~~The ground snow loads to be used in determining the design snow loads for roofs shall be determined in accordance with ASCE 7 or Figure 1608.2 for the contiguous United States and Table 1608.2 for Alaska. Site-specific case studies shall be made in areas designated "CS" in Figure 1608.2. Ground snow loads for sites at elevations above the limits indicated in Figure 1608.2 and for all sites within the CS areas shall be approved. Ground snow load determination for such sites shall be based on an extreme value statistical analysis of data available in the vicinity of the site using a value with a 2-percent annual probability of being exceeded (50-year mean recurrence interval). Snow loads are zero for Hawaii, except in mountainous regions as approved by the building official.~~

~~Exception:~~

~~Provided, however, the snow loads on roofs shall be a minimum of 20 pounds per square foot nonreducible. Greater snow loads due to potential accumulation of snow in valleys, at parapets, on supplemental roof structures and offsets in roof of uneven configuration shall be considered. Calculations for drifting shall use a base snow load of 20 pounds per square foot.~~

~~(dd) Chapter 16, Section 1613.1, Scope, is hereby deleted in its entirety and the following provisions shall be substituted therefor:~~

~~Every structure, and portion thereof, including nonstructural components that are permanently attached to structures and their supports and attachments, shall be designed and constructed to resist the effects of earthquake motions in accordance with ASCE 7, excluding Chapter 14 and Appendix 11A. The seismic design category for a structure is permitted to be determined in accordance with Section 1613 or ASCE 7.~~

~~Exceptions:~~

~~1. Existing buildings. When the occupancy of a building changes to a higher classification the building official may accept the original structural design of the existing building if an architect or engineer verifies that it is structurally sound and it is not classified as an Occupancy Category IV in Table 1604.5. All alterations and additions to existing structures shall meet the seismic requirements of the code and ordinances under which the existing building was built.~~

2. ~~Detached one- and two-family dwellings, assigned to Seismic Design Category A, B or C, or located where the mapped short-period spectral response acceleration, S_S , is less than 0.4 g.~~

3. ~~The seismic force-resisting system of wood-frame buildings that conform to the provisions of Section 2308 are not required to be analyzed as specified in this section.~~

4. ~~Agricultural storage structures intended only for incidental human occupancy.~~

5. ~~Structures that require special consideration of their response characteristics and environment that are not addressed by this code or ASCE 7 and for which other regulations provide seismic criteria, such as vehicular bridges, electrical transmission towers, hydraulic structures, buried utility lines and their appurtenances and nuclear reactors.~~

(~~ees~~) Section 1808.1, General, is hereby amended by the addition of the following:

1808.1.1 Footing depth. Unless otherwise designed per provisions of a specific type of foundation, the minimum depth of footings shall be 36 inches (915 mm) below finished grade and bearing on undisturbed ground and shall conform to the design requirements per this section.

Exception: Only as determined and approved by the building official in accordance with design provisions of a specific type of foundation.

(~~fft~~) 1809.1, General, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

Shallow foundations shall be designed and constructed in accordance with Sections 1808.1.1 and 1809.2 through 1809.13.

~~(gg) Chapter 27, Electrical, is hereby deleted in its entirety.~~

~~(hh) Chapter 28, Mechanical Systems, is hereby deleted in its entirety.~~

(~~ii~~u) Section 3001.34, Accessibility, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

Passenger elevators required to be accessible or to serve as part of an accessible means of egress shall be governed by the applicable City ordinances, State and Federal statutes and implementing regulations.

(~~jj~~v) 3104.1, General, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

This section shall apply to connections between buildings such as pedestrian walkways or tunnels, located at, above or below grade level, that are used as a means of travel by persons. The pedestrian walkway shall not contribute to the building area or the number of stories or height of connected buildings. Further, pedestrian walkways and tunnels which encroach into the City's right-of-way shall also comply with provisions of Chapter 32.

(~~kk~~w) 3107.1, General, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

Signs shall be designed, constructed and maintained in accordance with this code. Placement, type of sign, height and other requirements shall be governed by the Topeka Municipal Code.

(~~4x~~) 3109.1, General, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

Swimming pools, spas and hot tubs shall comply with the International Property Maintenance Code adopted at TMC 8.60.010.

(~~mm~~) 3201.3, Other laws, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

Regulation of public rights-of-way; encroachments. The City has a right to regulate public rights-of-way for the benefit of the public. Encroachments into the public right-of-way that solely benefit a private person or organization will not be allowed unless the applicant demonstrates that any private benefit is incidental and there is an overall benefit to the public.

(~~nnz~~) 3202.3, Encroachments 8 feet or more above grade, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

Encroachments 8 feet (2,438 mm) or more above grade shall comply with Sections 3202.3.1 through 3202.3.4.

3202.3.1 Awnings, canopies, and marquees. Awnings, canopies, and marquees shall be constructed so as to support applicable loads as specified in Chapter 16. Awnings, canopies, and marquees with less than 15 feet (4,572 mm) clearance above the sidewalk shall not extend into or occupy more than two-thirds the width of the sidewalk measured from the building. Stanchions or columns that support awnings, canopies, marquees and signs shall be located not less than 2 feet (610 mm) in from the curb line.

3202.3.2 Windows, balconies, architectural features, signs and mechanical equipment. Where the vertical clearance above grade to projecting windows, balconies, architectural features, signs or mechanical equipment is more than 8 feet (2,438 mm), 1 inch (25 mm) of encroachment is permitted for each additional 1 inch (25 mm) of clearance above 8 feet (2,438 mm), but the maximum encroachment shall be 4 feet (1,219 mm).

3202.3.3 Encroachments 15 feet or more above grade.

3202.3.3.1 Encroachment of awnings, canopies, or marquees 15 feet or more above grade. Awnings, canopies, and marquees shall be constructed so as to support applicable loads as specified in Chapter 16. Awnings, canopies, marquees and signs with 15 feet (4,572 mm) or more clearance above the sidewalk shall not extend into or occupy more than two-thirds the width of the sidewalk measured from the building. Stanchions or columns that support awnings, canopies, or marquees shall not be located or placed in the public right-of-way.

3202.3.43.2 Encroachments of windows, balconies, architectural features, signs, and mechanical equipment 15 feet or more above grade. Encroachment of windows, balconies, architectural features, signs, and mechanical equipment of 15 feet (4,572 mm) or more above grade shall be limited to 4 feet and the encroachment shall not be supported by columns, stanchions or other vertical supports placed or located in the public right-of-way.

3202.3.5 Pedestrian walkways. The vertical clearance from the public right-of-way to the lowest part of a pedestrian walkway shall be 15 feet (4,572 mm) minimum.

(~~000~~aa) Chapter 35, Referenced Standards, is hereby amended to include the NFPA 54, National Fuel Gas Code, as a referenced standard.

Section 3. That original § 14.20.010 and § 14.20.060 of the Code of the City of Topeka, Kansas, are hereby specifically repealed.

Section 4. 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 5. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 6. 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