ORDINANCE NO. 18143

AN ORDINANCE introduced by Deputy Mayor Duane F. Pomeroy, relating to building codes for one and two family dwellings, repealing City of Topeka Code §§ 26-281, 26-282, 26-283, 26-296, 26-297, 26-298, 26-299, 26-300, 26-301, 26-302, 26-303, 26-304, 26-305, 26-306, 26-307, 26-308, 26-309, 26-310, 26-311, 26-312, 26-313, 26-314, 26-315, 26-316, 26-317, and 26-318, amending City of Topeka Code Chapter 26, Article VI, Division 1 and Chapter 26, Article VI, Division 2 and repealing said original sections.

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

Section 1. That City of Topeka Code § 26-281, CABO One- and Two-Family Dwelling Code--Adopted, is hereby specifically repealed.

CABO One- and Two-Family Dwelling Code--Adopted

The CABO One- and Two-Family Dwelling Code, 1989 edition, as published by the Council of American Building Officials, 5203 Leesburg Pike, Falls Church, Virginia, chapters 1 through 9, and appendices A and B, are hereby adopted by reference and incorporated in this article as if fully set forth in this section.

Section 2. That City of Topeka Code § 26-282, Same - on file in clerk's office, is hereby specifically repealed.

Same--On file in clerk's office.

At least one copy of the One- and Two-Family Dwelling Code as adopted in this article 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 article shall be supplied, at the cost of the city, such number of copies of such code as may be deemed expedient by the code enforcement director.
Section 3. That City of Topeka Code § 26-283, Adoption of rules and regulations, is hereby specifically repealed.

Adoption of rules and regulations.

The code enforcement director shall have the authority to promulgate such rules and regulations as are necessary to carry out the purposes of the One-and-Two-Family Dwelling Code. Reference may be made to the currently adopted Uniform Building Code for guidance and clarification.

Section 4. That City of Topeka Code § 26-296, Generally, is hereby specifically repealed:

Generally.

The amendments to the One-and-Two-Family Dwelling Code adopted by Code section 26-281 shall be as set out in this division. All references to section and chapter numbers in the text of this division shall be construed as if followed by the words "of the One-and-Two-Family Dwelling Code," unless clearly indicated to the contrary.

Section 5. That City of Topeka Code § 26-297, Section R-103, scope, is hereby specifically repealed:

Section R-103, scope.

Section R-103 is hereby amended to read as follows:

Sec. R-103. Scope.

The provisions of this code apply to the construction, prefabrication, alteration, repair, use, occupancy and maintenance of detached one- or two-family dwellings not more than three stories in height, and their accessory structures.
Section 6. That City of Topeka Code § 26-298, Section R-106, violation and penalties, is hereby specifically repealed.

Section R-106—Violation and penalties

Section R-106 is hereby amended to read as follows:

Sec. R-106. Violation and penalties.

It shall be unlawful for any person—whether as owner, lessee, sublessee or occupant—to erect, construct, enlarge, alter, repair, improve, remove, convert, demolish or equip any one- and two-family dwelling in the jurisdiction, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this code.

It is hereby declared that any violation of this code constitutes a public nuisance, and in addition to any other remedies provided by this code for its enforcement, the city may bring civil suit to enjoin the violation of any provisions of this code.

If for any reason any one or more sections, sentences, clauses or parts of this code are held invalid, such judgment shall not affect, impair or invalidate the remaining provisions.

Any person violating any of the provisions of this code shall be guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued or permitted, and upon conviction of any such violation such person shall be punishable by a fine or imprisonment, or by both such fine and imprisonment, as established by local applicable laws.

Any individual or contractor who has received a written violation notice and who has not appealed or corrected such violation within ten days shall be deemed ineligible
to receive any new or additional building permits until such time as the violation is corrected.

Section 7. That City of Topeka Code § 26-299, Section R-109, permit, is hereby specifically repealed.

Section R-109, permit.

Section R-109 is hereby amended to read as follows:

Sec. R-109, Permit.

A permit shall be obtained before beginning construction, alteration or repairs, other than ordinary repairs, including all accessory structures and decks except any residential accessory structure less than 150 square feet in area and any deck which is not more than 30 inches above grade and projecting ten feet or less from the structure. Applications shall be made by using application forms furnished by the development coordination office.

Ordinary repairs are nonstructural repairs and do not include addition to, alteration of, or replacement or relocation of water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring, or mechanical or other work for which a permit is required by the building official.

Permit fees shall be established by the local jurisdiction and are as follows:

New construction (this includes all permit fees):

<table>
<thead>
<tr>
<th>Type of Construction</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family and duplex</td>
<td></td>
</tr>
<tr>
<td>0–1,500</td>
<td>$480.00</td>
</tr>
<tr>
<td>1,501–3,000</td>
<td>$660.00</td>
</tr>
<tr>
<td>3,001 and over</td>
<td>$830.00</td>
</tr>
</tbody>
</table>
Room additions (this includes all fees):

<table>
<thead>
<tr>
<th>Area (sq. ft.)</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>0–100</td>
<td>$40.00</td>
</tr>
<tr>
<td>101–250</td>
<td>75.00</td>
</tr>
<tr>
<td>251–500</td>
<td>125.00</td>
</tr>
<tr>
<td>501–750</td>
<td>200.00</td>
</tr>
<tr>
<td>751–1,000</td>
<td>275.00</td>
</tr>
<tr>
<td>1,001 or more</td>
<td>325.00</td>
</tr>
</tbody>
</table>

Garage additions (this includes all fees):

<table>
<thead>
<tr>
<th>Type</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single</td>
<td>$50.00</td>
</tr>
<tr>
<td>Double</td>
<td>75.00</td>
</tr>
<tr>
<td>Triple</td>
<td>75.00</td>
</tr>
</tbody>
</table>

Accessory structure: Only building fee: $30.00.

Interior alteration (building fee only):

<table>
<thead>
<tr>
<th>Cost</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0.00–$500.00</td>
<td>$30.00</td>
</tr>
<tr>
<td>$501.00–$5,000.00</td>
<td>45.00</td>
</tr>
<tr>
<td>$5,001.00–$10,000.00</td>
<td>60.00</td>
</tr>
<tr>
<td>$10,001.00 and over</td>
<td>100.00</td>
</tr>
</tbody>
</table>

Working without permit. Whenever work that requires a permit has commenced without a permit, an additional investigation fee equal to the permit fee shall be collected.

R-109 of the CABO One-and Two-Family Dwelling Code, Permit, is hereby amended to read as follows:

Permit:

109.1. A permit shall be obtained before beginning construction, alteration or repairs, other than ordinary repairs, including all accessory structures and decks except
any residential accessory structure less than 150 square feet in area and any deck
which is not more than 30 inches above grade and projecting ten feet or less from the
structure. Applications shall be made by using application forms furnished by the
development coordination office.

109.2. Ordinary repairs are nonstructural repairs and do not include addition to,
alteration of, or replacement or relocation of water supply, sewer, drainage, drain
leader, gas, soil, waste, vent or similar piping, electric wiring, or mechanical or other
work for which a permit is required by the building official.

Permit fees for work to be commenced within the City of Topeka Boundaries are
as follows:

New construction (this includes all permit fees):

<table>
<thead>
<tr>
<th>Type of Construction</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family and duplex</td>
<td>$480.00</td>
</tr>
<tr>
<td>0–1,500</td>
<td></td>
</tr>
<tr>
<td>1,501–3,000</td>
<td>660.00</td>
</tr>
<tr>
<td>3,001 and over</td>
<td>830.00</td>
</tr>
</tbody>
</table>

Room additions (this includes all fees):

<table>
<thead>
<tr>
<th>Area (sq. ft.)</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>0–100</td>
<td>$40.00</td>
</tr>
<tr>
<td>101–250</td>
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<tr>
<td>251–500</td>
<td>125.00</td>
</tr>
<tr>
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<td>200.00</td>
</tr>
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<td>275.00</td>
</tr>
<tr>
<td>1,001 or more</td>
<td>325.00</td>
</tr>
</tbody>
</table>

Garage additions (this includes all fees):

<table>
<thead>
<tr>
<th>Type</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
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<tr>
<td>Double</td>
<td>75.00</td>
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Accessory structure: Only building fee: $30.00.
Interior alteration (building fee only):

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<thead>
<tr>
<th>Cost</th>
<th>Fee</th>
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<td>45.00</td>
</tr>
<tr>
<td>5,001.00–10,000.00</td>
<td>60.00</td>
</tr>
<tr>
<td>10,001.00 and over</td>
<td>100.00</td>
</tr>
</tbody>
</table>

109.3 An additional fee of 25 percent of the permit fee as shown in subsection 109.2 shall be imposed for work to be commenced within those areas within the three-mile area adjacent to the contiguous City of Topeka boundaries.

109.4 Working without a permit. Whenever work that requires a permit has commenced without a permit, an additional investigation fee equal to the permit fee shall be collected.

Section 8. That City of Topeka Code § 26-300, Section R-110, plans, is hereby specifically repealed.

Section R-110, plans.

Section R-110 is hereby amended to read as follows:

Sec. R-110. Plans:

When required by the building official, plans shall be drawn to scale and shall be of sufficient clarity to indicate the nature and extent of the work proposed and shall show in detail that it will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations. Plans shall include a plot plan drawn to scale showing the location of all easements, drainage facilities, adjacent grades, property lines, the proposed building, proposed finish grades, and every existing building on the property.
Section 9. That City of Topeka Code § 26-301, Section R-111, inspection, is hereby specifically repealed.

Section R-111, inspection.

Section R-111, inspection, is hereby amended to read as follows:

R-111.1. Types of inspections.

For onsite construction, from time to time, the building official, upon notification from the permit holder or his agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his agent wherein the same fails to comply with this code.

R-111.1.1. Foundation inspection.

Commonly made after poles or piers are set or trenches or basement areas are excavated and forms erected and any required reinforcing steel is in place and prior to the placing of concrete. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports or equipment and special requirements for wood foundations.

R-111.1.2. Plumbing, mechanical and electrical, rough inspection.

Commonly made prior to covering or concealment, before fixtures are set, and prior to framing inspection.

R-111.1.3. Frame and masonry inspection.

Commonly made after the roof, masonry, all framing, firestopping, draftstopping and bracing are in place and after the plumbing, mechanical and electrical rough inspections are approved.
R-111.1.4. Other inspections.

In addition to the called inspections above, the building department may make or require any other inspections to ascertain compliance with this code and other laws enforced by the building department.

R-111.1.5. Final inspection.

Commonly made after the building is completed and ready for occupancy.

Section 10. That City of Topeka Code § 26-302, Section R-113, inspection card, is hereby specifically repealed.

Section R-113, inspection card.

Section R-113, inspection card, is hereby deleted.

Section 11. That City of Topeka Code § 26-303, Table No. 2-A, climatic and geographic design criteria, is hereby specifically repealed.

Table No. 2-A, climatic and geographic design criteria.

Table No. 2-A is hereby amended to read as follows:

Table No. 2-A. Climatic and Geographic Design Criteria

<table>
<thead>
<tr>
<th>Roof Live Load (lbs. per sq. ft.)</th>
<th>Roof Snow Load (lbs. per sq. ft.)</th>
<th>Wind Velocity (lbs. per sq. ft.)</th>
<th>Seismic Condition by Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>20</td>
<td>24</td>
<td>4</td>
</tr>
</tbody>
</table>

Subject to Damage From

<table>
<thead>
<tr>
<th>Weathering</th>
<th>Frost-Line Depth</th>
<th>Termites</th>
<th>Decay</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>Yes-36 inches</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>
Section 12. That City of Topeka Code § 26-304, Table no. R-201.4, uniformly distributed live loads, is hereby specifically repealed.

Table No. R-201.4, uniformly distributed live loads.

Table No. R-201.4, uniformly distributed live loads, is hereby amended to read as follows:

<table>
<thead>
<tr>
<th>Use</th>
<th>Live Load</th>
</tr>
</thead>
<tbody>
<tr>
<td>Balconies (exterior)</td>
<td>60</td>
</tr>
<tr>
<td>Decks</td>
<td>40</td>
</tr>
<tr>
<td>Fire-escapes</td>
<td>40</td>
</tr>
<tr>
<td>Garages (passenger cars only)</td>
<td>50</td>
</tr>
<tr>
<td>Attics (no-storage with roof slope not steeper than 3 in 12)</td>
<td>40</td>
</tr>
<tr>
<td>Attics (limited-attic storage)</td>
<td>40</td>
</tr>
<tr>
<td>Area above garage (with access)</td>
<td>20</td>
</tr>
<tr>
<td>Dwelling-units (except sleeping rooms)</td>
<td>40</td>
</tr>
<tr>
<td>Sleeping rooms</td>
<td>30</td>
</tr>
<tr>
<td>Stairs</td>
<td>40</td>
</tr>
</tbody>
</table>

Section 13. That City of Topeka Code § 26-305, Section R-203, light and ventilation, is hereby specifically repealed.

Section R-203, light and ventilation.

Section R-203, light and ventilation, is hereby repealed.
Section 14. That City of Topeka Code § 26-306, Section R-204, room sizes, is hereby specifically repealed.

Section R-204, room sizes.

Section R-204, room sizes, is hereby amended to read as follows:

Sec. R-204. Room sizes.

Every dwelling unit shall have at least one habitable room which shall have not less than 150 square feet of floor area, excluding a bedroom. Other habitable rooms shall have an area of not less than 70 square feet, except bedrooms must have a minimum area of 90 square feet. Multibedroom dwelling units shall contain at least one bedroom with 120 square feet of floor area. Every kitchen shall have not less than 50 square feet of floor area. Square foot measurement shall be made from inside wall to inside wall.

Section 15. That City of Topeka Code § 26-307, Section R-205, ceiling height, is hereby specifically repealed.

Section R-205, ceiling height.

Section R-205, ceiling height, is hereby amended to read as follows:

Sec. R-205. Ceiling height.

Habitable rooms, except kitchens, shall have a ceiling height of not less than seven feet six inches for at least 50 percent of their required areas. Not more than 50 percent of the required area may have a sloped ceiling less than seven feet six inches in height, with no portion of the required areas less than five feet in height. If any room has a furred ceiling, the prescribed ceiling height is required for at least 50 percent of the area thereof, but in no case shall the height of the furred ceiling be less than seven
That portion of a room with a sloping ceiling measuring less than five feet zero inches or a furred ceiling measuring less than seven feet zero inches from the finished ceiling shall not be considered as contributing to the minimum required habitable area for that room.

Exceptions:

1. Beams and girders spaced not less than four feet on center may project not more than six inches below the required ceiling height.

2. All other rooms including kitchens, baths and hallways may have a ceiling height of not less than seven feet measured to the lowest projection from the ceiling.

3. Ceiling height in basements without habitable spaces may be not less than six feet eight inches clear, except for under beams, girders, ducts or other obstructions where the minimum clear height shall be six feet four inches.

4. When an existing basement is remodeled into a habitable room the minimum ceiling height shall be seven feet.

Section 16. That City of Topeka Code § 26-308, Section R-212, landings, is hereby specifically repealed.

Section R-212, landings.

Section R-212, landings, is hereby amended to read as follows:

Sec. R-212, Landings.

A minimum of three-foot by three-foot landing shall be required on each side of an egress door.

Exception: At the top of an interior flight of stairs, provided the door does not
swing over the stairs.

The floor or landing shall not be more than 1 1/2 inches lower than the top of the threshold.

Exceptions:

1. The landing at the exterior of an exterior doorway shall not be more than 8 1/2 inches below the top of the threshold.

2. A step used in lieu of a landing at the exterior of a sliding glass door or french door shall have a minimum run of 18 inches, and a width of at least three feet but not less than the width of the operable door(s).

Section 17. That City of Topeka Code § 26-309, Section R-214, handrails, is hereby specifically repealed.

Section R-214, handrails.

Section R-214, handrails, is hereby amended to read as follows:


Handrails having minimum and maximum heights of 30 inches and 36 inches, respectively, measured vertically from the nosing of the treads, shall be provided on at least one side of stairways of three or more risers and shall be continuous the full length of the stairs and shall extend six inches beyond the top and bottom risers, except where a landing is not required. Ends shall be returned or shall terminate in newel posts or safety terminals.

Open sides of stairs with a total rise of more than 30 inches above the floor or grade below shall have guardrails.

The handgrip portion of the handrails shall be not more than 2 5/8 inches in
cross-sectional dimension, or the shape shall provide an equivalent gripping surface.

The handgrip portion of handrails shall have a smooth surface with no sharp corners.

Handrails projecting from a wall shall have a space of not less than 1-1/2 inches between the wall and the handrail.

Section 18. That City of Topeka Code § 26-310, Section R-303, footings, is hereby specifically repealed.

Section R-303, footings.

Section R-303, footings, is hereby amended to read as follows:

Section R-303. Footings.

All exterior footings, bearing walls, columns and piers shall be supported on continuous concrete footings with two no. 4 reinforcing bars placed within the bottom third of the footing but not closer than 1-1/2 inches to soil, and in all cases extend below the frost line. Lapping of bars shall be a minimum of 40 bar diameters.

The top surface of footings shall be level. The bottom surface of footings may have a slope not exceeding one in ten. Footings shall be stepped where it is necessary to change the elevation of the top surface of the footing or where the slope of the bottom surface of the footing will exceed one in ten.

The following criteria shall be used to determine footing requirements:

<table>
<thead>
<tr>
<th></th>
<th>Supporting One Floor (inches)</th>
<th>Supporting Two Floors (inches)</th>
<th>Supporting Three Floors (inches)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Footing-thickness</td>
<td>6</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Footing-width</td>
<td>12</td>
<td>15</td>
<td>18</td>
</tr>
</tbody>
</table>
Section 19. That City of Topeka Code § 26-311, Section R-304, foundation walls, is hereby specifically repealed.

Section R-304, foundation walls.

Section R-304, foundation walls, is hereby amended to read as follows:

See: R-304. Foundation walls.

Masonry and concrete foundation walls eight feet or less in height shall be constructed using the following criteria:

Minimum width: Eight inches.

Vertical reinforcing: No. 4 bars at 24 inches on center placed on the outer third of the wall but not closer than 1 1/2 inches to the edge.

Horizontal reinforcing: No. 4 bars placed in the following manner:

First bar, three feet above footing.

Second bar, five feet above footing.

Third and fourth bars in the upper 12 inches of the wall at least two inches apart with three inches of coverage.

Horizontal bars shall be wired in place prior to pouring of concrete.

Where unstable soil conditions exist an engineer shall design the footing and foundation based upon a soil report.

Section 20. That City of Topeka Code § 26-312, Section R-306, dampproofing, is hereby specifically repealed.

Section R-306, dampproofing.

Section R-306 is hereby amended to read as follows:

See: R-306. Dampproofing.
Exterior foundation walls of masonry construction enclosing basements shall be dampproofed by applying not less than three-eighths-inch of Portland cement parging to the wall from footing to finish grade. The parging shall be covered with a coat of approved bituminous material applied at the recommended rate. Exterior foundation walls of concrete construction enclosing basements shall be dampproofed by applying a coat of approved bituminous material to the wall from the footing to the finish grade at the recommended rate.

Basement walls may be dampproofed or waterproofed using materials or methods of construction other than covered in this section where approved by the building official.

Section 21. That City of Topeka Code § 26-313, Section R-309.1, ventilation, crawl space, is hereby specifically repealed.

Section R-309.1, ventilation, crawl space.

Section R-309.1, ventilation, crawl space, is hereby amended to read as follows:

Sec. R-309.1. Crawl-space ventilation.

The minimum net area of ventilation openings shall be not less than one square foot for each 1,500 square feet of crawl-space area. The ground surface must be treated with a minimum of a six-mil vapor barrier, all joints lapped at least 12 inches. The openings for the ventilation shall be located on opposite walls within three feet of the corners and shall be covered with a corrosion-resistant wire mesh not greater than one-half inch nor less than one-fourth inch in any dimension. Openings may have operable louvers.
Section 22. That City of Topeka Code § 26-314, Section R-402.5, drilling and notching, studs, is hereby specifically repealed.

Section R-402.5, drilling and notching—Studs.

Section R-402.5, drilling and notching, studs, is hereby amended to read as follows:

Sec. 402.5. Drilling and notching—Studs.

A stud shall not be notched more than 25 percent of its width in a bearing wall and no more than 40 percent its width in a nonbearing wall.

Drilling studs shall have the following limitations:

Two-by-four: Limited to a two-inch hole, centered.

Two-by-six: Limited to a 3 1/2-inch hole, centered.

Note: When drilling more than 25 percent of the stud width, you shall not go through more than three consecutive studs.

Section 23. That City of Topeka Code § 26-315, Section R-602.4, lateral support and bridging, is hereby specifically repealed.

Section R-602.4, lateral support and bridging.

Section R-602.4, lateral support and bridging, is hereby amended to read as follows:

Sec. R-602.4. Lateral support and bridging.

Joists shall be supported laterally at the ends of each support by full-depth solid blocking except where the ends of joists are nailed or bolted to a header, band or rim joist or to an adjoining stud. Solid blocking shall be not less than two inches in thickness.
Exception: Solid blocking may be omitted over interior supports when supporting only one floor level and the roof.

Joists having a depth-to-thickness ratio exceeding six to one based on nominal dimensions shall be supported laterally by solid blocking, diagonal bridging (wood or metal) or a one-inch by three-inch bridging nailed to the bottom of the joist at intervals not exceeding ten feet.

Section 24. That City of Topeka Code § 26-316, Section R-603.2, 603.3.2, 603.2.2, is hereby specifically repealed.

Sections 603.2, 603.3.2, 603.2.2.

Section 603.2, site preparation, section 603.3.2, fill, and section 603.2.2, base, are hereby repealed.

Section 25. That City of Topeka Code § 26-317, Section R-707, attic ventilation, is hereby specifically repealed.

Section R-707, attic ventilation.

Section R-707, attic ventilation, is hereby amended to read as follows:

Sec. R-707. Attic ventilation.

When determined necessary by the building official due to atmospheric or climatic conditions, enclosed attics and enclosed rafter spaces formed where ceilings are applied directly to the underside of roof rafters shall have cross ventilation for each separate space by ventilating openings protected against the entrance of rain or snow.
**Section 26.** That City of Topeka Code § 26-318, Section R-708, attic access, is hereby specifically repealed.

**Sec. 26-318. Section R-708. Attic access.**

Section R-708, attic access, is hereby amended to read as follows:

**Sec. R-708. Attic access.**

A readily accessible attic access framed opening not less than 22 inches by 24 inches shall be provided to any attic area having a clear height of over 30 inches.

**Section 27.** That City of Topeka Code Chapter 26, Article VI, Division 1, Generally, is hereby amended by the addition of the following language:

**International Residential Code**

International Residential Code for One and Two Family Dwellings, 2003 edition, hereinafter referred to as the "IRC," as published by the International Code Council, chapters one (1) through ten (10), are hereby adopted by reference and incorporated in this article as if fully set forth in this section.

**Section 28.** That City of Topeka Code Chapter 26, Article VI, Division 1, Generally, is hereby amended by the addition of the following language:

**Same-On file in the clerk's office.**

At least one (1) copy of the IRC as adopted in this article 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 article shall be supplied, at the cost of the city, such number of copies of such code as may be deemed expedient by the director of public works or his or her designee.
Section 29. That City of Topeka Code Chapter 26, Article VI, Division 1, Generally, is hereby amended by the addition of the following language:

Adoption of rules and regulations.

The director of public works or his or her designee shall have the authority to promulgate such rules and regulations as are necessary to carry out the purposes of the IRC. Reference may be made to the currently adopted Uniform Building Code for guidance and clarification.

Section 30. That City of Topeka Code Chapter 26, Article VI, Division 2, Amendments, is hereby amended by the addition of the following language:

Generally

The amendments to the IRC adopted by City of Topeka Code Chapter 26, Article Vi, Division 1 shall be as set out in this division. All referenced to section and chapter numbers in the text of this division shall be construed as if followed by the words "of the IRC," unless clearly indicated to the contrary.

Section 31. That City of Topeka Code Chapter 26, Article VI, Division 2, Amendments, is hereby amended by the addition of the following language:

Work exempt from permit.

Section R-105.2, Work exempt from permit, is hereby amended to read as follows:

Permits shall not be required for the following. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.
Building:

1. One (1) story detached accessory structures, provided the floor area does not exceed one hundred fifty square feet (150ft²).

2. Fences not over six feet (6ft)(1829mm) high.

3. Retaining walls that are not over four feet (4ft)(1219mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.

4. Water tanks supported directly upon grade if the capacity does not exceed five thousand gallons (5,000gl)(18927L) and the ratio of height to diameter or width does not exceed two (2) to one (1).

5. Sidewalks and driveways not more than thirty inches (30in)(762 mm) above adjacent grade and not over any basement or story below.

6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

7. Prefabricated swimming pools that are less than twenty-four inches (24in)(610 mm) deep.

8. Swings and other playground equipment accessory to a one (1) or two (2) family dwelling.

9. Window awnings supported by an exterior wall which do not project more than fifty-four inches (54in)(1372mm) from the exterior wall and do not require additional support.
10. Any deck less than one hundred fifty feet (150ft) in area which is not more than thirty inches (30in) above grade and projecting ten feet (10ft) or less from the structure.

11. Ordinary repairs that are nonstructural and do not include the addition to or alteration of the existing construction. This only applies to building construction, and work done to the plumbing, mechanical, or electrical areas are covered by their appropriate codes.

Section 32. That City of Topeka Code Chapter 26, Article VI, Division 2, Amendments, is hereby amended by the addition of the following language:

**Schedule of permit fees.**

Section R-108.2, Schedule of permit fees, is hereby amended to read as follows:

A. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the following schedule:

New construction (this includes all permit fees):

<table>
<thead>
<tr>
<th>Type construction</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family and duplex</td>
<td></td>
</tr>
<tr>
<td>0–1,500</td>
<td>$480.00</td>
</tr>
<tr>
<td>1,501–3,000</td>
<td>$660.00</td>
</tr>
<tr>
<td>3,001 and over</td>
<td>$830.00</td>
</tr>
</tbody>
</table>

Room additions (this includes all fees):

<table>
<thead>
<tr>
<th>Area (sq. ft.)</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>0–100</td>
<td>$40.00</td>
</tr>
<tr>
<td>101–250</td>
<td>$75.00</td>
</tr>
<tr>
<td>251–500</td>
<td>$125.00</td>
</tr>
<tr>
<td>501–750</td>
<td>$200.00</td>
</tr>
<tr>
<td>751–1,000</td>
<td>$275.00</td>
</tr>
<tr>
<td>1,001 or more</td>
<td>$325.00</td>
</tr>
</tbody>
</table>
Garage additions (this includes all fees):

<table>
<thead>
<tr>
<th>Type</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single</td>
<td>$50.00</td>
</tr>
<tr>
<td>Double</td>
<td>$75.00</td>
</tr>
<tr>
<td>Triple</td>
<td>$75.00</td>
</tr>
</tbody>
</table>

Accessory structure: Only building fee: $30.00.

Interior alteration (building fee only):

<table>
<thead>
<tr>
<th>Cost</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0.00--$500.00</td>
<td>$30.00</td>
</tr>
<tr>
<td>$501.00--5,000.00</td>
<td>$45.00</td>
</tr>
<tr>
<td>$5,001.00--10,000.00</td>
<td>$60.00</td>
</tr>
<tr>
<td>$10,001.00 and over</td>
<td>$100.00</td>
</tr>
</tbody>
</table>

B. An additional fee of twenty-five percent (25%) of the permit fee as shown in subsection 108.2(A) shall be imposed for work to be commenced within those areas within the three (3) mile area adjacent to the contiguous City of Topeka boundaries.

C. Working without permit. Whenever work that requires a permit has commenced without a permit, an additional investigation fee equal to the permit fee shall be collected.

Section 33. That City of Topeka Code Chapter 26, Article VI, Division 2, Amendments, is hereby amended by the addition of the following language:

**Violation penalties.**

Section 113.4, Violation penalties, is hereby amended to read as follows:

Any person violating any of the provisions of this code shall be guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions...
of this code is committed, continued or permitted, and upon conviction of any such
violation such person shall be punishable by a fine or imprisonment, or by both such
fine and imprisonment, as established by local applicable laws.

Any individual or contractor who has received a written violation notice and who
has not appealed or corrected such violation within ten (10) days shall be deemed
ineligible to receive any new or additional building permits until such time as the
violation is corrected.

Section 34. That City of Topeka Code Chapter 26, Article VI, Division 2,
Amendments, is hereby amended by the addition of the following language:

**Climatic and geographic design criteria.**

Table No. R301.2(1), Climatic and geographic design criteria, is hereby amended
to read as follows:

<table>
<thead>
<tr>
<th>GROUND SNOW LOAD</th>
<th>WIND SPEEDa (mph)</th>
<th>SEISMIC DESIGN CATEGORYb</th>
<th>Weatheringc</th>
<th>Frost line depthd</th>
<th>Termitee</th>
<th>Decayedf</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>90</td>
<td>N/A</td>
<td>Severe</td>
<td>36</td>
<td>Moderate to Heavy</td>
<td>Slight to Moderate</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>WINTER DESIGN TEMPg</th>
<th>ICE SHIELD UNDERLAYMENT REQUIREDh</th>
<th>FLOOD HAZARDSi</th>
<th>AIR FREEZING INDEXj</th>
<th>MEAN ANNUAL TEMPk</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>
a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filed with the weathering index (i.e., "negligible," "moderate" or "severe") for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.

b. The frost line depth may require deeper footings than indicated in Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.

c. The jurisdiction shall fill in this part of the table with "very heavy," "moderate to heavy," "slight to moderate," or "none to slight" in accordance with Figure R301.2(6) depending on whether there has been a history of local damage.

d. The jurisdiction shall fill in this part of the table with "moderate to severe," "slight to moderate," or "none to slight" in accordance with Figure R301.2(7) depending on whether there has been a history of local damage.

e. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.

f. The outdoor design dry-bulb temperature shall be selected from the columns of 97 1/2 percent values for winter from Appendix D of the International Plumbing Code. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official.

g. The jurisdiction shall fill in this part of the table with the Seismic Design Category
determined from Section R301.2.2.1.

h. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the currently effective FIRM and FBFM, or other flood hazard map adopted by the community, as may be amended.

i. In accordance with Sections R905.2.7.1, R905.4.3, R905.5.3, R904.6.3, R905.7.3 and R905.8.3, for areas where the average daily temperature in January is 25°F (-4°C) or less, or where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."

j. The jurisdiction shall fill in this part of the table with the one hundred (100) year return period air freezing index (BF-days) from Figure R403.3(2) or from the one hundred (100) year (99%) value on the National Climatic Data Center data table "Air Freezing Index- USA Method (Base 32°F Fahrenheit)" at www.ncdc.noaa.gov/fpsf.html.

k. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index- USA Method (Base 32°F Fahrenheit)" at www.ncdc.noaa.gov/fpsf.html.

Section 35. That City of Topeka Code Chapter 26, Article VI, Division 2, Amendments, is hereby amended by the addition of the following language:

Light, ventilation and heating.

Section R-303, Light, ventilation and heating, is hereby repealed.
Section 36. That City of Topeka Code Chapter 26, Article VI, Division 2, Amendments, is hereby amended by the addition of the following language:

Room sizes.

Section R-304.1, Room sizes, is hereby amended to read as follows:

Every dwelling unit shall have at least one (1) habitable room which shall have not less than one hundred fifty square feet (150ft²) of floor area, excluding a bedroom.

Section 37. That City of Topeka Code Chapter 26, Article VI, Division 2, Amendments, is hereby amended by the addition of the following language:

Other rooms.

Section R-304.2, Other rooms, is hereby amended to read as follows:

Other habitable rooms shall have an area of not less than seventy square feet (70ft²), except bedrooms must have a minimum area of ninety square feet (90ft²). Multi-bedroom dwelling units shall contain at least one (1) bedroom with one hundred twenty square feet (120ft²) of floor area. Every kitchen shall have not less than fifty square feet (50ft²) of floor area. Square foot measurement shall be made from inside wall to inside wall.

Section 38. That City of Topeka Code Chapter 26, Article VI, Division 2, Amendments, is hereby amended by the addition of the following language:

Footings.

Section R-403, Footings, is hereby amended to read as follows:

All exterior footings, bearing walls, columns and piers shall be supported on continuous concrete footings with two (2) number four (#4) reinforcing bars placed within the bottom third (3rd) of the footing but not closer than one and one half inches (1
1/2in) to soil, and in all cases extend below the frost line. Lapping of bars shall be a minimum of 40 bar diameters.

The top surface of footings shall be level. The bottom surface of footings may have a slope not exceeding one (1) in ten (10). Footings shall be stepped where it is necessary to change the elevation of the top surface of the footing or where the slope of the bottom surface of the footing will exceed one (1) in ten (10).

The following criteria shall be used to determine footing requirements:

<table>
<thead>
<tr>
<th>Supporting One Floor (inches)*</th>
<th>Supporting Two Floors (inches)*</th>
<th>Supporting Three Floors (inches)*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Footing thickness</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Footing width</td>
<td>12</td>
<td>15</td>
</tr>
</tbody>
</table>

* Footings which support walls having a four inch (4in) brick veneer shall be required to be increased by an additional four inches (4in) of thickness. Footings which support walls composed of solid concrete or grouted masonry eight inches (8in) or thicker, shall require an increase of eight inches (8in) to the width of the footing.

Section 39. That City of Topeka Code Chapter 26, Article VI, Division 2, Amendments, is hereby amended by the addition of the following language:

**Concrete and masonry foundation walls.**

Section R-404.1, Concrete and masonry foundation walls, is hereby repealed.

Section 40. That City of Topeka Code Chapter 26, Article VI, Division 2, Amendments, is hereby amended by the addition of the following language:

**Masonry foundation walls**

Section R-404.1.1, masonry foundation walls, is hereby repealed.
Section 41. That City of Topeka Code Chapter 26, Article VI, Division 2, Amendments, is hereby amended by the addition of the following language:

Concrete foundation walls

Section R-404.1.2, Concrete foundation walls, is hereby repealed.

Section 42. That City of Topeka Code Chapter 26, Article VI, Division 2, Amendments, is hereby amended by the addition of the following language:

Design required.

Section R-404.1.3, Design required, is hereby repealed.

Section 42. That City of Topeka Code Chapter 26, Article VI, Division 2, Amendments, is hereby amended by the addition of the following language:

Seismic Design Categories D₁ and D₂.

Section R-404.1.4, Seismic Design Categories D₁ and D₂, is hereby repealed.

Section 43. That City of Topeka Code Chapter 26, Article VI, Division 2, Amendments, is hereby amended by the addition of the following language:

Foundation walls thickness based on walls supported.

Section R-404.1.5, Foundation wall thickness based on walls supported, is hereby repealed.

Section 44. That City of Topeka Code Chapter 26, Article VI, Division 2, Amendments, is hereby amended by the addition of the following language:

Pier and curtain wall foundations.

Section R-404.1.5.1, Pier and curtain wall foundations, is hereby repealed.
Section 45. That City of Topeka Code Chapter 26, Article VI, Division 2, Amendments, is hereby amended by the addition of the following language:

Foundation walls.

Section R-404. Foundation walls, is hereby amended to read as follows:

Masonry and concrete foundation walls eight feet (8ft) of less in height shall be constructed using the following criteria:

Minimum width: eight inches (8in) supporting two (2) floors or less. Ten inches (10in) supporting three (3) floors.

Vertical reinforcing: Number four (#4) bars at twenty-four inches (24in) on center placed on the outer third (3rd) of the wall but not closer than one and one half inches (1 1/2in) to the edge.

Horizontal reinforcing: Number four (#4) bars placed in the following manner:

First (1st) bar, three feet (3ft) above footing.

Second (2nd) bar, five feet (5ft) above footing.

Third (3rd) and fourth (4th) bars in the upper twelve inches (12in) of the wall at least two inches (2in) apart with three inches (3in) of coverage.

Horizontal bars shall be wired in place prior to pouring of concrete.

Where unstable soil conditions exist an engineer shall design the footing and foundation based upon a soil report.

Section 46. That City of Topeka Code Chapter 26, Article VI, Division 2, Amendments, is hereby amended by the addition of the following language:

Concrete and masonry foundation waterproofing.

Section R-406.2, Concrete and masonry foundation waterproofing, is hereby
amended to read as follows:

In areas where a high water table or other severe soil-water conditions are known to exist, exterior foundation walls that retain earth and enclose habitable or usable spaces located below grade shall be waterproofed with a membrane extending from the top of the footing to the finished grade. The membrane shall consist of two (2) ply hot-mopped felts, fifty-five pounds (55lbs)(25 kg) roll roofing, six (6) mil (0.15mm) polyvinyl chloride, six (6) mil (0.15 mm) polyethylene or forty (40) mil (1mm) polymer-modified asphalt. The joints in the membrane shall be lapped and sealed with an adhesive compatible with the waterproofing membrane.

Exceptions:

1. Organic solvent based products such as hydrocarbons, chlorinated hydrocarbons, ketones and esters shall not be used for ICF walls with expanded polystyrene form material. Plastic roofing cements, acrylic coatings, latex coatings, mortars and pargings are permitted to be used to seal ICF walls. Cold setting asphalt or hot asphalt shall conform to type C of ASTM D 449. Hot asphalt shall be applied at a temperature of less than two hundred degrees (200°).

2. Exterior foundation walls of concrete construction enclosing basements may be dampproofed by applying an equivalent coat of approved bituminous material to the wall from the footing to the finish grade at the recommended rate. Basement walls may be dampproofed or waterproofed using materials or methods of construction other than covered in this section where approved by the building official.
Section 47. That City of Topeka Code Chapter 26, Article VI, Division 2, Amendments, is hereby amended by the addition of the following language:

Lateral restraint at supports.

Section R-502.7, Lateral restraint at supports, is hereby amended to read as follows:

Joists shall be supported laterally at the ends by full-depth solid blocking not less than two inches (2in)(51mm) nominal in thickness; or by attachment to a header, band, or rim joist, or to an adjoining stud; or shall be otherwise provided with lateral support to prevent rotation.

Exception: Solid blocking may be omitted over interior supports when supporting only one floor level and the roof.

Section 48. That City of Topeka Code Chapter 26, Article VI, Division 2, Amendments, is hereby amended by the addition of the following language:

Drilling and notching--Studs.

Section R-602.6, Drilling and notching--Studs, is hereby amended to read as follows:

A stud shall not be notched more than twenty-five percent (25%) of its width in a bearing wall and no more than forty percent (40%) its width in a nonbearing wall.

Drilling studs shall have the following limitations:

Two by four (2x4): Limited to a two inch (2in) hole, centered.

Two by six (2x6): Limited to a three and one half inch (3 1/2in) hole, centered.

Note: When drilling more than twenty-five percent (25%) of the stud width, you
shall not go through more than three (3) consecutive studs.

Section 49. That City of Topeka Code Chapter 26, Article VI, Division 2, Amendments, is hereby amended by the addition of the following language:

**Lumber sheathing.**

Section 803.1, Lumber sheathing, is hereby amended to read as follows:

Allowable spans for lumber used as roof sheathing shall conform to Table R803.1. Spaced lumber sheathing for wood shingle and shake roofing shall conform to the requirements of Sections R905.7 and R905.8. Spaced lumber sheathing is not allowed in Seismic Design Category D₂.

**Table R803.1**

<table>
<thead>
<tr>
<th>RAFTER OR BEAM SPACING (Inches)</th>
<th>MINIMUM NET THICKNESS (Inches)</th>
</tr>
</thead>
<tbody>
<tr>
<td>24</td>
<td>1/2&lt;sup&gt;a&lt;/sup&gt;</td>
</tr>
<tr>
<td>48&lt;sup&gt;b&lt;/sup&gt;</td>
<td></td>
</tr>
<tr>
<td>60&lt;sup&gt;c&lt;/sup&gt;</td>
<td>1 1/2 T &amp; G</td>
</tr>
<tr>
<td>72&lt;sup&gt;d&lt;/sup&gt;</td>
<td></td>
</tr>
</tbody>
</table>

a. Exception: 7/16 inch may be permitted if secured by "H" clips.
b. Minimum 270 F<sub>b</sub>, 340,000 E.
c. Minimum 420 F<sub>b</sub>, 660,000 E.
d. Minimum 600 F<sub>b</sub>, 1,150,000 E.
Section 50. That City of Topeka Code Chapter 26, Article VI, Division 2, Amendments, is hereby amended by the addition of the following language:

Attic access.

Section R-807.1, Attic access, is hereby amended to read as follows:

In buildings with combustible ceiling or roof construction, an attic access opening shall be provided to attic areas that exceed thirty square feet (30ft²)(2.8m²) and have a vertical height of thirty inches (30in)(762mm) or greater.

A readily accessible attic access framed opening not less than twenty-two inches (22in) by twenty-four inches (24in) shall be provided to any attic area having a clear height of over thirty inches (30in).

Section 51. That original of City of Topeka Code Chapter 26, Article VI, Division 1 and Chapter 26, Article VI, Division 2 are hereby specifically repealed.

Section 52. This Ordinance shall take effect and be in force sixty (60) days after its passage, approval and publication in the official City newspaper.

PASSED and APPROVED by the City Council __DEC 09 2003__.

Duane F. Pomeroy, Deputy Mayor

ATTEST:

Iris E. Walker, City Clerk

[Stamp]

APPROVED AS TO FORM AND LEGALITY
DATE __12/10/03__ BY __PL__
TO BE CODIFIED
NOT TO BE CODIFIED

VYORD/FAMILYDWELLING 12/10/03  34