ORDINANCE NO. 18882

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. concerning building codes, amending City of Topeka Code § 26, Article IV, Division 2; and amending City of Topeka Code §§ 26-39, 26-116, 26-118, 26-119, 26-136, and 26-138 and specifically repealing said original sections.

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

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

Same-Powers and duties generally.

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

(b) The code enforcement director of development services shall have such other duties as may be conferred upon the director by the further provisions of this division and other ordinances of the city imposing special duties upon the building code enforcement division.
Section 2. Original City of Topeka Code § 26-116, Adoption of Uniform Building Code, is hereby amended to read as follows:

Adoption of Uniform Building Codes.


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

Codes on file in clerk’s office.

At least one copy of the Uniform Building Code, Volumes 1, 2 and 3 as adopted in this article, adopted \textit{International Building Code}, shall be on file with the city clerk to be available for inspection by the public at all reasonable business hours. 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 codes as may be deemed necessary by the respective department head.

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

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

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

UNIFORM INTERNATIONAL BUILDING CODE AMENDMENTS

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

Generally.

The amendments to the Uniform International Building Code adopted by section 26-116 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 Uniform International Building Code," unless clearly indicated to the contrary.

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

Board of building and fire appeals.

(1) There is hereby created a board of building and fire appeals consisting of seven (7) members appointed by the mayor and confirmed by the council. The members of the board shall include two (2) engineers, two (2) architects licensed by the state board of technical professions, a general contractor and a person regularly employed in the building trades. Members shall serve a two (2) year term. Members shall not serve beyond the end of their appointed terms. Upon expiration of a term the position shall remain vacant until a
successor is appointed. The city attorney, fire marshal and code enforcement director or their designees shall serve as nonvoting ex officio members of the board. The code enforcement director or his or her designee shall serve also as secretary of the board. Copies of current adopted codes will be made available to board members.

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

(3) The board of building and fire appeals shall determine the suitability of alternate materials, methods and type of construction and provide for reasonable interpretations of the provisions of the Uniform Building Code commercial and residential building codes, building conservation code, the fire code and life safety code, Uniform Code for Building Conservation, the Uniform Fire Code and the Life Safety Code as adopted by the council. The board shall be empowered to hear and determine interpretations of the codes and to permit variances from the code provisions in certain cases or situations in accordance with the purposes and intents of the code. A variance shall not be granted except in those situations, as determined by the board, that will not endanger life or limb, health, property or public welfare. Where a variance is sought with respect to a structure registered, or eligible for registration, with either the National Register of Historic Places or the Register of Historic Kansas Places, or listed with the Kansas State Inventory of Historical Sites, the board shall specifically consider the structure’s historic significance in reaching its decision, exerting an affirmative effort to preserve the structure’s quality in
effecting any necessary changes. Pursuant to this goal, the board shall request the opinion of the director of the historic preservation department of the state historical society.

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

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

(6) The person requesting the variance relating to the Uniform Building Code, commercial or residential building codes or the building conservation code adopted by the council shall at such person's expense conduct tests and have these tests verified showing that the variance requested will not endanger life or limb, health, property or public welfare. Such tests shall have been conducted before the hearing unless the board asks for
additional testing pertaining to relevant circumstances that may affect the decision made by the board.

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

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

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

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

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

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

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

101.3 Intent. The purpose of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built
environment and to provide safety to firefighters and emergency responders during emergency operations.

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

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

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

**101.4.3 Plumbing.** The provisions of the Plumbing Code adopted by the City Council shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. All references to the *International Plumbing Code* contained herein shall instead refer to the Plumbing Code adopted by the City Council.
101.4.4 Fire prevention. The provisions of the Fire Code and Life Safety Code adopted by the City Council shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation. All references to the International Fire Code contained herein shall instead refer to the Fire and Life Safety Codes adopted by the City Council.

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

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

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

Section 10. That City of Topeka Code § 26, Article IV, Division 2, International Building Code Amendments, is hereby created by the addition of the following language:
Chapter 1, Administration, Section 105, Permits is hereby amended by the addition of the following language:

105.8 Fees.

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

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

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

105.8.2 Permit fees.

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

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

105.8.3 Plan review fees. When submittal documents are required by Section 106, a plan review fee shall be paid to the City. Said plan review fee shall be 40 percent (40%)
of the building permit fee as shown in Table 105.8.7. The plan review fees specified in this section are separate fees from the permit fees specified in Section 105.8.2 and are in addition to the permit fees. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 106.3.4.2, an additional plan review fee shall be charged at the rate shown in the Table.

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

**105.8.5 Administrative and other inspection fees.**

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

- Certification of occupancy—Duplicate: Actual costs incurred by City for staff research and copies.
- Compliance letter: $100.00
- Flood plain verifications: $30.00
- Technology improvement for each permit or license: $3.00

**105.8.5.2 Other inspection fees.** The following fees shall apply to inspections or certificates of elevators, dumbwaiters, escalators and moving walks:
Annual passenger elevator certificate per unit: . . . $50.00
Annual freight elevator certificate per unit: . . . $50.00
Annual escalator certificate per unit: . . . $35.00
Annual dumbwaiter certificate per unit: . . . $20.00
Annual access lift certificate per unit: . . . $20.00
Full load test: . . . $200.00
Reinspection fee: . . . $50.00

**105.8.6 Waiver of fees.** Building permit fees and plan review fees as required by this section for building projects with a total valuation of five million dollars ($5,000,000.00) or more may be modified by the city manager to a lesser amount, such modification not to exceed twenty-five percent (25%) of the scheduled fees provided the city manager determines the building project encourages economic development and creation of jobs. Modifications of building permit fees and plan review fees which exceed twenty-five percent (25%) of the scheduled fees shall be approved by the city council. However, no modification of building permit fees and plan review fees shall be made if: 1) the applicant utilizes other available tax incentives and/or 2) the subject property is exempt from real estate taxation.

**105.8.6.1** Building permit and plan review fees for projects identified by the City Council shall be waived provided and to the extent the Joint Economic Development Organization reimburses the City for such fees.

**105.8.7 Table.**

<table>
<thead>
<tr>
<th>Total Valuation</th>
<th>Fee</th>
</tr>
</thead>
</table>

BUILDING CODE   2/19/07
<table>
<thead>
<tr>
<th>$1.00 to $500.00</th>
<th>$23.50</th>
</tr>
</thead>
<tbody>
<tr>
<td>$501.00 to $2,000.00</td>
<td>$23.50 for the first $500.00 plus $3.05 for each additional $100.00, or fraction thereof, to and including $2,000.00</td>
</tr>
<tr>
<td>$2,001.00 to $25,000.00</td>
<td>$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</td>
</tr>
<tr>
<td>$25,001.00 to $50,000.00</td>
<td>$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</td>
</tr>
<tr>
<td>$50,001.00 to $100,000.00</td>
<td>$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</td>
</tr>
<tr>
<td>$100,001.00 to $500,000.00</td>
<td>$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</td>
</tr>
<tr>
<td>$500,001.00 to $1,000,000.00</td>
<td>$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</td>
</tr>
<tr>
<td>$1,000,001.00 and up</td>
<td>$5,608.75 for the first $1,000,000.00 plus $3.65 for each additional $1,000.00, or fraction thereof</td>
</tr>
</tbody>
</table>

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

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

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

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

Section 12. That City of Topeka Code § 26, Article IV, Division 2, International Building Code Amendments, is hereby created by the addition of the following language:
Chapter 9, Section 903.2.7 Group R is hereby deleted in its entirety and the following provisions shall be substituted therefore:

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

Exceptions:

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

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

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

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

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

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

Chapter 13, Energy Efficiency shall be deleted in its entirety.
Section 15. That City of Topeka Code § 26, Article IV, Division 2, International Building Code Amendments, is hereby created by the addition of the following language: 

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

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

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

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

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

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

Exception: 

Provided however the snow loads on roofs shall be a minimum of 20 pounds per square foot non reducible. Greater snow loads due to potential accumulation of snow in
valleys, at parapets, on supplemental roof structures and offsets in roof of uneven configuration shall be considered. Calculations for drifting shall use a base snow load of 20 pounds per square foot.

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

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

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

Exceptions:

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

2. Detached one- and two-family dwellings, assigned to Seismic Design Category A, B or C, or located where the mapped short-period spectral response acceleration, SS, is less than 0.4 g.
3. The seismic-force-resisting system of wood-frame buildings that conform to the provisions of Section 2308 are not required to be analyzed as specified in this section.

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

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

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

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

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

**Exception:**

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

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

**Chapter 31, Section 3104.1 Pedestrian Walkways and Tunnels. General is hereby deleted in its entirety and the following provisions shall be substituted therefore:**
This section shall apply to connections between buildings such as pedestrian walkways or tunnels, located at, above or below grade level, that are used as a means of travel by persons. The pedestrian walkway shall not contribute to the building area or the number of stories or height of connected buildings. Further, pedestrian walkways and tunnels which encroach into the City’s right-of-way shall also comply with provisions of Chapter 32.

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

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

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

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

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

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

Section 23. That City of Topeka Code § 26, Article IV, Division 2, International Building Code Amendments, is hereby created by the addition of the following language:
Chapter 31, Section 3109, Swimming pool enclosures and safety devices shall be deleted in its entirety.

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

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

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

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

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

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

3202.2 Encroachments above grade and 8 feet in height or below. Encroachments into the public right-of-way above grade and 8 feet (2438 mm) in height or below shall be prohibited except as provided for in Sections 3202.2.1 through 3202.2.3.

Doors and windows shall not open or project into the public right-of-way.
3202.2.1 Steps. Steps shall not project more than 12 inches (305 mm) and shall be
guarded by approved devices not less than 3 feet (914 mm) high, or shall be located
between columns or pilasters.

3202.2 Architectural features. Columns or pilasters, including bases and
moldings which are attached to the structure shall not project more than 12 inches (305
mm). Belt courses, lintels, sills, architraves, pediments and similar architectural features
shall not project more than 4 inches (102 mm).

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

3202.3 Encroachments 8 feet or more above grade.

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

3202.3.2 Windows, balconies, architectural features, signs and mechanical
equipment. Where the vertical clearance above grade to projecting windows, balconies,
arhitectural features, signs or mechanical equipment is more than 8 feet (2438 mm), 1
inch (25 mm) of encroachment is permitted for each additional 1 inch (25 mm) of clearance
above 8 feet (2438 mm), but the maximum encroachment shall be 4 feet (1219 mm).
3202.3.3 Encroachment of awnings, canopies, or marquees 15 feet or more above grade. Awnings, canopies, and marquees shall be constructed so as to support applicable loads as specified in Chapter 16. Awnings, canopies, marquees and signs with 15 feet (4572 mm) or more clearance above the sidewalk shall not extend into or occupy more than two-thirds the width of the sidewalk measured from the building. Stanchions or columns that support awnings, canopies, or marquees shall not be located or placed in the public right-of-way.

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

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

3202.4 Temporary encroachments. Where allowed by the local authority having jurisdiction, vestibules and storm enclosures shall not be erected for a period of time exceeding 7 months in any one year and shall not encroach more than 3 feet (914 mm) nor more than one-fourth of the width of the sidewalk beyond the street lot line. Temporary entrance awnings shall be erected with a minimum clearance of 7 feet (2134 mm) to the
Section 25. That City of Topeka Code § 26, Article IV, Division 2, International Building Code Amendments, is hereby created by the addition of the following language:

**Chapter 34, Existing Structures** shall be deleted in its entirety and the following provisions shall be substituted therefore:

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

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

**Chapter 35, Referenced Standards** is amended to include the following additional provisions:

- NFPA 54, National Fuel Gas Code
- NFPA 58, Liquefied Petroleum Gas Code

Section 27. That City of Topeka Code § 26, Article IV, Division 2, International Building Code Amendments, is hereby created by the addition of the following language:

**Appendix C.** The provisions contained in Appendix C, Group U, Agricultural Buildings, are specifically incorporated herein and made a part of this code.

Section 28. That City of Topeka Code § 26, Article IV, Division 2, International Building Code Amendments, is hereby created by the addition of the following language:
Appendix G. The provisions contained in Appendix G, Flood Resistant Construction, are specifically incorporated herein and made a part of this code and may be considered and applied by the building official to the extent necessary in the building official’s sole discretion to implement and enforce this code.


Section 30. This ordinance shall take effect and be in force ninety (90) days after its passage, approval and publication in the official city newspaper.

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

CITY OF TOPEKA, KANSAS

________________________________________
William W. Bunten, Mayor

ATTEST:

________________________________________
Brenda Younger, City Clerk