

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

ORDINANCE NO. 20115

AN ORDINANCE introduced by City Manager Brent Trout adopting the 2015 International Fire Code and local amendments, amending City of Topeka Code § 14.40.010 through § 14.40.050, § 14.40.110 and § 14.40.120, repealing said original sections, and creating new § 14.40.115.

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

Section 1. That section 14.40.010 of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Adoption of ~~2006~~2015 International Fire Code.

There is hereby adopted by reference, and incorporated herein as if fully set out in this chapter, the ~~2006~~2015 International Fire Code, as amended, including Appendices B, C, D and F, except as hereafter provided in Article II of this chapter.

Section 2. That section 14.40.020 of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Copies on file in clerk's office.

At least one copy of the ~~2006~~2015 International Fire Code as adopted in this chapter shall be on file with the city clerk to be available for inspection by the public at all reasonable business hours. The police department, municipal court and all administrative departments of the city charged with the duty of enforcement of this chapter shall be supplied, at the cost of the city, such number of copies of the code as may be deemed expedient by the fire chief.

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

29 **Generally.**

30 Amendments to the ~~2006~~2015 International Fire Code adopted by TMC
31 14.40.010 shall be as set out in this article. All references to section and chapter
32 numbers in the text of this article shall be construed as if followed by the words “of the
33 fire code” unless clearly indicated to the contrary.

34 Section 4. That section 14.40.040 of The Code of the City of Topeka, Kansas,
35 is hereby amended to read as follows:

36 **Chapter 1, Section 105.1.1, Permits required.**

37 Chapter 1, Section 105.1.1, Permits required, is hereby deleted in its entirety and
38 the following provisions shall be substituted therefor:

39 The Topeka Fire Department will issue operational permits for the following:

- 40 1. Explosives;
- 41 2. Flammable and combustible liquids;
- 42 3. Liquid or gas fueled vehicles or equipment in assembly buildings;
- 43 4. LP gas;
- 44 5. Open burning;
- 45 6. Pyrotechnic special effects materials; and
- 46 7. Temporary membrane structures, tents, and canopies; ~~and~~
- 47 ~~8. Waste handling.~~

48 Section 5. That section 14.40.050 of The Code of the City of Topeka, Kansas,
49 is hereby amended to read as follows:

50 **Chapter 1, Section 105.6.3032, Open burning.**

51 Chapter 1, Section 105.6.3032, Open burning, is hereby deleted in its entirety

and the following provisions shall be substituted therefor:

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

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

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

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

Section 6. That section 14.40.110 of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Chapter 9, Section 903.2.78, Group R.

Chapter 9, Section 903.2.78, 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.

Section 7. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 14.40.115, which said section reads as follows:

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

Section 8. That section 14.40.120 of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Chapter ~~3457~~, Section ~~3404.2.3.25704.2.3.2~~, Label or placard.

Chapter ~~3457~~, Section ~~3404.2.3.25704.2.3.2~~, Label or placard, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

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

Exception: Tanks located underground.

Section 9. That original § 14.40.010 through § 14.40.050, § 14.40.110 and § 14.40.120 of The Code of the City of Topeka, Kansas, are hereby specifically repealed.

Section 10. This ordinance shall take effect on May 1, 2018, and be in force from and after its passage, approval and publication in the official City newspaper.

Section 11. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 12. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

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

CITY OF TOPEKA, KANSAS

Michelle De La Isla, Mayor

ATTEST:

Brenda Younger, City Clerk