

1 (Published in the Topeka Metro News May 23, 2007)

2  
3 **ORDINANCE NO. 18881**

4  
5 AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. concerning  
6 building codes, repealing City of Topeka Code §§ 26-137, 26-139  
7 through 26-157.  
8

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

10 Section 1. That City of Topeka Code § 26-137, Definitions, is hereby  
11 specifically repealed.

12 **Definitions.**

13 ~~For the purposes of Code sections 26-143, 26-146, 26-147 and 26-156, a "day care~~  
14 ~~facility" shall be defined as a facility that cares for more than ten children for more than~~  
15 ~~three hours a day but less than 24 hours a day, including daytime, evening and~~  
16 ~~nighttime care.~~

17 Section 2. That City of Topeka Code § 26-139, Section 106.1, building  
18 permits, is hereby specifically repealed.

19 ~~Section 106.1 is amended to read as follows:~~

20 ~~(1) Whenever any person shall erect, construct, enlarge, alter, repair, move,~~  
21 ~~improve, convert or demolish any building or structure, or cause the same to be done,~~  
22 ~~an application shall be made to the development coordination office. Repair or~~  
23 ~~replacement of 50 percent or 5,000 square feet of roof area will require a building~~  
24 ~~permit. Repair or replacement of less than 1,000 square feet of roof area does not~~  
25 ~~require a permit.~~

26 ~~(2) An applicant requesting a plan review by the division of building inspection~~  
27 ~~may request an expedited plan review. Expedited plan review will be undertaken by~~

28 ~~qualified building inspection employees outside of normal working hours and will not~~  
29 ~~interfere with normal plan review procedures or projects which have been submitted for~~  
30 ~~plan review. An applicant seeking expedited plan review will compensate the city at the~~  
31 ~~rate of two times the plan review fee for the expedited plan review. All fees owed by the~~  
32 ~~applicant shall be paid in full prior to the issuance of any type of building permit.~~  
33 ~~Overtime compensation will be paid to individuals performing expedited plan review~~  
34 ~~from the fees collected for such review.~~

35 ~~(3) Compliance with other codes, ordinances and regulations:~~

36 ~~(a) The development coordination office shall notify and inform the following~~  
37 ~~departments and divisions of each application as deemed appropriate by the~~  
38 ~~development coordination office:~~

39 ~~Metropolitan planning agency.~~

40 ~~Public works department:~~

41 ~~Engineering division.~~

42 ~~Traffic engineering division.~~

43 ~~Water pollution control division.~~

44 ~~Building inspection division.~~

45 ~~Water division.~~

46 ~~Parks and recreation department.~~

47 ~~Fire department.~~

48 ~~Shawnee County Health Agency.~~

49 ~~Within three working days commencing at 8:00 a.m. the first working day following~~  
50 ~~receipt of the plans by the development coordination office if the permit application is for~~

51 ~~one- and two-family residential construction, or within ten working days following receipt~~  
52 ~~of plans by the development coordination office, if the permit application is for any other~~  
53 ~~construction, each affected department or division shall submit a certification review~~  
54 ~~report to the development coordination office. The certification review report shall~~  
55 ~~contain either the word "Compliance" endorsed thereon or the words "Noncompliance,~~  
56 ~~recommendations for compliance to codes, ordinances or regulations" endorsed~~  
57 ~~thereon. Such recommendations may include full compliance with applicable codes,~~  
58 ~~ordinances or regulations, or a waiver therefrom, which in the judgement of the~~  
59 ~~reviewing department or division is essential, necessary and appropriate to maintain~~  
60 ~~and promote the public health and safety of the subject property and the community.~~

61 ~~(b) The development coordination office shall include and require compliance to all~~  
62 ~~subject codes, ordinances and regulations as a condition to the issuance of a building~~  
63 ~~permit, except as provided herein. The development coordination office and/or the~~  
64 ~~applicant may seek an appeal from the compliance of any code, ordinance or regulation~~  
65 ~~of the city. Any and all such waivers or variances may be granted only by action of the~~  
66 ~~city council upon receipt of comments and/or recommendation by the reviewing~~  
67 ~~departments.~~

68 ~~Furthermore, the city council shall not be authorized to grant or stay any appeal which is~~  
69 ~~provided for elsewhere in the Code and specifically designated to the board of appeals,~~  
70 ~~board of examiners or metropolitan planning commission.~~

71 ~~The development coordination office may issue a permit for the construction of part of a~~  
72 ~~building or structure before the entire plans and specifications for the whole building or~~  
73 ~~structure have been submitted and approved, provided the following conditions are met:~~

- 74 ~~1. Adequate information and detailed statements have been filed complying with all~~  
75 ~~pertinent requirements of the Uniform Building Code.~~
- 76 ~~2. The property is platted and a final plat has been filed of record unless excepted~~  
77 ~~pursuant to section 162-61(6).~~
- 78 ~~3. The intended use of the building or structure is permitted under the use regulations~~  
79 ~~of the zoning district.~~
- 80 ~~4. A drainage report has been filed and approved by the division of engineering or has~~  
81 ~~received conditional approval by the division of engineering.~~
- 82 ~~5. A site plan application has been filed and has received approval.~~
- 83 ~~The holder of such a permit shall proceed at his own risk without assurance that the~~  
84 ~~permit for the entire structure or building will be granted.~~
- 85 ~~Any individual and/or contractor who has received a written notice and who has not~~  
86 ~~appealed or corrected such violation notice within ten days of receiving the violation~~  
87 ~~notice shall be deemed ineligible to receive any new or additional building permits until~~  
88 ~~such time as the violation is corrected.~~
- 89 ~~(4) It shall be the responsibility of the owner or the owner's representative to~~  
90 ~~make sure the structure has received final inspection prior to any occupancy. If the~~  
91 ~~structure is occupied prior to a certificate of occupancy or a temporary certificate of~~  
92 ~~occupancy being issued, then the following additional fees may be assessed to the~~  
93 ~~owner.~~
- 94 ~~\$250.00 per day for the first seven days of occupancy.~~
- 95 ~~\$499.00 per day after the seventh day of occupancy.~~

96           ~~The above fees are in addition to any fines which may be imposed by municipal~~  
97 ~~court. The above fees shall apply to all permits issued after the effective date of this~~  
98 ~~section.~~

99           Section 3.   That City of Topeka Code § 26-139.1, Section 106.3.2, submittal  
100 documents, is hereby specifically repealed.

101           ~~Plans, specifications, diagrams, soil investigation reports or special inspection to~~  
102 ~~verify soil prior to placing foundation, special inspection and structural observation~~  
103 ~~programs and other data shall constitute the submittal documents and shall be~~  
104 ~~submitted in one or more sets with each application for a permit. Projects, other than~~  
105 ~~one and two family dwellings, shall be sealed by an architect or engineer licensed in~~  
106 ~~the State of Kansas, unless the project falls within the parameters of the exemptions~~  
107 ~~as stated in the Kansas Statutes for Technical Professions. A form, obtained from the~~  
108 ~~city, shall be completed by an architect or engineer licensed in the State of Kansas.~~  
109 ~~When such plans are not prepared by an architect or engineer and the form is~~  
110 ~~submitted, the building official may require the plans, computations and specifications~~  
111 ~~be prepared and designed by an engineer or architect licensed by the State of Kansas~~  
112 ~~even if not required by state law.~~

113           ~~*Exception:* The building official may waive the submission of plans, calculations,~~  
114 ~~construction inspection requirements and other data if the building official determines~~  
115 ~~that the nature of the work applied for is such that reviewing of plans is not necessary to~~  
116 ~~obtain compliance with this code.~~

117           Section 4.   That City of Topeka Code § 26-139.1.5, Section 107, Fees of the  
118 uniform building code, 1997 edition, is hereby specifically repealed.

119 **Section 107, Fees of the Uniform Building Code, 1997 Edition.**

120 ~~Building permit fees and plan review fees as required by City of Topeka Code~~  
121 ~~section 26-139.2, Plan review fees, for building projects with a total valuation of five~~  
122 ~~million dollars (\$5,000,000.00) or more may be modified by the city manager to a lesser~~  
123 ~~amount, such modification not to exceed twenty five percent (25%) of the scheduled~~  
124 ~~fees provided the city manager determines the building project encourages economic~~  
125 ~~development and creation of jobs. Modifications of building permit fees and plan review~~  
126 ~~fees which exceed twenty five percent (25%) of the scheduled fees shall be approved~~  
127 ~~by the city council. However, no modification of building permit fees and plan review~~  
128 ~~fees shall be made if: 1) the applicant utilizes other available tax incentives and/or 2) the~~  
129 ~~subject property is exempt from real estate taxation.~~

130 *Permit fees.*

131 ~~107.2 a. The fee for each permit issued for work to be commenced within the City~~  
132 ~~of Topeka boundaries shall be as set forth in Table 1-A, except that commencing~~  
133 ~~January 1, 2004, all such fees in areas identified by the City Council shall be waived~~  
134 ~~provided the Joint Economic Development Organization reimburses the City of Topeka~~  
135 ~~for all such fees.~~

136 ~~107.2 b The determination of value or valuation under any of the provisions of~~  
137 ~~this code shall be made by the building official. The value to be used in computing the~~  
138 ~~building permit and building plan review fees shall be the total value of all construction~~  
139 ~~work for which the permit is issued, as well as all finish work, painting, roofing, electrical,~~  
140 ~~plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other~~  
141 ~~permanent equipment.~~

142 ~~107.7 Elevators, dumbwaiters, escalators and moving walks inspection and~~  
143 ~~administrative fees.~~

144 ~~The following fees shall apply to inspections or certificates of elevators,~~  
145 ~~dumbwaiters, escalators and moving walks:~~

146 ~~Annual passenger elevator certificate per unit: . . . . . \$50.00~~

147 ~~Annual freight elevator certificate per unit: . . . . . \$50.00~~

148 ~~Annual escalator certificate per unit: . . . . . \$35.00~~

149 ~~Annual dumbwaiter certificate per unit: . . . . . \$20.00~~

150 ~~Annual access lift certificate per unit: . . . . . \$20.00~~

151 ~~Full load test: . . . . . \$200.00~~

152 ~~Reinspection fee: . . . . . \$50.00~~

153 ~~107.8 Administrative fees.~~ In addition to the permitting and other fees permitted  
154 in this section, the following fees and charges for services shall also apply.

155 ~~Certification of occupancy--Duplicate: . . . . . \$50.00~~

156 ~~Compliance letter: . . . . . \$100.00~~

157 ~~Flood plain verifications: . . . . . \$30.00~~

158 ~~Technology improvement for each permit or license: . . . . . \$3.00~~

159 Section 5. That City of Topeka Code § 26-139.2, Section 107.3, plan review  
160 fees, is hereby specifically repealed.

161 ~~When submittal documents are required by Section 106.3.2, a plan review fee~~  
162 ~~shall be paid at the time of submitting the submittal documents for plan review. Said~~  
163 ~~plan review fee shall be 40 percent of the building permit fee as shown in Table 1-A.~~

164           ~~The plan review fees specified in this section are separate fees from the permit~~  
165 ~~fees specified in Section 107.2 and are in addition to the permit fees.~~

166           ~~When submittal documents are incomplete or changed so as to require additional~~  
167 ~~plan review or when the project involves deferred submittal items~~  
168 ~~as defined in Section 106.3.4.2, an additional plan review fee shall be charged at the~~  
169 ~~rate shown in Table 1-A.~~

170           Section 6.   That City of Topeka Code § 26-141, Section 108.3 and 108.4,  
171 inspection requests; approval required, is hereby specifically repealed.

172           ~~Section 108.3 and 108.4 shall be set aside and the following special provisions~~  
173 ~~be substituted therefor:~~

174           ~~108.3 Inspection requests.~~ It shall be the duty of the person doing the work  
175 authorized by a permit to notify the building official that such work is ready for  
176 inspection. The building official may require that every request for inspection be filed at  
177 least one working day before such inspection is desired. Such request may be in writing  
178 or by telephone at the option of the building official.

179           ~~It shall be the duty of the person requesting any inspections required by this code to~~  
180 ~~provide access to and means for inspection of such work.~~

181           ~~108.4 Approval required.~~ Work shall not be done beyond the point indicated in  
182 each successive inspection without first obtaining the approval of the building official.  
183 The building official, upon notification, shall make the requested inspections and shall  
184 either indicate that portion of the construction is satisfactory as completed or shall notify  
185 the permit holder or his agent wherein the same fails to comply with this code. Any

186 ~~portions which do not comply shall be corrected and such portion shall not be covered~~  
187 ~~or concealed until authorized by the building official.~~

188 ~~There shall be a final inspection and approval of all buildings and structures when~~  
189 ~~completed and prior to occupancy and use.~~

190 Section 7. That City of Topeka Code § 26-144, Section 504.6.2, fire resistance  
191 and openings, is hereby specifically repealed.

192 Section 504.6.2 is hereby amended to read as follows:

193 ~~Section 504.6.2 Fire resistance and openings.—~~

194 ~~Area separation walls should not be less than four-hour fire-resistive construction~~  
195 ~~in Types I, II-F.R., III and IV buildings and two-hour fire-resistive construction in Type II~~  
196 ~~one-hour, Type II-N or Type V buildings and shall be of masonry construction. The total~~  
197 ~~width of all openings in such walls shall not exceed 25 percent of the length of the wall~~  
198 ~~in each story. All openings shall be protected by a fire assembly having a three-hour~~  
199 ~~fire-protection rating in four-hour fire-resistive walls and one- and one-half fire-protection~~  
200 ~~rating in two-hour fire-resistive walls.~~

201 ~~Exception: Area separation wall construction within an existing building may be~~  
202 ~~constructed of any material as allowed under other provisions of this code.~~

203 Section 8. That City of Topeka Code § 26-144.1, Section 504.6.4, terminating,  
204 is hereby specifically repealed.

205 ~~Area separation walls shall extend vertically from the foundation to a point at~~  
206 ~~least 30 inches above the roof.~~

207 ~~Exceptions:—~~

208           1. ~~Any area separation wall may terminate at the underside to the roof~~  
209 ~~sheating, deck or slab, provided the roof-ceiling assembly is of at least two-hour fire-~~  
210 ~~resistive construction.~~

211           2. ~~In other than new wood roof frame construction, two-hour area separation~~  
212 ~~walls may terminate at the underside of the roof sheating, deck or slab, provided:~~

213           2.1. ~~When the roof-ceiling framing elements are parallel to the walls, such~~  
214 ~~framing and elements supporting such framing shall not be of less than one-hour fire-~~  
215 ~~resistive construction for a width of not less than five feet on each side of the wall.~~

216           2.2. ~~When roof-ceiling framing elements are not parallel to the wall, the entire~~  
217 ~~span of such framing and elements supporting such framing shall not be of less than~~  
218 ~~one-hour fire-resistive construction.~~

219           2.3. ~~Openings in the roof shall not be located within five feet of the area~~  
220 ~~separation wall.~~

221           2.4. ~~The entire building shall be provided with not less than Class B roof~~  
222 ~~covering as specified in Table 15-A.~~

223           3. ~~Two-hour area separation walls may terminate at the underside of~~  
224 ~~noncombustible roof sheating, deck or slabs of roofs of noncombustible construction,~~  
225 ~~provided:~~

226           3.1. ~~Openings in the roof are not located within five feet of the area separation~~  
227 ~~wall.~~

228           3.2. ~~The entire building is provided with not less than a Class B roofing~~  
229 ~~assembly as specified in Table 15-A.~~

230           Section 9.   That City of Topeka Code § 26-146.5.1, Section 1003.2.2.5, revised  
231 occupant load, is hereby specifically repealed.

232           ~~That Uniform Building Code, 1997 edition, Section 1003.2.2.5, revised occupant~~  
233 ~~load, is hereby deleted and the Uniform Code of Building Conservation, 1991 edition~~  
234 ~~shall govern.~~

235           Section 10.   That City of Topeka Code § 26-146.6, Section 1006.2.2, access to  
236 grade, is hereby specifically repealed.

237           ~~Where the exit from a building discharges at other than grade level, there shall~~  
238 ~~not be less than two separate paths of exit travel to grade level. Such paths of exit travel~~  
239 ~~shall be arranged so that there are no dead ends more than 20 feet in length.~~

240           ~~*Exceptions:—*~~

241           ~~1. Where the occupant load served by such exit is less than ten only one path of exit~~  
242 ~~travel to grade level need be provided.~~

243           ~~2. Where exits discharge to an exterior exit stairway or exterior ramp, such stairway or~~  
244 ~~ramp may serve as a single path of exit travel directly to grade.~~

245           Section 11.   That City of Topeka Code § 26-148, Section 1608, snow loads, is  
246 hereby specifically repealed.

247           Section 1608 is hereby amended to read:

248           ~~(d) *Snow loads.* Snow loads full or unbalanced shall be considered in place of~~  
249 ~~loads set forth in Chapter 16, Division II, where such loading will result in larger~~  
250 ~~members or connections.~~

251           ~~The snow loads on roofs shall be a minimum of 20 pounds per square foot non-~~  
252 ~~reducible. Greater snow loads due to potential accumulation of snow in valleys, at~~

253 ~~parapets, on supplemental roof structures and offsets in roof of uneven configuration~~  
254 ~~shall be considered.~~

255 ~~Calculations for drifting shall use a base snow load of 20 pounds per square foot.~~

256 Section 12. That City of Topeka Code § 26-149, Alternative design methods, is  
257 hereby specifically repealed.

258 ~~The design criteria for seismic design, snow and wind shall be designed to the~~  
259 ~~requirements of the 1997 Uniform Building Code and appendices in Volume II or as per~~  
260 ~~the most current published edition of ANSI/ASCE.~~

261 Section 13. That City of Topeka Code § 26-150.5, Section 1610, earthquake  
262 loads, is hereby specifically repealed.

263 ~~Section 1610, earthquake loads, is hereby amended to read:~~

264 ~~(c)Existing buildings. When the occupancy of a building changes to a higher~~  
265 ~~classification the building official may accept the original structural design of the existing~~  
266 ~~building if an architect or engineer verifies that it is structurally sound and it is not~~  
267 ~~classified as an essential facility by table no. 23-K. All alterations and additions to~~  
268 ~~existing structures shall meet the seismic requirements of the code and ordinances~~  
269 ~~under which the existing building was built.~~

270 Section 14. That City of Topeka Code § 26-151, Section 2101.1, masonry,  
271 general, is hereby specifically repealed.

272 ~~Section 2101.1, masonry, general is hereby amended to read:~~

273 ~~(a)Scope. All masonry shall conform to the regulations of this code.~~

274 ~~Exception: Concrete masonry may be designed to conform to the provisions of chapter~~  
275 ~~21, masonry, 1997 edition, Uniform Building Code, or the most recent ACI.~~

276            Section 15. That City of Topeka Code § 26-152, Section 2304.1, quality and  
277 identification, is hereby specifically repealed.

278            ~~Section 2304.1, quality and identification is hereby amended to read as follows:~~

279            ~~All lumber, wood structural panels, particle board, structural glued-laminated  
280 timber, end-jointed lumber, fiberboard sheathing (when used structurally), hardboard  
281 siding (when used structurally), piles and poles regulated by this chapter shall conform  
282 to the applicable standards and grading rules specified in this code and shall be so  
283 identified by the grade mark or certificate of inspection issued by an approved agency.~~

284            ~~*Exception:* Used lumber upgraded and no grade stamp may be used when verified by  
285 the engineer as to quality and strength for non-habitable structures.~~

286            ~~All preservatively treated wood required to be treated under Section 2306 shall be  
287 identified by the quality mark of an inspection agency which has been accredited by an  
288 accreditation body which complies with the requirements of the American Lumber  
289 Standard Committee Treated Wood Program, or equivalent.~~

290            Section 16. That City of Topeka Code § 26-154, Section 1900.1, scope, is  
291 hereby specifically repealed.

292            ~~Section 1900.1 is hereby amended to read as follows:~~

293            ~~The design of structures in concrete of cast-in-place or precast construction,  
294 plain, reinforced or prestressed, shall conform to the rules and principles specified in  
295 this chapter.~~

296            ~~*Exception:* Reinforced concrete may be designed to conform to chapter 19, concrete,  
297 1997 edition, Uniform Building Code, or the most recent ACI.~~

298            Section 17. That City of Topeka Code § 26-155, Section 2201, steel, general, is  
299 hereby specifically repealed.

300            ~~Section 2201 is hereby amended to read:~~

301 ~~(a)General. The quality, testing and design of steel used structurally in buildings or~~  
302 ~~structures shall conform to the requirements specified in this chapter and to the~~  
303 ~~applicable standards listed in chapter 35. Steel may be designed to conform to chapter~~  
304 ~~22, steel, 1997 edition, Uniform Building Code, or the most recent AISC, specifications~~  
305 ~~of structural steel for buildings.~~

306            Section 18. That City of Topeka Code § 26-156, Section 1007.3.9, basement  
307 rooms, is hereby specifically repealed.

308            ~~Section 1007.3.9 is hereby amended to read as follows:~~

309 ~~In R-3 occupancies, exiting will be regulated by the fire department in accordance with~~  
310 ~~the currently adopted edition of the Life Safety Code.~~

311            Section 19. That City of Topeka Code § 26-156.5, Section 4205, textile wall  
312 coverings, is hereby repealed.

313            ~~Section 4205 is hereby amended to read as follows:~~

314 ~~Sec. 4205. Textile wall coverings.~~

315            ~~When used as interior wall finish, textile wall coverings, including materials such~~  
316 ~~as those having a napped, tufted, looped, nonwoven, woven or similar surface shall~~  
317 ~~comply with the following:~~

318            ~~1. Textile wall coverings shall have a class I flame spread and shall be~~  
319 ~~protected by automatic sprinklers complying with U.B.C. Standard No. 38-1 or 38-3; or~~

320           2. ~~The textile wall covering shall met the acceptance criteria of U.B.C.~~  
321 ~~Standard No. 42-2 when tested using a product mounting system, including adhesive,~~  
322 ~~representative of actual use.~~

323           3. ~~Interior panels/partitions do not have to be within a fully sprinklered~~  
324 ~~building provided that the fabric covering have a flame spread rating of class I and be~~  
325 ~~applied directly to a noncombustible surface or be limited in area to 28 square feet per~~  
326 ~~face panel provided the construction of the panel is otherwise noncombustible, the~~  
327 ~~building is equipped with a manual fire alarm system and the air handling equipment for~~  
328 ~~the building has an automatic shut down system when smoke is detected.~~

329           Section 20. That City of Topeka Code § 26-157, Table no. 10-A, use no 22,  
330 minimum egress and access requirements, is hereby specifically repealed.

331           Table no. 10-A, use no. 22 is hereby amended to read as follows:  
332 ~~Table No. 10-A. Minimum Egress and~~

333  
334 ~~Access Requirements.~~

335 TABLE INSET:  
336

<del>—</del>	<del>Use</del>	<del>Minimum of Two Exits Other Than Elevators Are Required Where Number of Occupants is Over</del>	<del>Square Feet per Occupant</del>
<del>22.</del> <del>-</del>	<del>Nurseries for children</del>	<del>10</del>	<del>50</del>

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338           Section 21. City of Topeka Code §§ 26-137, 26-139 through 26-157 are hereby  
339 specifically repealed.

340           Section 22. This ordinance shall take effect and be in force ninety (90) days  
341 after its passage, approval and publication in the official City newspaper.

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PASSED AND APPROVED by the City Council May 15, 2007.

CITY OF TOPEKA, KANSAS

\_\_\_\_\_  
William W. Bunten, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Younger, City Clerk