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3 **ORDINANCE NO. 18882**
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5 AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. concerning
6 building codes, amending City of Topeka Code § 26, Article IV,
7 Division 2; and amending City of Topeka Code §§ 26-39, 26-116, 26-
8 118, 26-119, 26-136, and 26-138 and specifically repealing said
9 original sections.
10

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

12 Section 1. Original City of Topeka Code § 26-39, Same-Powers and duties
13 generally, is hereby amended to read as follows:

14 **Same-Powers and duties generally.**

15 (a) The ~~code enforcement~~ director of development services shall be the
16 superintending head of the building code enforcement division and shall be responsible for
17 the performance of the duties of the subordinate members and employees of the division.
18 The ~~code enforcement~~ director of development services shall be authorized and
19 empowered to perform the duties imposed upon any inspector or assistant inspector of the
20 building code enforcement division, any ordinance of the city to the contrary
21 notwithstanding. In the discharge of duties, the ~~code enforcement~~ director of development
22 services shall be directly responsible to the public works director and shall make such
23 reports of the affairs of the building code enforcement division as may be required by the
24 public works director.

25 (b) The ~~code enforcement~~ director of development services shall have such other
26 duties as may be conferred upon the director by the further provisions of this division and
27 other ordinances of the city imposing special duties upon the building code enforcement
28 division.

29 Section 2. Original City of Topeka Code § 26-116, Adoption of Uniform Building
30 Code, is hereby amended to read as follows:

31 **Adoption of ~~Uniform Building Codes~~.**

32 The City of Topeka adopts the following building codes: ~~Uniform~~International
33 ~~Building Code, 1997~~2006, first printing edition January 2006, as amended; International
34 Residential Code for one- and two-family dwellings, 2003 Edition as adopted in part and as
35 amended; ~~Uniform Code for Building Conservation~~, 1997 edition, as amended;
36 ~~National Electrical Code~~, 2002⁵ edition; ~~Uniform Plumbing Code~~, 2000 edition, as
37 amended; ~~Uniform Mechanical Code~~, 1997 edition, as amended; ~~Uniform Fire Code~~,
38 1997 edition, as amended; and ~~Life Safety Code~~, 1991 edition, as amended.

39 Section 3. Original City of Topeka Code § 26-118, Codes on file in clerk's office,
40 is hereby amended to read as follows:

41 **Codes on file in clerk's office.**

42 At least one copy of the ~~Uniform Building Code, Volumes 1, 2 and 3 as adopted in~~
43 ~~this article~~adopted International Building Code, shall be on file with the city clerk to be
44 available for inspection by the public at all reasonable business hours. All administrative
45 departments of the city charged with the duty of enforcement of this article shall be
46 supplied, at the cost of the city, such number of copies of such codes as may be deemed
47 necessary by the respective department head.

48 Section 4. Original City of Topeka Code § 26-119, Adoption of rules and
49 regulations, is hereby amended to read as follows:

50 **Adoption of rules and regulations.**

51 The ~~code enforcement~~development services director shall have the authority to
52 promulgate such rules and regulations as are necessary to carry out the purposes of the
53 ~~Uniform~~International Building Code, and such rules and regulations shall be effective upon
54 their approval by the director of public works.

55 Section 5. That City of Topeka Code § 26, Article IV, Division 2, Uniform Building
56 Code Amendments, is hereby amended to read as follows:

57 **UNIFORM INTERNATIONAL BUILDING CODE AMENDMENTS**

58 Section 6. That City of Topeka Code § 26-136, Generally, is hereby amended to
59 read as follows:

60 **Generally.**

61 The amendments to the ~~Uniform~~International Building Code adopted by section 26-
62 116 shall be as set out in this division. All references to section and chapter numbers in the
63 text of this division shall be construed as if followed by the words "of the
64 ~~Uniform~~International Building Code," unless clearly indicated to the contrary.

65 Section 7. That City of Topeka Code § 26-138, Board of building and fire appeals,
66 is hereby amended to read as follows:

67 **Board of building and fire appeals.**

68 (1) There is hereby created a board of building and fire appeals consisting of
69 seven (7) members appointed by the mayor and confirmed by the council. The members of
70 the board shall include two (2) engineers, two (2) architects licensed by the state board of
71 technical professions, a general contractor and a person regularly employed in the building
72 trades. Members shall serve a two (2) year term. Members shall not serve beyond the end
73 of their appointed terms. Upon expiration of a term the position shall remain vacant until a

74 successor is appointed. The city attorney, fire marshal and ~~code enforcement~~development
75 services director or their designees shall serve as nonvoting ex officio members of the
76 board. The ~~code enforcement~~development services director or his or her designee shall
77 serve also as secretary of the board. Copies of current adopted codes will be made
78 available to board members.

79 (2) The board of building and fire appeals shall adopt reasonable rules and
80 regulations for conducting its investigations and shall render all decisions and findings in
81 writing to the ~~code enforcement~~development services director and the fire chief with a
82 duplicate copy to the appellant.

83 (3) The board of building and fire appeals shall determine the suitability of
84 alternate materials, methods and type of construction and provide for reasonable
85 interpretations of the provisions of the ~~Uniform Building Code~~ commercial and residential
86 building codes, building conservation code, the fire code and life safety code, Uniform Code
87 for Building Conservation, the Uniform Fire Code and the Life Safety Code as adopted by
88 the council. The board shall be empowered to hear and determine interpretations of the
89 codes and to permit variances from the code provisions in certain cases or situations in
90 accordance with the purposes and intents of the code. A variance shall not be granted
91 except in those situations, as determined by the board, that will not endanger life or limb,
92 health, property or public welfare. Where a variance is sought with respect to a structure
93 registered, or eligible for registration, with either the National Register of Historic Places or
94 the Register of Historic Kansas Places, or listed with the Kansas State Inventory of
95 Historical Sites, the board shall specifically consider the structure's historic significance in
96 reaching its decision, exerting an affirmative effort to preserve the structure's quality in

97 effecting any necessary changes. Pursuant to this goal, the board shall request the opinion
98 of the director of the historic preservation department of the state historical society.

99 (4) An exception, or variance ~~or waiver~~ relating to the ~~Uniform Building Code~~
100 commercial and residential building codes and building conservation code, may be vetoed
101 by the ~~code enforcement~~development services director. An exception, or variance ~~or waiver~~
102 relating to the ~~Uniform Fire Code~~ fire code and life safety code may be vetoed by the fire
103 chief. Requests for exceptions, or variances ~~or waivers~~ which have been denied and
104 matters vetoed may be appealed to the council by filing within ten days of the effective date
105 of the denial or veto, in writing, with the city clerk, a request for a hearing before the
106 council. Within five days of the receipt of this request for a hearing, the council shall give
107 notice of a public hearing to be held in not less than five days nor more than ten days after
108 service of the notice on the person requesting the hearing.

109 (5) The board of building and fire appeals may request other boards and
110 commissions of the city, including the ~~board of examiners of electricians and the board of~~
111 ~~plumbing examiners~~, electrical, mechanical or plumbing boards to provide technical
112 assistance and recommendations. In addition, the board of building and fire appeals shall
113 require substantiating data or tests to determine the suitability and feasibility of allowing the
114 variance requested by the applicant.

115 (6) The person requesting the variance relating to the ~~Uniform Building Code~~
116 commercial or residential building codes or the building conservation code adopted by the
117 council shall at such person's expense conduct tests and have these tests verified showing
118 that the variance requested will not endanger life or limb, health, property or public welfare.
119 Such tests shall have been conducted before the hearing unless the board asks for

120 additional testing pertaining to relevant circumstances that may affect the decision made by
121 the board.

122 (7) A filing fee of \$100.00 shall be paid in advance by any party appealing to the
123 board.

124 Section 8. That City of Topeka Code § 26, Article IV, Division 2, International
125 Building Code Amendments, is hereby created by the addition of the following language:

126 **Chapter 1, Administration, Section 101, General** is hereby deleted in its entirety
127 and the following provisions shall be substituted therefore:

128 **101.1 Title.** These regulations shall be known as the *Building Code* of the City of
129 Topeka, hereinafter referred to as “this code.”

130 **101.2 Scope.** The provisions of this code shall apply to the construction, alteration,
131 movement, enlargement, replacement, repair, equipment, use and occupancy, location,
132 maintenance, removal and demolition of every building or structure or any appurtenances
133 connected or attached to such buildings or structures.

134 **Exception:** Detached one- and two-family dwellings not more than three stories
135 above grade plane in height with a separate means of egress and their accessory
136 structures shall comply with the *International Residential Code*.

137 **101.2.1 Appendices.** Provisions in the appendices shall not apply unless specifically
138 adopted.

139 **101.3 Intent.** The purpose of this code is to establish the minimum requirements to
140 safeguard the public health, safety and general welfare through structural strength, means
141 of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation,
142 and safety to life and property from fire and other hazards attributed to the built

143 environment and to provide safety to fire fighters and emergency responders during
144 emergency operations.

145 **101.4 Referenced codes.** The other codes listed in Sections 101.4.1 through
146 101.4.4 and referenced elsewhere in this code shall be considered part of the requirements
147 of this code to the prescribed extent of each such reference.

148 **101.4.1 Electrical.** The provisions of the Electrical Code adopted by the City Council
149 shall apply to the installation of electrical systems, including alterations, repairs,
150 replacement, equipment, appliances, fixtures, fittings and appurtenances thereto. All
151 references to the *ICC Electrical Code* contained herein shall instead refer to the Electrical
152 Code adopted by the City Council.

153 **101.4.2 Mechanical.** The provisions of the Mechanical Code adopted by the City
154 Council shall apply to the installation, alterations, repairs and replacement of mechanical
155 systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including
156 ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and
157 other energy-related systems. All references to the *International Mechanical Code*
158 contained herein shall instead refer to the Mechanical Code adopted by the City Council.

159 **101.4.3 Plumbing.** The provisions of the Plumbing Code adopted by the City
160 Council shall apply to the installation, alteration, repair and replacement of plumbing
161 systems, including equipment, appliances, fixtures, fittings and appurtenances, and where
162 connected to a water or sewage system and all aspects of a medical gas system. All
163 references to the *International Plumbing Code* contained herein shall instead refer to the
164 Plumbing Code adopted by the City Council.

165 **101.4.4 Fire prevention.** The provisions of the Fire Code and Life Safety Code
166 adopted by the City Council shall apply to matters affecting or relating to structures,
167 processes and premises from the hazard of fire and explosion arising from the storage,
168 handling or use of structures, materials or devices; from conditions hazardous to life,
169 property or public welfare in the occupancy of structures or premises; and from the
170 construction, extension, repair, alteration or removal of fire suppression and alarm systems
171 or fire hazards in the structure or on the premises from occupancy or operation. All
172 references to the *International Fire Code* contained herein shall instead refer to the Fire and
173 Life Safety Codes adopted by the City Council.

174 Section 9. That City of Topeka Code § 26, Article IV, Division 2, International
175 Building Code Amendments, is hereby created by the addition of the following language:

176 **Chapter 1, Administration, Section 102.4, Referenced codes and standards** is
177 hereby deleted in its entirety and the following provisions shall be substituted therefore:

178 **102.4 Referenced codes and standards.** The codes and standards referenced in
179 this code shall be considered part of the requirements of this code to the prescribed extent
180 of each such reference. Where differences occur between provisions of this code and
181 referenced codes and standards, the provisions of this code shall apply. The standards
182 referenced in Chapter 35 may be considered and applied by the building official to the
183 extent necessary in the building official's sole discretion to implement and enforce this
184 code.

185 Section 10. That City of Topeka Code § 26, Article IV, Division 2, International
186 Building Code Amendments, is hereby created by the addition of the following language:

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

189 **105.8 Fees.**

190 **105.8.1 General.** Whenever any person shall erect, construct, enlarge, alter, repair,
191 move, improve, convert or demolish any building or structure, or cause the same to be
192 done, an application shall be made to the development services office.

193 **Exception:** Repair or replacement of less than 50 percent (50%) of roof area will
194 not require a roofing permit. Provided however repair or replacement of more than
195 5,000 square feet of any sized roof shall require a roofing permit.

196 **105.8.1.1** All fees owed by the applicant shall be paid in full prior to the issuance of
197 any type of building permit.

198 **105.8.2 Permit fees.**

199 **105.8.2.1** The fee for each permit issued for work to be commenced within the City
200 of Topeka boundaries shall be as set forth in the Table in 105.8.7, except as provided in
201 105.8.6.

202 **105.8.2.2** The determination of value or valuation under any of the provisions of this
203 code shall be made by the building official. The value to be used in computing the building
204 permit and building plan review fees shall be the total value of all construction work for
205 which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing,
206 heating, air conditioning, elevators, fire-extinguishing systems and any other permanent
207 equipment.

208 **105.8.3 Plan review fees.** When submittal documents are required by Section 106,
209 a plan review fee shall be paid to the City. Said plan review fee shall be 40 percent (40%)

210 of the building permit fee as shown in Table 105.8.7. The plan review fees specified in this
211 section are separate fees from the permit fees specified in Section 105.8.2 and are in
212 addition to the permit fees. When submittal documents are incomplete or changed so as to
213 require additional plan review or when the project involves deferred submittal items as
214 defined in Section 106.3.4.2, an additional plan review fee shall be charged at the rate
215 shown in the Table.

216 **105.8.4 Expedited plan review.** An applicant requesting a plan review by the
217 division of development services may request an expedited plan review. Expedited plan
218 review will be undertaken by qualified development services employees outside of normal
219 working hours and will not interfere with normal plan review procedures or projects which
220 have been submitted for plan review. An applicant seeking expedited plan review will
221 compensate the City at the rate of two times the plan review fee for the expedited plan
222 review.

223 **105.8.5 Administrative and other inspection fees.**

224 **105.8.5.1 Administrative fees.** In addition to the permitting and other fees
225 permitted in this section, the following fees and charges for services shall also apply.

226 Certification of occupancy—Duplicate: Actual costs incurred by City for staff
227 research and copies.

228 Compliance letter:.....\$100.00

229 Flood plain verifications: \$30.00

230 Technology improvement for each permit or license: \$3.00

231 **105.8.5.2 Other inspection fees.** The following fees shall apply to inspections or
232 certificates of elevators, dumbwaiters, escalators and moving walks:

233 Annual passenger elevator certificate per unit: . . . \$50.00

234 Annual freight elevator certificate per unit: . . . \$50.00

235 Annual escalator certificate per unit: . . . \$35.00

236 Annual dumbwaiter certificate per unit: . . . \$20.00

237 Annual access lift certificate per unit: . . . \$20.00

238 Full load test: . . . \$200.00

239 Reinspection fee: . . . \$50.00

240 **105.8.6 Waiver of fees.** Building permit fees and plan review fees as required by

241 this section for building projects with a total valuation of five million dollars (\$5,000,000.00)

242 or more may be modified by the city manager to a lesser amount, such modification not to

243 exceed twenty-five percent (25%) of the scheduled fees provided the city manager

244 determines the building project encourages economic development and creation of jobs.

245 Modifications of building permit fees and plan review fees which exceed twenty-five percent

246 (25%) of the scheduled fees shall be approved by the city council. However, no

247 modification of building permit fees and plan review fees shall be made if: 1) the applicant

248 utilizes other available tax incentives and/or 2) the subject property is exempt from real

249 estate taxation.

250 **105.8.6.1** Building permit and plan review fees for projects identified by the City

251 Council shall be waived provided and to the extent the Joint Economic Development

252 Organization reimburses the City for such fees.

253 **105.8.7 Table.**

254 **Building Permit Fees**

<u>Total Valuation</u>	<u>Fee</u>
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<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 and up</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>

255

256 Section 11. That City of Topeka Code § 26, Article IV, Division 2, International
 257 Building Code Amendments, is hereby created by the addition of the following language:

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

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

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

265 Section 12. That City of Topeka Code § 26, Article IV, Division 2, International
 266 Building Code Amendments, is hereby created by the addition of the following language:

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

269 An automatic sprinkler system installed in accordance with Section 903.3 shall be
270 provided throughout all building with a Group R fire area.

271 Exceptions:

272 1. An automatic sprinkler system is not required for a building containing not
273 more than two (2) one or two family dwelling units, either individually or in
274 combination with other nonresidential occupancies, provided, however that a fire
275 alarm and detection system shall be installed in the residential units as well as the
276 nonresidential occupancy areas.

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

279 Section 13. That City of Topeka Code § 26, Article IV, Division 2, International
280 Building Code Amendments, is hereby created by the addition of the following language:

281 Chapter 11, Accessibility is hereby deleted in its entirety and the following
282 provisions shall be substituted therefore:

283 Accessibility under this code, including all references within this code, shall be
284 governed by the applicable city ordinances, state and federal statutes and implementing
285 regulations.

286 Section 14. That City of Topeka Code § 26, Article IV, Division 2, International
287 Building Code Amendments, is hereby created by the addition of the following language:

288 Chapter 13, Energy Efficiency shall be deleted in its entirety.

289 Section 15. That City of Topeka Code § 26, Article IV, Division 2, International
290 Building Code Amendments, is hereby created by the addition of the following language:

291 **Chapter 16, Section 1603.3, Live loads posted shall be deleted in its entirety.**

292 Section 16. That City of Topeka Code § 26, Article IV, Division 2, International
293 Building Code Amendments, is hereby created by the addition of the following language:

294 **Chapter 16, Section 1603.4, Occupancy permits for changed loads shall be**
295 deleted in its entirety.

296 Section 17. That City of Topeka Code § 26, Article IV, Division 2, International
297 Building Code Amendments, is hereby created by the addition of the following language:

298 **Chapter 16, Section 1608.2, Ground snowloads,** is hereby deleted in its entirety
299 and the following provisions shall be substituted therefore:

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

309 Exception:

310 Provided however the snow loads on roofs shall be a minimum of 20 pounds per
311 square foot non reducible. Greater snow loads due to potential accumulation of snow in

312 valleys, at parapets, on supplemental roof structures and offsets in roof of uneven
313 configuration shall be considered. Calculations for drifting shall use a base snow load of 20
314 pounds per square foot.

315 Section 18. That City of Topeka Code § 26, Article IV, Division 2, International
316 Building Code Amendments, is hereby created by the addition of the following language:

317 **Chapter 16, Section 1613.1, Scope** is hereby deleted in its entirety and the
318 following provisions shall be substituted therefore:

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

324 Exceptions:

325 1. Existing buildings. When the occupancy of a building changes to a higher
326 classification the building official may accept the original structural design of the existing
327 building if an architect or engineer verifies that it is structurally sound and it is not classified
328 as an Occupancy Category IV in Table 1604.5. All alterations and additions to existing
329 structures shall meet the seismic requirements of the code and ordinances under which the
330 existing building was built.

331 2. Detached one- and two-family dwellings, assigned to Seismic Design
332 Category A, B or C, or located where the mapped short-period spectral response
333 acceleration, S_S , is less than 0.4 g.

334 3. The seismic-force-resisting system of wood-frame buildings that conform to
335 the provisions of Section 2308 are not required to be analyzed as specified in this section.

336 4. Agricultural storage structures intended only for incidental human occupancy.

337 5. Structures that require special consideration of their response characteristics
338 and environment that are not addressed by this code or ASCE 7 and for which other
339 regulations provide seismic criteria, such as vehicular bridges, electrical transmission
340 towers, hydraulic structures, buried utility lines and their appurtenances and nuclear
341 reactors.

342 Section 19. That City of Topeka Code § 26, Article IV, Division 2, International
343 Building Code Amendments, is hereby created by the addition of the following language:

344 **Chapter 18, Section 1805.2, Depth of Footings,** is hereby deleted in its entirety
345 and the following provisions shall be substituted therefore:

346 The minimum depth of footings shall be 36 inches (915 mm) below finished grade
347 and bearing on undisturbed ground. Where applicable, the depth of footings shall also
348 conform to Sections 1805.2.1 through 1805.2.3.

349 Exception:

350 Accessory structures less than 576 square feet may have a trenched footing 8
351 inches wide and 18 inches deep.

352 Section 20. That City of Topeka Code § 26, Article IV, Division 2, International
353 Building Code Amendments, is hereby created by the addition of the following language:

354 **Chapter 31, Section 3104.1 Pedestrian Walkways and Tunnels. General** is
355 hereby deleted in its entirety and the following provisions shall be substituted therefore:

356 This section shall apply to connections between buildings such as pedestrian
357 walkways or tunnels, located at, above or below grade level, that are used as a means of
358 travel by persons. The pedestrian walkway shall not contribute to the building area or the
359 number of stories or height of connected buildings. Further, pedestrian walkways and
360 tunnels which encroach into the City's right-of-way shall also comply with provisions of
361 Chapter 32.

362 Section 21. That City of Topeka Code § 26, Article IV, Division 2, International
363 Building Code Amendments, is hereby created by the addition of the following language:

364 **Chapter 31, Section 3106.1 Marquees. General** is hereby deleted in its entirety
365 and the following provision shall be substituted therefore:

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

369 Section 22. That City of Topeka Code § 26, Article IV, Division 2, International
370 Building Code Amendments, is hereby created by the addition of the following language:

371 **Chapter 31, Section 3107.1 Signs. General** is hereby deleted in its in entirety and
372 the following provisions shall be substituted therefore:

373 Signs shall be designed, constructed and maintained in accordance with this code.
374 Placement, type of sign, height and other requirements shall be governed by the code of
375 the City of Topeka.

376 Section 23. That City of Topeka Code § 26, Article IV, Division 2, International
377 Building Code Amendments, is hereby created by the addition of the following language:

378 **Chapter 31, Section 3109, Swimming pool enclosures and safety devices shall**
379 **be deleted in its entirety.**

380 Section 24. That City of Topeka Code § 26, Article IV, Division 2, International
381 Building Code Amendments, is hereby created by the addition of the following language:

382 **Chapter 32, Encroachments into the Public Right-of-Way, Section 3202,**
383 **Encroachments** is hereby deleted in its entirety and the following provisions shall be
384 substituted therefore:

385 **3202.1 Encroachments below grade.** Encroachments below grade shall comply
386 with Sections 3202.1.1 through 3202.1.3.

387 **3202.1.1 Structural support.** A part of a building erected below grade that is
388 necessary for structural support of the building or structure shall not project beyond the lot
389 lines, except that the footings of street walls or their supports which are located at least 8
390 feet (2438 mm) below grade shall not project more than 12 inches (305 mm), into the City's
391 right-of-way or other easement.

392 **3202.1.2 Vaults and other enclosed spaces.** The construction and utilization of
393 vaults and other enclosed space below grade shall be subject to the terms and conditions
394 of the authority or legislative body having jurisdiction.

395 **3202.1.3 Areaways.** Areaways shall be protected by grates, guards or other
396 approved means.

397 **3202.2 Encroachments above grade and 8 feet in height or below.**
398 Encroachments into the public right-of-way above grade and 8 feet (2438 mm) in height or
399 below shall be prohibited except as provided for in Sections 3202.2.1 through 3202.2.3.
400 Doors and windows shall not open or project into the public right-of-way.

401 **3202.2.1 Steps.** Steps shall not project more than 12 inches (305 mm) and shall be
402 guarded by approved devices not less than 3 feet (914 mm) high, or shall be located
403 between columns or pilasters.

404 **3202.2.2 Architectural features.** Columns or pilasters, including bases and
405 moldings which are attached to the structure shall not project more than 12 inches (305
406 mm). Belt courses, lintels, sills, architraves, pediments and similar architectural features
407 shall not project more than 4 inches (102 mm).

408 **3202.2.3 Awnings.** The vertical clearance from the public right-of-way to the lowest
409 part of any awning, including valances, shall be 7 feet (2134 mm) minimum.

410 **3202.3 Encroachments 8 feet or more above grade.**

411 Encroachments 8 feet (2438 mm) or more above grade shall comply with Sections
412 3202.3.1 through 3202.3.4.

413 **3202.3.1 Awnings, canopies, or marquees.** Awnings, canopies, and marquees
414 shall be constructed so as to support applicable loads as specified in Chapter 16. Awnings,
415 canopies, and marquees with less than 15 feet (4572 mm) clearance above the sidewalk
416 shall not extend into or occupy more than two-thirds the width of the sidewalk measured
417 from the building. Stanchions or columns that support awnings, canopies, and marquees
418 shall not be located or placed in the public right-of-way.

419 **3202.3.2 Windows, balconies, architectural features, signs and mechanical**
420 **equipment.** Where the vertical clearance above grade to projecting windows, balconies,
421 architectural features, signs or mechanical equipment is more than 8 feet (2438 mm), 1
422 inch (25 mm) of encroachment is permitted for each additional 1 inch (25 mm) of clearance
423 above 8 feet (2438 mm), but the maximum encroachment shall be 4 feet (1219 mm).

424 **3202.3.3 Encroachment of awnings, canopies, or marquees 15 feet or more**
425 **above grade.** Awnings, canopies, and marquees shall be constructed so as to support
426 applicable loads as specified in Chapter 16. Awnings, canopies, marquees and signs with
427 15 feet (4572 mm) or more clearance above the sidewalk shall not extend into or occupy
428 more than two-thirds the width of the sidewalk measured from the building. Stanchions or
429 columns that support awnings, canopies, or marquees shall not be located or placed in the
430 public right-of-way.

431 **3202.3.4 Encroachments of windows, balconies, architectural features, signs,**
432 **and mechanical equipment 15 feet or more above grade.** Encroachment of windows,
433 balconies, architectural features, signs, and mechanical equipment of 15 feet (4572 mm) or
434 more above grade shall be limited to 4 feet and the encroachment shall not be supported
435 by columns stanchions or other vertical supports placed or located in the public right-of-
436 way. Encroachment greater than 4 feet shall be subject to the City Council approval
437 provided that the encroachment serves a public purpose.

438 **3202.3.5 Pedestrian walkways.** The installation of a pedestrian walkway over a
439 public right-of-way shall be subject to the approval of the City Council provided that the
440 pedestrian walkway serves a public purpose. The vertical clearance from the public right-of-
441 way to the lowest part of a pedestrian walkway shall be 15 feet (4572 mm) minimum.

442 **3202.4 Temporary encroachments.** Where allowed by the local authority having
443 jurisdiction, vestibules and storm enclosures shall not be erected for a period of time
444 exceeding 7 months in any one year and shall not encroach more than 3 feet (914 mm) nor
445 more than one-fourth of the width of the sidewalk beyond the street lot line. Temporary
446 entrance awnings shall be erected with a minimum clearance of 7 feet (2134 mm) to the

447 lowest portion of the hood or awning where supported on removable steel or other
448 approved noncombustible support.

449 Section 25. That City of Topeka Code § 26, Article IV, Division 2, International
450 Building Code Amendments, is hereby created by the addition of the following language:
451 **Chapter 34, Existing Structures** shall be deleted in its entirety and the following
452 provisions shall be substituted therefore:

453 The provisions of the Uniform Code for Building Conservation, 1997, first printing
454 May 1997, may be considered and applied by the building official to the extent necessary in
455 the building official's sole discretion to implement and enforce this code for the alteration,
456 repair, addition, and change of occupancy of existing structures .

457 Section 26. That City of Topeka Code § 26, Article IV, Division 2, International
458 Building Code Amendments, is hereby created by the addition of the following language:
459 **Chapter 35, Referenced Standards** is amended to include the following additional
460 provisions:

461 NFPA 54, National Fuel Gas Code

462 NFPA 58, Liquefied Petroleum Gas Code

463 Section 27. That City of Topeka Code § 26, Article IV, Division 2, International
464 Building Code Amendments, is hereby created by the addition of the following language:
465 **Appendix C.** The provisions contained in Appendix C, Group U, Agricultural
466 Buildings, are specifically incorporated herein and made a part of this code.

467 Section 28. That City of Topeka Code § 26, Article IV, Division 2, International
468 Building Code Amendments, is hereby created by the addition of the following language:

