

(Published in the Topeka Metro News April 9, 2018)

ORDINANCE NO. 20114

AN ORDINANCE introduced by City Manager Brent Trout adopting the 2015 International Building Code and local amendments, amending City of Topeka Code § 2.40.010, § 14.20.010, § 14.20.030 and § 14.20.060 and repealing original sections.

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

Section 1. That section 2.40.010, Board of building and fire appeals, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Board of building and fire appeals.

(a) There is hereby created a board of building and fire appeals consisting of seven members appointed ~~by the mayor and confirmed by the council~~ pursuant to TMC 2.05.010. The members of the board shall be currently licensed or engaged in or have substantial past experience in the following fields or professions: licensed professional engineer, licensed architect, licensed commercial contractor, or other experienced professional working in a field related to building construction. The board shall always consist of at least two engineers, two architects, and one contractor. Members shall serve a two-year term. Members shall not serve beyond the end of their appointed terms. Upon expiration of a term the position shall remain vacant until a successor is appointed. The city attorney, city fire chief and development services director or their designees shall serve as nonvoting ex officio members of the board. The development services director or his or her designee shall serve also as secretary of the board. Copies of current adopted codes will be made available to board members.

(b) The board of building and fire appeals shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in

29 writing to the development services director and the fire chief with a duplicate copy to
30 the appellant.

31 (c) The board of building and fire appeals shall consider appeals from
32 decisions of the director of development services, the fire chief or their designees with
33 regard to the following:

34 (1) ~~determine~~ the suitability of alternate materials, methods and type of
35 construction ~~and provide for reasonable.~~

36 (2) interpretations of the provisions of the commercial and residential
37 building codes, building conservation code, fire code, energy conservation code
38 and life safety code, ~~as adopted by the council.~~

39 (3) ~~The board shall be empowered to hear and determine~~
40 ~~interpretations of the codes and to permit~~granting variances from the codes
41 ~~provisions in certain cases or situations in accordance with the purposes and~~
42 ~~intents of the code~~identified in subsection (c)(2). A variance shall ~~not~~may be
43 ~~granted except in those situations, as determined by the board, that will not~~only
44 upon a determination that such variance will not endanger life ~~or limb, health,~~
45 property or public ~~welfare~~safety. Where a variance is sought with respect to an
46 historic structure that is listed on ~~registered, or eligible for registration, with either~~
47 the National Register of Historic Places, ~~or the Register of Historic Kansas~~
48 Places, or ~~listed with the Kansas State Inventory of Historical Sites~~ is designated
49 a city historic landmark, the board shall specifically consider the structure's
50 historic ~~significance~~recognition in reaching its decision, exerting an affirmative
51 effort to preserve the structure's ~~quality~~historic integrity in effecting any
52 necessary changes. Pursuant to this goal, the board shall ~~request the opinion~~

53 ~~of consult with the Director of the Historic Preservation Department of the State~~
54 ~~Historical Society~~planning department director or designee.

55 (d) ~~An exception or variance relating to the commercial and residential~~
56 ~~building codes, energy conservation code, and building conservation code may be~~
57 ~~vetoed by the development services director. An exception or variance relating to the~~
58 ~~fire code and life safety code may be vetoed by the fire chief. Requests for exceptions~~
59 ~~or variances which have been denied and matters vetoed~~Decisions by the board may
60 be appealed by the applicant to the council governing body by filing submitting to the city
61 clerk within 10 days of the effective date of notification~~the denial or veto, in writing, with~~
62 ~~the city clerk, a request for a hearing before the council~~governing body. Within five days
63 ~~of the receipt of this request for a hearing, the council shall give notice of a public~~
64 ~~hearing to be held in not less than five days nor more than 10 days after service of the~~
65 ~~notice on the person requesting the hearing.~~The governing body may affirm, modify or
66 reject the board's decision.

67 (e) The board of building and fire appeals may request other boards and
68 commissions of the city, including the electrical, mechanical or plumbing boards, to
69 provide technical assistance and recommendations. In addition, the board of building
70 and fire appeals ~~shall~~may require substantiating data or tests to determine the suitability
71 and feasibility of allowing the variance requested by the applicant.

72 (f) ~~The person requesting the variance relating to the commercial or~~
73 ~~residential building codes, energy conservation code, or the building conservation code~~
74 ~~adopted by the council shall at such person's expense conduct tests and have these~~
75 ~~tests verified showing that the variance requested will not endanger life or limb, health,~~
76 ~~property or public welfare. Such tests shall have been conducted before the hearing~~

77 ~~unless the board asks for additional testing pertaining to relevant circumstances that~~
78 ~~may affect the decision made by the board.~~

79 (g) A filing fee of \$100.00 shall be paid in advance by any party appealing to
80 the board

81 Section 2. That section 14.20.010, Adoption of building code, of The Code of
82 the City of Topeka, Kansas, is hereby amended to read as follows:

83 **Adoption of building code.**

84 The city of Topeka ~~adopts the following building code:~~ 2015 International Building
85 Code, 2006, first printing January 2006 March 2015, as amended by TMC 14.20.060, is
86 hereby adopted by reference and incorporated herein as if fully set out in this chapter as
87 the building code of the city. Additionally, the provisions contained in Appendix C, Group
88 U, Agricultural Buildings, are specifically adopted and incorporated herein and made a
89 part of this code.

90 Section 3. That section 14.20.030, Adoption of rules and regulations, of The
91 Code of the City of Topeka, Kansas, is hereby amended to read as follows:

92 **Adoption of rules and regulations.**

93 The development services director or designee shall ~~have the authority to~~
94 ~~promulgate such rules and regulations as are necessary to carry out the purposes of the~~
95 ~~International Building Code, and such rules and regulations shall be effective upon their~~
96 ~~approval by the director of public works~~ be the "building official" referenced in the
97 International Building Code.

98 Section 4. That section 14.20.060, Amendments, of The Code of the City of
99 Topeka, Kansas, is hereby amended to read as follows:

100 **Amendments.**

~~The following Local amendments to the International Building Code are adopted by the city are set out in this section.~~

~~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.~~

~~105.8 Fees.~~

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

~~(a) 105.8.1 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.~~

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

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

~~105.8.2 Permit fees.~~

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

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

~~105.8.3 Plan review fees.~~

~~When submittal documents are required by Section 106, a plan review fee shall be paid 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~~

~~105.8.6 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 city council. 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.~~

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

~~105.8.7 Table.~~

**Building — Permit
Fees**

~~Total Valuation~~

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

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

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

(b) Except as provided in subsection (c), 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.

(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 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.~~

~~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.~~

288 ~~Shall be deleted in its entirety.~~

289 ~~CHAPTER 16~~

290 ~~Chapter 16, Section 1603.3.~~

291 ~~Live loads posted shall be deleted in its entirety.~~

292 ~~Chapter 16, Section 1603.4.~~

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

294 ~~Chapter 16, Section 1608.2.~~

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

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

307 ~~Exception:~~

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

313 ~~Chapter 16, Section 1613.1.~~

314 ~~Scope is hereby deleted in its entirety and the following provisions shall be~~
315 ~~substituted therefor:~~

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

322 ~~Exceptions:~~

323 ~~1. Existing buildings. When the occupancy of a building changes to a higher~~
324 ~~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.

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

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

367 ~~Chapter 31, Section 3107.1 Signs.~~

368 ~~General is hereby deleted in its entirety and the following provisions shall be~~
369 ~~substituted therefor:~~

370 ~~Signs shall be designed, constructed and maintained in accordance with this code.~~
371 ~~Placement, type of sign, height and other requirements shall be governed by the~~
372 ~~code of the City of Topeka.~~

373 ~~Chapter 31, Section 3109.~~

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

375 ~~CHAPTER 32~~

376 ~~3202.1 Encroachments below grade.~~

377 ~~Encroachments below grade shall comply with Sections 3202.1.1 through 3202.1.3.~~

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

381 ~~(a) 3202.1.1 Structural support. A part of a building erected below grade that is~~
382 ~~necessary for structural support of the building or structure shall not project beyond~~
383 ~~the lot lines, except that the footings of street walls or their supports which are~~
384 ~~located at least 8 feet (2438 mm) below grade shall not project more than 12 inches~~
385 ~~(305 mm), into the City's right-of-way or other easement.~~

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

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

391 ~~3202.2 Encroachments above grade and 8 feet in height or below.~~

392 ~~Encroachments into the public right-of-way above grade and 8 feet (2438 mm) in~~
393 ~~height or below shall be prohibited except as provided for in Sections 3202.2.1~~
394 ~~through 3202.2.3. Doors and windows shall not open or project into the public right-~~
395 ~~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.~~

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

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

474 (b) 101.4.1 Gas, is hereby deleted in its entirety and the following provisions
475 shall be substituted therefor:

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

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

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

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

490 The provisions of the plumbing code adopted by the city shall apply to the
491 installation, alteration, repair and replacement of plumbing systems, including
492 equipment, appliances, fixtures, fittings and appurtenances, and where
493 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) SECTION 103 is hereby deleted in its entirety.

(i) 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 (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a sur-charge 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 925L) 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 (1372 mm) from the exterior wall and do not require additional support.

542 11. Nonfixed and movable fixtures, cases, racks, counters and
543 partitions not over 5 feet 9 inches (1753 mm) in height.

544 Electrical:

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

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

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

555 Gas:

- 556 1. Portable heating appliance.
557 2. Replacement of any minor part that does not alter approval of
558 equipment or make such equipment unsafe.

559 Mechanical:

- 560 1. Portable heating appliance.
561 2. Portable ventilation equipment.
562 3. Portable cooling unit.
563 4. Steam, hot or chilled water piping within any heating or cooling
564 equipment regulated by this code.

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

6. Portable evaporative cooler.

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

Plumbing:

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

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

(j) SECTION 106 FLOOR AND ROOF DESIGN LOADS, is hereby deleted in its entirety.

(k) 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.

(l) 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 replacement of more than 5,000 square feet of any sized roof shall require a roofing permit.

109.2 Permit fees.

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

611 109.2.2 The determination of value or valuation under any of the
612 provisions of this code shall be made by the building official. The value to
613 be used in computing the building permit and building plan review fees
614 shall be the total value of all construction work for which the permit is
615 issued, as well as all finish work, painting, roofing, electrical, plumbing,
616 heating, air conditioning, elevators, fire-extinguishing systems and any
617 other permanent equipment.

618 109.3 Plan review fees. When submittal documents are required by
619 Section 107, a plan review fee shall be paid to the City. Said plan review fee shall
620 be 40 percent (40%) of the building permit fee as shown in Table 109.7. The plan
621 review fees specified in this section are separate fees from the permit fees
622 specified in Section 109.2 and are in addition to the permit fees. When submittal
623 documents are incomplete or changed so as to require additional plan review or
624 when the project involves deferred submittal items as defined in Section
625 107.3.4.1, an additional plan review fee shall be charged at the rate shown in the
626 Table.

627 109.4 Expedited plan review. An applicant requesting a plan review by the
628 division of development services may request an expedited plan review.
629 Expedited plan review will be undertaken by qualified development services
630 employees outside of normal working hours and will not interfere with normal
631 plan review procedures or projects which have been submitted for plan review.
632 An applicant seeking expedited plan review will compensate the City at the rate
633 of two times the plan review fee for the expedited plan review.

634 109.5 Administrative and other inspection fees.

635 109.5.1 Administrative fees. In addition to the permitting and other
636 fees permitted in this section, the following fees and charges for services
637 shall also apply:

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

638 109.5.2 Other inspection fees. The following fees shall apply to
639 inspections or certificates of elevators, dumbwaiters, escalators and
640 moving walks:

<u>Annual passenger elevator certificate per unit:</u>	<u>\$50.00</u>
<u>Annual freight elevator certificate per unit:</u>	<u>\$50.00</u>
<u>Annual escalator certificate per unit:</u>	<u>\$35.00</u>
<u>Annual dumbwaiter certificate per unit:</u>	<u>\$20.00</u>
<u>Annual access lift certificate per unit:</u>	<u>\$20.00</u>
<u>Full load test:</u>	<u>\$200.00</u>
<u>Reinspection fee:</u>	<u>\$50.00</u>

642 109.6 Waiver of fees. Building permit fees and plan review fees as
643 required by this section for building projects with a total valuation of five million
644 dollars (\$5,000,000.00) or more may be modified by the city manager to a lesser
645 amount, such modification not to exceed twenty-five percent (25%) of the
646 scheduled fees provided the city manager determines the building project
647 encourages economic development and creation of jobs. Modifications of
648 building permit fees and plan review fees which exceed twenty-five percent
649 (25%) of the scheduled fees shall be approved by the governing body. However,
650 no modification of building permit fees and plan review fees shall be made if: 1)
651

652 the applicant utilizes other available tax incentives and/or 2) the subject property
653 is exempt from real estate taxation.

654 109.6.1 Building permit and plan review fees for projects identified
655 by the governing body shall be waived provided and to the extent the Joint
656 Economic Development Organization reimburses the City for such fees.
657 109.7 Table.

<u>Building Permit Fees</u>	
<u>TOTAL VALUATION</u>	<u>FEE</u>
<u>\$1.00 to \$500.00</u>	<u>\$23.50</u>
<u>\$501.00 to \$2,000.00</u>	<u>\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000.00</u>
<u>\$2,001.00 to \$25,000.00</u>	<u>\$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</u>
<u>\$25,001.00 to \$50,000.00</u>	<u>\$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</u>
<u>\$50,001.00 to \$100,000.00</u>	<u>\$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</u>
<u>\$100,001.00 to \$500,000.00</u>	<u>\$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</u>
<u>\$500,001.00 to \$1,000,000.00</u>	<u>\$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</u>
<u>\$1,000,001.00 to \$30,000,000.00</u>	<u>\$5,608.75 for the first \$1,000,000.00 plus \$3.65 for each additional \$1,000.00, or fraction thereof</u>
<u>\$30,000,001.00 or over</u>	<u>\$111,458.75</u>

658 109.8 Work commencing before permit issuance. Any person who
659 commences any work on a building, structure, electrical, gas, mechanical or
660 plumbing system before obtaining the necessary permits shall be subject to a fee
661

established by the building official that shall be in addition to the required permit fees.

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

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

(m) 110.3.7 Energy efficiency inspections, is hereby deleted in its entirety.

(n) 111.1 Use and 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.

(o) SECTION 113, BOARD 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 2.40.010.

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

709 Where Table 509 permits an automatic sprinkler system without a fire
710 barrier, the incidental uses shall be separated from the remainder of the building
711 by construction capable of resisting the passage of smoke. The walls shall
712 extend from the top of the foundation or floor assembly below to the underside of
713 the ceiling that is a component of a fire-resistance-rated floor assembly or roof
714 assembly above or to the underside of the floor or roof sheathing, deck or slab
715 above. Doors shall be self- or automatic-closing upon detection of smoke in
716 accordance with Section 716.5.9.3. Doors shall not have air transfer openings
717 and shall not be undercut in excess of the clearance permitted in accordance
718 with NFPA 80. Walls surrounding the incidental use shall not have openings, air
719 transfer openings, or duct openings unless provided with smoke dampers in
720 accordance with Section 710.8.

721 (q) 703.7 Marking and identification, is hereby deleted in its entirety and the
722 following provisions shall be substituted therefor:

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

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

731 2. Include lettering not less than 3 inches (76 mm) in height
732 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.”

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

Figure 903.2

SUMMARY OF OCCUPANCY-RELATED AUTOMATIC SPRINKLER THRESHOLDS

<u>Occupancy</u>	<u>Threshold</u>	<u>Exception</u>
<u>All occupancies</u>	<u>Buildings with floor level \geq 55 feet above fire department vehicle access and occupant load \geq 30.</u>	<u>Open parking structures. F-2</u>
<u>Assembly (A-1, A-3, A-4)</u>	<u>Fire area > 12,000 sq. ft. or fire area occupant load > 300 or fire area above/below level of exit discharge. Multitheater complex (A-1 only)</u>	<u>None</u>
<u>Assembly (A-2)</u>	<u>Fire area > 5,000 sq. ft. or fire area occupant load > 300 or fire area above/below level of exit discharge.</u>	<u>None</u>
<u>Assembly (A-5)</u>	<u>Accessory areas > 1,000 sq. ft.</u>	<u>None</u>
<u>Ambulatory care facility (B)</u>	<u>\geq 4 care recipients incapable of self-preservation or any care recipients incapable of self-preservation above or below level of exit discharge.</u>	<u>None</u>
<u>Educational (E)</u>	<u>Fire area > 12,000 sq. ft. or below level of exit discharge.</u>	<u>Each classroom has exterior door at grade.</u>
<u>Factory (F-1)</u> <u>Mercantile (M)</u> <u>Storage (S-1)</u>	<u>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 sq. ft. (F-1), display and sale > 5,000 sq. ft. (M), storage > 5,000 sq. ft. (S-1) of upholstered furniture or mattresses. Bulk storage of tires > 20,000 cu. ft. (S-1 only).</u>	<u>Refer to Chapter 9 for thresholds and fire area criteria</u>
<u>High hazard (H-1, H-2, H-3, H-4, H-5)</u>	<u>Sprinklers required.</u>	<u>Refer to local amendment</u>
<u>Institutional (I-1, I-2, I-3, I-4)</u>	<u>Sprinklers required.</u>	<u>Day Care at level of exit discharge and each classroom has exterior exit door.</u>
<u>Residential (R)</u>	<u>Sprinklers required.</u>	<u>Refer to 903.2.8</u>
<u>Repair garage (S-1)</u>	<u>Fire area > 12,000 sq. ft. or \geq 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.</u>	<u>None</u>
<u>Parking garage (S-1)</u>	<u>Commercial motor vehicles parking area > 5,000 sq. ft.</u>	<u>None</u>
<u>Parking garage (S-2)</u>	<u>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)</u>	<u>Not if beneath Group R-3</u>
<u>Covered and open malls (402.5)</u>	<u>Sprinklers required.</u>	<u>Attached open parking structures.</u>

<u>High-rises (403.3)</u>	<u>Sprinklers required.</u>	<u>Open garages; certain telecommunications buildings</u>
<u>Unlimited area buildings (507)</u>	<u>A-3, A-4, B, F, M, S: one story.</u> <u>B, F, M, S: two story.</u>	<u>One story F-2 or S-2.</u>
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 .		

(s) 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:

760 1. A Group F-1 fire area exceeds 12,000 square feet (1115 m²).

761 2. A Group F-1 fire area is located more than three stories
762 above grade plane.

763 3. The combined area of all Group F-1 fire areas on all floors,
764 including any mezzanines, exceeds 24,000 square feet (2230 m²).

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

767 5. A Group S-1 occupancy used for the storage of upholstered
768 furniture or mattresses exceeds 5,000 square feet (232 m²).

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

771 An automatic sprinkler system shall be provided throughout buildings
772 containing a Group M occupancy where one of the following conditions exists:

773 1. A Group M fire area exceeds 12,000 square feet (1115 m²).

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

776 3. The combined area of all Group M fire areas on all floors,
777 including any mezzanines, exceeds 24,000 square feet (2230 m²).

778 4. A Group M occupancy where the primary use is for the display
779 and sale of upholstered furniture or mattresses exceeds 5,000 square feet
780 (464 m²).

781 (w) 903.2.8, Group R, is hereby deleted in its entirety and the following
782 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) 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 (1115 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 (2230 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).

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

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

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

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

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

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

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

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

(aa) 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 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.

(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.

(ee) 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 (915mm) 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.

(ff) 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) Section 3001.3 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) 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) 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.

(ll) 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.

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

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

928 3202.3.1 Awnings, canopies, and marquees. Awnings, canopies,
929 and marquees shall be constructed so as to support applicable loads as
930 specified in Chapter 16. Awnings, canopies, and marquees with less than
931 15 feet (4572 mm) clearance above the sidewalk shall not extend into or
932 occupy more than two-thirds the width of the sidewalk measured from the
933 building. Stanchions or columns that support awnings, canopies,
934 marquees and signs shall be located not less than 2 feet (610mm) in from
935 the curb line.

936 3202.3.2 Windows, balconies, architectural features, signs and
937 mechanical equipment. Where the vertical clearance above grade to
938 projecting windows, balconies, architectural features, signs or mechanical
939 equipment is more than 8 feet (2438 mm), 1 inch (25 mm) of
940 encroachment is permitted for each additional 1 inch (25 mm) of clearance
941 above 8 feet (2438 mm), but the maximum encroachment shall be 4 feet
942 (1219 mm).

943 3202.3.3 Encroachment of awnings, canopies, or marquees 15 feet
944 or more above grade. Awnings, canopies, and marquees shall be
945 constructed so as to support applicable loads as specified in Chapter 16.
946 Awnings, canopies, marquees and signs with 15 feet (4572 mm) or more
947 clearance above the sidewalk shall not extend into or occupy more than
948 two-thirds the width of the sidewalk measured from the building.

949 Stanchions or columns that support awnings, canopies, or marquees shall
950 not be located or placed in the public right-of-way.

951 3202.3.4 Encroachments of windows, balconies, architectural
952 features, signs, and mechanical equipment 15 feet or more above grade.
953 Encroachment of windows, balconies, architectural features, signs, and
954 mechanical equipment of 15 feet (4572 mm) or more above grade shall be
955 limited to 4 feet and the encroachment shall not be supported by columns,
956 stanchions or other vertical supports placed or located in the public right-
957 of-way.

958 3202.3.5 Pedestrian walkways. The vertical clearance from the
959 public right-of-way to the lowest part of a pedestrian walkway shall be 15
960 feet (4572 mm) minimum.

961 Chapter 28, Mechanical Systems is hereby amended to include the
962 NFPA 54, National Fuel Gas Code, as a referenced standard.

963 Section 5. That original § 2.40.010, § 14.20.010, § 14.20.030 and § 14.20.060
964 of The Code of the City of Topeka, Kansas, are hereby specifically repealed.

965 Section 6. This ordinance shall take effect and be in force from May 1, 2018,
966 and after its passage, approval and publication in the official City newspaper.

967 Section 7. This ordinance shall supersede all ordinances, resolutions or rules,
968 or portions thereof, which are in conflict with the provisions of this ordinance.

969 Section 8. Should any section, clause or phrase of this ordinance be declared
970 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
971 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.
972

973 PASSED AND APPROVED by the Governing Body on April 3, 2018.

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975 CITY OF TOPEKA, KANSAS

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981 _____
982 Michelle De La Isla, Mayor

983 ATTEST:

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986 _____
987 Brenda Younger, City Clerk