

1 (Published in the Topeka Metro News May 6, 2009)

2
3 **ORDINANCE NO. 19250**

4
5 AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., concerning
6 the adoption of the International Fire Code, creating Chapter 70,
7 Article III, Division 3, Subdivision II, amending City of Topeka Code
8 §§ 50-48, 70-56, 70-71, 70-86, 70-87, and 98-171 and specifically
9 repealing said original sections.

10
11 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

12
13 Section 1. That section 50-48, Definitions, of The Code of the City of Topeka,
14 Kansas, is hereby amended to read as follows:

15 **Definitions.**

16 As used in this Act:

17 (1) *Appearance bond* means an undertaking, with or without security, entered
18 into by a person in custody by which the person is bound to comply with the conditions
19 of the undertaking.

20 (2) *Accused person* means a person, corporation or other legal entity accused
21 by a complaint of the violation of a city ordinance.

22 (3) *Arraignment* means the formal act of calling the person accused of
23 violating an ordinance before the municipal court to inform the person of the offense
24 with which the person is charged, to ask the person whether the person is guilty or not
25 guilty and, if guilty, to impose sentence.

26 (4) *Arrest* means the taking of a person into custody in order that the person
27 will appear to answer for the violation of an ordinance. The giving of a notice to appear
28 is not an arrest.

29 (5) *Bail* is the security given for the purpose of insuring compliance with the
30 terms of an appearance bond.

31 (6) *City attorney* means any attorney who represents the city in the
32 prosecution of an accused person for the violation of a city ordinance.

33 (7) *Complaint* means a sworn written statement, or a written statement by a
34 law enforcement officer, the city attorney or an assistant city attorney, an animal control
35 officer, parking control officer as specifically authorized by Topeka City Code section
36 142-429, property maintenance inspector as specifically authorized by Topeka City
37 Code section 142-355 or a fire department employee with authority to enforce the
38 ~~Uniform~~ Fire Code of the essential facts constituting a violation of an ordinance.

39 (8) *Custody* means the restraint of a person pursuant to an arrest.

40 (9) *Detention* means the temporary restraint of a person by a law enforcement
41 officer.

42 (10) *Law enforcement officer* means any person who by virtue of office or
43 public employment is vested by law with a duty to maintain public order and to make
44 arrests for violation of the laws of the State of Kansas or ordinances of any municipality
45 thereof. For the purposes of signing and serving a uniform complaint and notice to
46 appear or a subpoena, the term shall also mean the city attorney or an assistant city
47 attorney, an animal control officer, parking control officer as specifically authorized by
48 Topeka City Code section 142-429, property maintenance inspector as specifically
49 authorized by Topeka City Code section 142-355 or a fire department employee with
50 authority to enforce the ~~Uniform~~-Fire Code.

51 (11) *Notice to appear* is a written notice to a person accused by a complaint of
52 having violated an ordinance of a city to appear at a stated time and place to answer to
53 the charge of the complaint.

54 (12) *Subpoena* is a process issued by the court to cause a witness to appear
55 and give testimony at a time and place therein specified.

56 (13) *Ordinance traffic infraction* is a violation of an ordinance that proscribes or
57 requires the same behavior as that proscribed or required by a statutory provision that is
58 classified as a traffic infraction in K.S.A. 1998 Supp. 8-2118 and amendments thereto.

59 (14) *Warrant* is a written order made by a municipal judge directed to any law
60 enforcement officer commanding the officer to arrest the person named or described in
61 it.

62 (15) *Ordinance cigarette or tobacco infraction* is a violation of an ordinance that
63 proscribes the same behavior as proscribed by subsection (43m) or (44n) of K.S.A. 79-
64 3321 and amendments thereto.

65 Section 2. That section 70-56, Adoption of rules and regulations, of The Code
66 of the City of Topeka, Kansas, is hereby amended to read as follows:

67 **Adoption of rules and regulations.**

68 The chief of the fire department shall have the authority to promulgate such rules
69 and regulations as are necessary to carry out the purposes of the ~~Uniform~~ Fire Code
70 and Life Safety Code, and such rules and regulations shall be effective upon their
71 approval by the ~~mayer~~ city manager.

72 Section 3. That section 70-71, Complaint, of The Code of the City of Topeka,
73 Kansas, is hereby amended to read as follows:

74 **Complaint.**

75 Whenever any person operating or maintaining any occupancy, premises or
76 vehicle subject to the ~~Uniform~~ Fire Code or such other ordinances enforced by the fire
77 chief fails to take immediate action when ordered or notified to do so by the fire chief or
78 a duly authorized representative to abate a fire hazard existing on premises under the
79 person's control, the fire chief or a duly authorized representative shall issue a
80 complaint charging the accused person of violating the ~~Uniform~~ Fire Code or such other
81 ordinance enforced by the fire chief.

82 Section 4. That section 70-86, Uniform Fire Code and standards adopted, of
83 The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

84 **Uniform Adoption of 2006 International Fire Code and standards adopted.**

85 ~~(a) There is hereby adopted by reference the Uniform Fire Code, 1997 edition,~~
86 ~~of the International Conference of Building Officials, and the Western Fire Chiefs~~
87 ~~Association, 300 N. Main Avenue, Suite 25, Fallbrook, California 92028, published by~~
88 ~~International Fire Code Institute, 5360 South Workman Mill Road, Whittier, California,~~
89 ~~90601-2298, (562) 699-0124. The code shall include all codified supplements to the~~
90 ~~Uniform Fire Code, 1997 edition, and the following Uniform Fire Code articles 1, 2, 9,~~
91 ~~10, 11, 12, 13, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36, 45, 46, 47, 48, 49, 50, 51,~~
92 ~~52, 61, 62, 63, 64, 74, 75, 76, 77, 78, 79, 80, 81, 82, 84, 85, 87, 88, and 90. The code is~~
93 ~~made a part of this Code and incorporated herein as if fully set out in this division,~~
94 ~~except as hereafter provided.~~

95 ~~(b) The U.F.C. Standards, Volume 2, which are referred to in various parts of~~
96 ~~the fire code shall be the Uniform Fire Code Standards, 1997 edition, and all codified~~

97 ~~supplements thereto, and said U.F.C. Standards are hereby declared to be a part of the~~
98 ~~fire prevention code of the city.~~

99 ~~(c) Adoption of the Uniform Fire Code, 1997 edition, shall include the following~~
100 ~~appendix:~~

101 ~~Appendix I-C, stairway identification.~~

102 ~~Appendix 2F, protected A-G tanks for motor vehicle fuel dispensing stations outside of~~
103 ~~building:~~

104 ~~These provisions shall not prohibit the dispensing of Class I and Class II liquids~~
105 ~~in the open from a fuel dispensing system supplied by the listed protected aboveground~~
106 ~~tank not to exceed 3,000 gallons, located at commercial, industrial, governmental, or~~
107 ~~manufacturing establishments, and intended for fueling vehicles used in connection with~~
108 ~~their business.~~

109 ~~Exception: Motor vehicle fuel dispensing station automotive (public).~~

110 ~~Appendix II J. Storage of flammable and combustible liquids in tanks located below~~
111 ~~grave vaults.~~

112 ~~Appendix IV B. Christmas trees.~~

113 ~~Appendix V-5. Nationally recognized standards of good practice.~~

114
115 There is hereby adopted by reference and incorporated herein as if fully set out
116 in this division, the 2006 International Fire Code, as amended, including Appendices B,
117 C, D and F, except as hereafter provided in Subdivision II.

118 Section 5. That section 70-87, Copies on file in clerk's office, of The Code of
119 the City of Topeka, Kansas, is hereby amended to read as follows:

120 **Copies on file in clerk's office.**

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

127 Section 6. That The Code of the City of Topeka, Kansas, Chapter 70, Article
128 III, Division 3, Subdivision II, International Fire Code Amendments, is hereby amended
129 by adding a section to be numbered 70-101, which said section reads as follows:

130 **Generally.**

131 Amendments to the 2006 International Fire Code adopted by City of Topeka
132 Code § 70-86 shall be as set out in this subdivision. All references to section and
133 chapter numbers in the text of this subdivision shall be construed as if followed by the
134 words "of the fire code" unless clearly indicated to the contrary.

135 Section 7. That The Code of the City of Topeka, Kansas, Chapter 70, Article
136 III, Division 3, Subdivision II, International Fire Code Amendments, is hereby amended
137 by adding a section to be numbered 70-102, which said section reads as follows:

138 **Chapter 1, Section 105.1.1 Permits required,** is hereby deleted in its entirety
139 and the following provisions shall be substituted therefore:

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

- 141 1. Explosives;
- 142 2. Flammable and combustible liquids;
- 143 3. Liquid or gas fueled vehicles or equipment in assembly buildings;

- 144 4. LP gas;
- 145 5. Open burning;
- 146 6. Pyrotechnic special effects materials;
- 147 7. Temporary membrane structures, tents, and canopies; and
- 148 8. Waste handling.

149 Section 8. That The Code of the City of Topeka, Kansas, Chapter 70, Article
150 III, Division 3, Subdivision II, International Fire Code Amendments, is hereby amended
151 by adding a section to be numbered 70-103, which said section reads as follows:

152 **Chapter 1, Section 105.6.30 Open burning,** is hereby deleted in its entirety and
153 the following provisions shall be substituted therefore:

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

157 Section 9. That The Code of the City of Topeka, Kansas, Chapter 70, Article
158 III, Division 3, Subdivision II, International Fire Code Amendments, is hereby amended
159 by adding a section to be numbered 70-104, which said section reads as follows:

160 **Chapter 1, Section 108 Board of Appeals,** is hereby deleted in its entirety and
161 the following provisions shall be substituted therefore:

162 The appeals board under this code shall be the board of building and fire appeals
163 created under and governed by TCC § 26-138.

164 Section 10. That The Code of the City of Topeka, Kansas, Chapter 70, Article
165 III, Division 3, Subdivision II, International Fire Code Amendments, is hereby amended
166 by adding a section to be numbered 70-105, which said section reads as follows:

167 **Chapter 3, Section 304.1.2 Vegetation**, is hereby deleted in its entirety and the
168 following provisions shall be substituted therefore:

169 Weeds, grass, vines or other growth that is capable of being ignited and
170 endangering property, shall be cut down and removed by the owner or occupant of the
171 premises. When the fire chief or their designee determines that total removal of growth
172 is impractical due to size or environmental factors, approved fuel breaks shall be
173 established. Designated areas shall be cleared of combustible vegetation to establish
174 fuel breaks. Vegetation clearance requirements in urban-wildland interface areas shall
175 be in accordance with the International Wildland-Urban Interface Code.

176 Section 11. That The Code of the City of Topeka, Kansas, Chapter 70, Article
177 III, Division 3, Subdivision II, International Fire Code Amendments, is hereby amended
178 by adding a section to be numbered 70-106, which said section reads as follows:

179 **Chapter 6, Section 603.8 Incinerators**, is hereby deleted in its entirety and the
180 following provisions shall be substituted therefore:

181 Commercial and industrial incinerators and chimneys shall be constructed in
182 accordance with the International Building Code, the International Fuel Gas Code and
183 the International Mechanical Code.

184 Section 12. That The Code of the City of Topeka, Kansas, Chapter 70, Article
185 III, Division 3, Subdivision II, International Fire Code Amendments, is hereby amended
186 by adding a section to be numbered 70-107, which said section reads as follows:

187 **Chapter 6, Section 603.8.1 Residential incinerators**, is hereby deleted in its
188 entirety.

189 Section 13. That The Code of the City of Topeka, Kansas, Chapter 70, Article
190 III, Division 3, Subdivision II, International Fire Code Amendments, is hereby amended
191 by adding a section to be numbered 70-108, which said section reads as follows:

192 **Chapter 9, Section 903.2.1.2 Group A-2,** is hereby deleted in its entirety and
193 the following provisions shall be substituted therefore:

194 An automatic sprinkler system shall be provided for Group A-2 occupancies
195 where one of the following conditions exists:

- 196 1. The fire area exceeds 5,000 square feet (465 m²);
- 197 2. The fire area has an occupant load of 300 or more; or
- 198 3. The fire area is located on a floor other than the level of exit discharge.

199 Section 14. That The Code of the City of Topeka, Kansas, Chapter 70, Article
200 III, Division 3, Subdivision II, International Fire Code Amendments, is hereby amended
201 by adding a section to be numbered 70-109, which said section reads as follows:

202 **Chapter 9, Section 903.2.7 Group R,** is hereby deleted in its entirety and the
203 following provisions shall be substituted therefore:

204 An automatic sprinkler system installed in accordance with Section 903.3 shall be
205 provided through-out all buildings with a Group R fire area.

206 Exceptions:

- 207 1. An automatic sprinkler system is not required for a building
208 containing not more than two (2) one- or two-family dwelling units,
209 either individually or in combination with other nonresidential
210 occupancies, provided however, that a fire alarm and detection

211 system shall be installed in the residential units as well as the
212 nonresidential occupancy areas.

213 2. An automatic sprinkler system is not required for buildings
214 consisting solely of four (4) dwelling units or less.

215 Section 15. That The Code of the City of Topeka, Kansas, Chapter 70, Article
216 III, Division 3, Subdivision II, International Fire Code Amendments, is hereby amended
217 by adding a section to be numbered 70-110, which said section reads as follows:

218 **Chapter 34, Section 3404.2.3.2 Label or placard,** is hereby deleted in its
219 entirety and the following provisions shall be substituted therefore:

220 Tanks more than 100 gallons (379 L) in capacity, which are permanently installed
221 or mounted and used for the storage of Class I, II or IIIA liquids, shall bear a label and
222 placard identifying the material therein. Placards shall be in accordance with NFPA
223 704.

224 Exception: Tanks located underground.

225 Section 16. That The Code of the City of Topeka, Kansas, Chapter 70, Article
226 III, Division 3, Subdivision II, International Fire Code Amendments, is hereby amended
227 by adding a section to be numbered 70-111, which said section reads as follows:

228 **Appendix C, Fire Hydrant Locations and distribution,** is deleted in its entirety
229 and the following provisions shall be substituted therefore:

230 Fire hydrant locations shall be in accordance with Section 1.5, Water Distribution
231 Design Criteria, of the City of Topeka Design Criteria and Drafting Standards Manual.
232 Amendments to or deviations from the Water Distribution Design Criteria related to fire

233 hydrants shall be approved by the fire chief, the water superintendent and the city
234 engineer.

235 Section 17. That section 98-171, Application of fire code, of The Code of the
236 City of Topeka, Kansas, is hereby amended to read as follows:

237 **Application of fire code.**

238 All mobile home parks shall be subject to the rules and regulations of the ~~Uniform~~
239 Fire Code as adopted by the city.

240 Section 18. That original City of Topeka Code §§ 50-48, 70-56, 70-71, 70-86,
241 70-87 and 98-171 are hereby specifically repealed.

242 Section 19. This ordinance shall take effect and be in force after its passage,
243 approval and publication in the official City newspaper.

244 PASSED AND APPROVED by the City Council April 28, 2009.

245
246 CITY OF TOPEKA, KANSAS

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251 _____
252 William W. Buntzen, Mayor

253 ATTEST:
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256 _____
257 Brenda Younger, City Clerk