

(Published in the Topeka Metro News April 30, 2012)

**ORDINANCE NO. 19726**

AN ORDINANCE introduced by Daniel R. Stanley, Interim City Manager, concerning an amendment to the International Building Code regarding certificates of occupancy and sidewalks, amending City of Topeka Code § 14.20.060 and specifically repealing said original section.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. That section 14.20.060, Amendments, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Amendments.**

The following amendments to the International Building Code are adopted by the city:

**CHAPTER 1**

Chapter 1, Administration, Section 101, General is hereby deleted in its entirety and the following provisions shall be substituted therefor:

101.1 Title.

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

101.2 Scope.

The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exception: Detached one- and two-family dwellings not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the International Residential Code.

(a) 101.2.1 Appendices. Provisions in the appendices shall not apply unless

specifically adopted.

### 101.3 Intent.

The purpose of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to firefighters and emergency responders during emergency operations.

### 101.4 Referenced codes.

The other codes listed in Sections 101.4.1 through 101.4.4 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

(a) 101.4.1 Electrical. The provisions of the Electrical Code adopted by the City Council shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto. All references to the ICC Electrical Code contained herein shall instead refer to the Electrical Code adopted by the City Council.

(b) 101.4.2 Mechanical. The provisions of the Mechanical Code adopted by the City Council 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 Council.

(c) 101.4.3 Plumbing. The provisions of the Plumbing Code adopted by the City Council 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 Council.

(d) 101.4.4 Fire prevention. The provisions of the Fire Code and Life Safety Code adopted by the City Council shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation. All references to the International Fire Code contained herein shall instead refer to the Fire and Life Safety Codes adopted by the City Council.

102.4 Referenced codes and standards.

Chapter 1, Administration, Section 102.4, Referenced codes and standards is hereby deleted in its entirety and the following provisions shall be substituted therefor:

The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply. The standards referenced in Chapter 35 may be considered and applied by the building official to the extent necessary in the building official's sole discretion to implement and enforce this code.

79 105.8 Fees.

80 Chapter 1, Administration, Section 105, Permits is hereby amended by the addition of  
81 the following language:

82 (a) 105.8.1 General. Whenever any person shall erect, construct, enlarge,  
83 alter, repair, move, improve, convert or demolish any building or structure, or cause the  
84 same to be done, an application shall be made to the development services office.

85 Exception: Repair or replacement of less than 50 percent (50%) of roof area will not  
86 require a roofing permit. Provided, however, repair or replacement of more than 5,000  
87 square feet of any sized roof shall require a roofing permit.

88 (1) 105.8.1.1. All fees owed by the applicant shall be paid in full prior to  
89 the issuance of any type of building permit.

90 105.8.2 Permit fees.

91 (a) 105.8.2.1 The fee for each permit issued for work to be commenced within  
92 the City of Topeka boundaries shall be as set forth in the Table in 105.8.7, except as  
93 provided in 105.8.6.

94 (b) 105.8.2.2 The determination of value or valuation under any of the provisions of this  
95 code shall be made by the building official. The value to be used in computing the  
96 building permit and building plan review fees shall be the total value of all construction  
97 work for which the permit is issued, as well as all finish work, painting, roofing, electrical,  
98 plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other  
99 permanent equipment.

100 105.8.3 Plan review fees.

101 When submittal documents are required by Section 106, a plan review fee shall be paid  
102 to the City. Said plan review fee shall be 40 percent (40%) of the building permit fee as

shown in Table 105.8.7. The plan review fees specified in this section are separate fees from the permit fees specified in Section 105.8.2 and are in addition to the permit fees. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 106.3.4.2, an additional plan review fee shall be charged at the rate shown in the Table.

#### 105.8.4 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.

#### 105.8.5 Administrative and other inspection fees.

(a) 105.8.5.1 Administrative fees. In addition to the permitting and other fees permitted in this section, the following fees and charges for services shall also apply.

Certification of occupancy – Duplicate: Actual costs incurred by City for staff research and copies.

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

(b) 105.8.5.2 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

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124 105.8.6 Waiver of fees.

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

135 (a) 105.8.6.1 Building permit and plan review fees for projects identified by  
136 the City Council shall be waived provided and to the extent the Joint Economic  
137 Development Organization reimburses the City for such fees.

138 105.8.7 Table.

Building	Permit	Fees
<b>Total Valuation</b>	<b>Fee</b>	
\$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	
\$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 \$1,000,000.00	to \$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 \$30,000,000.00	to \$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	

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140           Chapter 1, Administration, Section 110.1, Use and occupancy, is hereby deleted  
 141 in its entirety and the following provisions shall be substituted therefor:

142           (a) No building or structure shall be used or occupied, and no change in the  
 143 existing occupancy classification of a building or structure or portion thereof shall be  
 144 made until the building official has issued a certificate of occupancy therefore as  
 145 provided herein.

146           (b) Except as provided in subsection (c), no certificate of occupancy shall be  
 147 issued unless the driveway approaches have been installed and sidewalks constructed  
 148 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.

(c) The director of public works or designee may waive the requirement in subsection (b) 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 public works 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.

(d) 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.

## CHAPTER 9

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

1. The fire area exceeds 5,000 square feet (465 m<sup>2</sup>);
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.

Chapter 9, Section 903.2.7.

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-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) dwelling units or less.

## CHAPTER 11

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.

## CHAPTER 13

Chapter 13, Energy efficiency.

Shall be deleted in its entirety.

## CHAPTER 16

Chapter 16, Section 1603.3.

Live loads posted shall be deleted in its entirety.

Chapter 16, Section 1603.4.

Occupancy permits for changed loads shall be deleted in its entirety.

Chapter 16, Section 1608.2.

Ground snowloads, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

The ground snowloads 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.

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.

## CHAPTER 18

Chapter 18, Section 1805.2.

Depth of Footings, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

The minimum depth of footings shall be 36 inches (915 mm) below finished grade and bearing on undisturbed ground. Where applicable, the depth of footings shall also conform to Sections 1805.2.1 through 1805.2.3.

Exception:

Accessory structures less than 576 square feet may have a trenched footing 8 inches wide and 18 inches deep.

## CHAPTER 31

Chapter 31, Section 3104.1 Pedestrian walkways and tunnels.

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.

Chapter 31, Section 3106.1 Marquees.

General is hereby deleted in its entirety and the following provision shall be substituted therefor:

Marquees shall comply with this section and other applicable sections of this code. Further marquees which encroach into the City right-of-way shall comply with provision contained in Chapter 32.

Chapter 31, Section 3107.1 Signs.

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 code of the City of Topeka.

Chapter 31, Section 3109.

Swimming pool enclosures and safety devices shall be deleted in its entirety.

## CHAPTER 32

3202.1 Encroachments below grade.

Encroachments below grade shall comply with Sections 3202.1.1 through 3202.1.3.

Chapter 32, Encroachments into the Public Right-of-Way, Section 3202, Encroachments is hereby deleted in its entirety and the following provisions shall be substituted therefor:

(a) 3202.1.1 Structural support. A part of a building erected below grade that is necessary for structural support of the building or structure shall not project beyond the lot lines, except that the footings of street walls or their supports which are located at least 8 feet (2438 mm) below grade shall not project more than 12 inches (305 mm), into the City's right-of-way or other easement.

(b) 3202.1.2 Vaults and other enclosed spaces. The construction and utilization of vaults and other enclosed space below grade shall be subject to the terms and conditions of the authority or legislative body having jurisdiction.

(c) 3202.1.3 Areaways. Areaways shall be protected by grates, guards or other approved means.

3202.2 Encroachments above grade and 8 feet in height or below.

Encroachments into the public right-of-way above grade and 8 feet (2438 mm) in height or below shall be prohibited except as provided for in Sections 3202.2.1 through 3202.2.3. Doors and windows shall not open or project into the public right-of-way.

(a) 3202.2.1 Steps. Steps shall not project more than 12 inches (305 mm) and shall be guarded by approved devices not less than 3 feet (914 mm) high, or shall be located between columns or pilasters.

(b) 3202.2.2 Architectural features. Columns or pilasters, including bases and moldings which are attached to the structure, shall not project more than 12 inches (305 mm). Belt courses, lintels, sills, architraves, pediments and similar architectural features shall not project more than 4 inches (102 mm).

(c) 3202.2.3 Awnings. The vertical clearance from the public right-of-way to the lowest part of any awning, including valances, shall be 7 feet (2134 mm) minimum.

3202.3 Encroachments 8 feet or more above grade.

Encroachments 8 feet (2438 mm) or more above grade shall comply with Sections 3202.3.1 through 3202.3.4.

(a) 3202.3.1 Awnings, canopies, or 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 (4572 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, and marquees shall not be located or placed in the public right-of-way.

(b) 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 (2438 mm), 1 inch (25 mm) of encroachment is permitted for each additional 1 inch (25 mm) of clearance above 8 feet (2438 mm), but the maximum encroachment shall be 4 feet (1219 mm).

(c) 3202.3.3 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 (4572 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.

(d) 3202.3.4 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 (4572 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. Encroachment greater than 4 feet shall be subject to the City Council approval; provided, that the encroachment serves a public purpose.

(e) 3202.3.5 Pedestrian walkways. The installation of a pedestrian walkway

over a public right-of-way shall be subject to the approval of the City Council; provided, that the pedestrian walkway serves a public purpose. The vertical clearance from the public right-of-way to the lowest part of a pedestrian walkway shall be 15 feet (4572 mm) minimum.

#### 3202.4 Temporary encroachments.

Where allowed by the local authority having jurisdiction, vestibules and storm enclosures shall not be erected for a period of time exceeding 7 months in any one year and shall not encroach more than 3 feet (914 mm) nor more than one-fourth of the width of the sidewalk beyond the street lot line. Temporary entrance awnings shall be erected with a minimum clearance of 7 feet (2134 mm) to the lowest portion of the hood or awning where supported on removable steel or other approved noncombustible support.

### CHAPTER 34

#### Chapter 34, Existing structures.

Shall be deleted in its entirety and the following provisions shall be substituted therefor:

The provisions of the Uniform Code for Building Conservation, 1997, first printing May 1997, may be considered and applied by the building official to the extent necessary in the building official's sole discretion to implement and enforce this code for the alteration, repair, addition, and change of occupancy of existing structures.

### CHAPTER 35

#### Chapter 35, Referenced Standards.

Is amended to include the following additional provisions:

NFPA 54, National Fuel Gas Code

NFPA 58, Liquefied Petroleum Gas Code

### APPENDICES

Appendix C.

The provisions contained in Appendix C, Group U, Agricultural Buildings, are specifically incorporated herein and made a part of this code.

Appendix G.

The provisions contained in Appendix G, Flood Resistant Construction, are specifically incorporated herein and made a part of this code and may be considered and applied by the building official to the extent necessary in the building official's sole discretion to implement and enforce this code.

Section 2. That original § 14.20.060 of The Code of the City of Topeka, Kansas, is hereby specifically repealed.

Section 3. This ordinance shall take effect and be in force on May 1, 2012, from and after its passage, approval and publication in the official City newspaper.

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

Section 5. 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 April 24, 2012.

CITY OF TOPEKA, KANSAS

\_\_\_\_\_  
William W. Buntten, Mayor

ATTEST:

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Brenda Younger, City Clerk