

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

ORDINANCE NO. 20116

AN ORDINANCE introduced by City Manager Brent Trout, concerning adoption of 2015 Life Safety Code, amending City of Topeka Code § 14.45.010 and repealing said original section and repealing § 14.45.020 in its entirety.

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

Section 1. That section 14.45.010 of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Adopted.

(a) There is hereby adopted by reference Chapters 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13 (as amended), 15, 17, 19, 21, 23, 24, 25, 26, 27, 29, 31, 33, 34, 35, 37, 39, 40, 41, 42, Annex A and Annex B of the Life Safety Code, ~~2006~~2015 Edition, as published by the National Fire Protection Association, Inc.

(b) Chapter 2 of the Life Safety Code, ~~2006~~2015 Edition, is also incorporated herein and may be considered and applied by the fire chief to the extent necessary in the fire chief's sole discretion to implement and enforce the Life Safety Code.

(c) Chapters 12, 14, 16, 18, 20, 22, 28, 30, 32, 36, 38, and 43 of the Life Safety Code, ~~2006~~2015 Edition, are specifically not adopted herein.

(d) Facilities which are in service prior to the adoption of the ~~2006~~2015 Edition of the Life Safety Code and not in strict conformity therewith may continue in service, provided such facilities are not determined by the fire chief to constitute a distinct hazard to life or property.

(e) Amendments. Section 13.3.5.1 of the Life Safety Code, ~~2006~~2015 Edition, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

Where the occupancy load exceeds 300, or as otherwise required by City of Topeka Code § 14.40.100, the following assembly occupancies shall be protected throughout by an approved, supervised automatic sprinkler system in accordance with 9.7.1.1(1):

- (1) Bars with live entertainment.
- (2) Dance halls.
- (3) Discotheques.
- (4) Nightclubs.
- (5) Assembly occupancies with festival seating.

Section 2. That section 14.45.020 of The Code of the City of Topeka, Kansas, is hereby repealed.

Appeals.

~~(a) The board of building and fire appeals as defined in TMC 2.40.010 shall be empowered to hear and determine interpretations of the life safety code and to permit exceptions or variances from the life safety code provisions in certain cases or situations, in accordance with the purposes and intent of the code. An exception or variance shall not be granted except in those situations, as determined by the board, that will not endanger life or limb, health, property or public welfare.~~

~~(b) An exception or variance relating to the life safety code may be vetoed by the fire chief. Requests for exceptions or variances which have been denied and matters vetoed may be appealed to the council by filing within 10 days of the effective date of the denial or veto, in writing, with the city clerk, a request for a hearing before the council. Within five days of the receipt of this request for a hearing, the council shall give notice of a public hearing to be held in no less than five days nor more than 10 days~~

53 ~~after service of the notice on the person requesting the hearing.~~

54 ~~(c) A judgment rendered or final decision made by the council may be reversed,~~
55 ~~vacated or modified by the district court on appeal. It shall be sufficient for an aggrieved~~
56 ~~party to file a notice that such party is appealing from such judgment or decision with~~
57 ~~the council within 30 days of its entry, and then causing true copies of all pertinent~~
58 ~~proceedings before the council to be prepared and filed with the clerk of the district~~
59 ~~court in the county in which such judgment or decision was entered.~~

60 Section 3. That original § 14.45.010 of The Code of the City of Topeka,
61 Kansas, is hereby specifically repealed.

62 Section 4. This ordinance shall take effect on May 1, 2018, and be in force
63 from and after its passage, approval and publication in the official City newspaper.

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

66 Section 6. Should any section, clause or phrase of this ordinance be declared
67 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
68 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

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

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71 CITY OF TOPEKA, KANSAS
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Michelle De La Isla, Mayor

77 ATTEST:

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82 Brenda Younger, City Clerk