

CERTIFICATION OF CLERK

I, Brenda K. Wolf, the duly appointed, qualified, and City Clerk of Manhattan, Kansas, do hereby certify that the foregoing Ordinance was duly adopted at a meeting of the City of Manhattan, Kansas, held on the 18th day of October, 2022, and that said Ordinance has been compared by me with the original thereof on file and of record in my office, is a true copy of the whole of said original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Manhattan, Kansas, 19th day of October, 2022.



Brenda K. Wolf

Brenda K. Wolf, CMC, City Clerk

ORDINANCE NO. 7602

AN ORDINANCE AMENDING CHAPTER 8, ARTICLE III OF THE CODE OF ORDINANCES, REGULATING BUILDINGS WITHIN THE CORPORATE LIMITS OF THE CITY OF MANHATTAN, KANSAS; INCORPORATING BY REFERENCE THE “2021 INTERNATIONAL BUILDING CODE,” WITH CERTAIN OMISSIONS, CHANGES AND ADDITIONS THERETO; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

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

SECTION 1. That Section 8-31 of Chapter 8 of the Code of Ordinances of the City of Manhattan, Kansas, is hereby amended to read as follows:

Section 8-31. - Adoption of the International Building Code.

There is hereby incorporated by reference, for the purpose of establishing rules and regulations for construction, alteration, addition, demolition, equipment, use and occupancy, location and maintenance of buildings and structures within the corporate city limits of the City of Manhattan, Kansas, that certain standard building code known as the 2021 International Building Code, including Appendices C, F, G, I, K and N as being recommended by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC, 20001, save and except such articles, sections, parts or portions thereof as hereinafter omitted, deleted, modified or changed. No fewer than one (1) copy of such publication shall be marked or stamped “Official Copy as adopted by Ordinance No.7602,” and shall be attached to a copy of this ordinance and filed with the city clerk and open for inspection and available to the public at all reasonable hours. All administrative departments of the City charged with enforcement of this code shall be supplied, at the cost of the City, such number of official copies, similarly marked, as may be deemed expedient.

SECTION 2. That Section 8-32 of Chapter 8 of the Code of Ordinances of the City of Manhattan, Kansas, is hereby amended to read as follows:

Section 8-32. - Amendments.

The International Building Code, adopted by Section 8-31, is hereby changed, altered, modified or otherwise amended as follows:

1. Section 101.1 of the International Building Code is hereby changed to read as follows:

Section 101.1 Title.

These regulations shall be known as the Building Code of the City of Manhattan, Kansas, herein after known as “this code.”

2. Section 103.1 of the 2021 International Building Code is hereby changed to read as follows:

Section 103.1 Creation of enforcement agency.

The Risk Reduction Division of the Manhattan Fire Department is hereby created and the official in charge thereof shall be known as the building official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

3. Section 103.2 of the 2021 International Building Code is hereby changed to read as follows:

Section 103.2 Appointment.

The building official shall be appointed by the fire chief.

4. Section 105.2 of the International Building Code is hereby changed to read as follows:

Section 105.2 Work exempt from permit.

Exemptions from permit requirements of this code shall not be deemed to grant authority 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. Permits shall not be required for the following:

1. One story detached accessory structures provided the floor area does not exceed 200 square feet.
2. Detached pergolas and other detached structures which do not exceed 400 square feet, are entirely open and do not have solid roofs.
3. Fences not over 7 feet high.
4. Oil derricks.
5. Retaining walls that are not over 7 feet in height measured from grade on the low side to the top of the wall, unless supporting a surcharge or impounding class I, II or IIIA liquids.
6. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2:1.
7. Sidewalks, driveways and non-enclosed or covered decks not more than 30 inches above adjacent grade at any point, and not over any story or basement below and are not part of an accessory route.
8. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.
9. Temporary motion picture, television and theater stage sets and scenery.
10. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18 925 L) and are installed entirely above ground

11. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
 12. Swings and other playground equipment.
 13. Window awnings supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support.
 14. Non-fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.
 15. Changes of occupancy to an equal or lesser hazard category as denote in both Table 1011.5 and Table 1011.6 of the 2021 International Existing Building Code where no other work requiring a permit is being done.
5. Section 109.2 of the International Building Code is hereby changed to read as follows:

Section 109.2 Schedule of Fees.

On buildings or structures requiring a permit other than those owned by the City, a fee for each permit shall be paid as required, in accordance with the following schedule:

Building Permit Fee	
Valuation	Fee
\$0-\$500	\$19.00
\$501-\$2,000	\$19.00 for the first \$500 plus \$2.47 for each additional \$100 or fraction thereof, up to and including \$2000
\$2,001-\$25,000	\$56.09 for the first \$2,000 plus \$11.34 for each additional \$1,000 or fraction thereof up to and including \$25,000
\$25,001-\$50,000	\$317.31 for the first \$25,000 plus \$8.18 for each additional \$1,000 or fraction thereof, up to and including \$50,000
\$50,001-\$100,000	\$521.43 for the first \$50,000 plus \$5.67 for each additional \$1,000 or fraction thereof, up to and including \$100,000
\$100,001-\$500,000	\$804.93 for the first \$100,000 plus \$4.53 for each additional \$1,000 or fraction thereof, up to and including \$500,000
\$500,001-\$1,000,000	\$2,619.33 for the first \$500,000 plus \$3.84 for each additional \$1000 or fraction thereof, up to and including \$1,000,000
\$1,000,000 and up	\$4,543.08 for the first \$1,000,000 plus \$2.95 for each additional \$1,000 or fraction thereof

Swimming pools, prefabricated saferooms, prefabricated carports, fences, and retaining walls	\$50.00
Other Fees	
Description	Fee
Plan Review Fee	30% of the building permit fee as calculated by the Building Official. Plan review fee shall be paid at time of application and applied to building permit fee at time of permit issuance.
Temporary Certificate of Occupancy	\$250 for the first re-issuance past expiration date, and \$500 for each subsequent re-issuance
Reinspection Fee	\$50.00 for each re-inspection beyond the first re-inspection.

Each inspection which is not deemed ready for inspection at the scheduled time shall be considered a failed inspection and subject to re-inspection. The re-inspection fee shall be paid within 10 calendar days of the date of the inspection causing the fee, and prior to a certificate of occupancy being issued for that project. Subsequent inspections for that permitted project shall not be conducted until all past due re-inspection fees have been paid. The Building Official shall have the authority to waive re-inspection fees as deemed necessary.

No fee, other than that set forth above, shall be charged for new construction; although this does not preclude the building official from charging separate fees for sewer and water connections and sign installations.

The governing body shall have the right to waive fees as it deems necessary.

6. Section 109.3 of the International Building Code is hereby changed to read as follows:

Section 109.3 Building Permit Valuations.

The determination of value or valuation under any of the provisions of this code shall be made by the building official. The valuation for new buildings shall be calculated by using the most recent version of Valuation Data Table as published by the International Code Council. For other than new buildings, the valuation to be used for determining the building permit fee shall be the total value of all construction work for which the permit is issued including all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment.

7. Section 109.4 of the International Building Code is hereby changed to read as follows:

Section 109.4 Work commencing before permit issuance.

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee equal to the permit fee in addition to the required permit fees at the discretion of the Building Official.

8. Section 113 of the International Building Code is hereby deleted.
9. Section 115.1 of the International Building Code shall be changed to read as follows:

Section 115.1 Authority.

Where the building official finds any work regulated by this code being performed in a manner contrary to the provisions of this code, in a dangerous or unsafe manner, or in violation of any City Ordinance, the building official is authorized to issue a stop work order.

10. Section 115.4 of the International Building Code shall be changed to read as follows:

Section 115.4 Failure to Comply.

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a fine of not less than one hundred dollars (\$100) or more than five hundred dollars (\$500.00), or imprisonment for a term not to exceed one hundred eighty (180) days, or by both fine and imprisonment, at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

11. Section 310.4.2 of the International Building Code is hereby changed to read as follows:

Section 310.4.2 Lodging houses. Owner- or manager- occupied lodging houses with five or fewer guest rooms and 10 or fewer total occupants shall be permitted to be constructed in accordance with the International Residential Code.

12. Section 406.3.2.1 of the International Building Code is hereby changed to read as follows:

Section 406.3.2.1 Dwelling unit separation.

Separations shall comply with the following:

The private garage shall be separated from the *dwelling unit* and its *attic* by means of gypsum board, not less than ½ inch (12.7 mm) in thickness, applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms by not less than 5/8" (15.9 mm) type X gypsum board and ½" (12.7 mm) gypsum board applied to structures supporting the separation from habitable rooms above the garage. Door openings between a private garage and the *dwelling unit* shall be equipped with either solid wood doors or solid or honeycomb core steel doors not less than 1 3/8" (34.9 mm) in thickness, or in compliance with section 716.5.3 with a fire protection rating of not less than 20 minutes. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted.

13. Section 903.4.2 of the International Building Code is hereby changed to read as follows:

Section 903.4.2 Alarms.

An approved audible/visual device, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system. Such sprinkler waterflow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

14. Section 915.1.4 of the International Building Code is hereby changed to read as follows:

Section 915.1.4 Fuel-burning appliances outside of dwelling units, sleeping units and classrooms.

Carbon monoxide detection shall be provided in dwelling units, sleeping units and classrooms located in buildings that contain fuel-burning appliances or fuel-burning fireplaces.

Exceptions:

1. Carbon monoxide detection shall not be required in dwelling units, sleeping units and classrooms without communicating openings between the fuel-burning appliance or fuel-burning fireplace and the dwelling unit, sleeping unit or classroom.
 2. Carbon monoxide detection shall not be required in dwelling units, sleeping units and classrooms where a carbon monoxide detector is provided in an approved location between the fuel-burning appliance or fuel-burning fireplace and the dwelling unit, sleeping unit or classroom.
15. Section 1010.2.1 of the International Building Code is hereby changed to read as follows:

Section 1010.2.1 Unlatching.

The unlatching of any door or leaf for egress shall require not more than one motion in a single linear or rotational direction to release all latching and all locking devices.

Exceptions:

1. Places of detention or restraint.
2. Where manually operated bolt locks are permitted by Section 1010.2.5.
3. Doors with automatic flush bolts as permitted by Section 1010.2.4, Item 6.
4. Doors from individual dwelling units and sleeping units of Group R occupancies as permitted by Section 1010.2.4, Item 7.
5. Doors where thumb turn locks are permitted by Section 1010.2.4, Items 4 and 5.

16. Section 1010.2.4 of the International Building Code is hereby changed to read as follows:

Section 1010.2.4 Locks and latches.

Locks and latches shall be permitted to prevent the operation of doors where any of the following exists:

1. Places of detention or restraint.
2. In Group I-1, Condition 2 and Group I-2 occupancies where the clinical needs of persons receiving care require containment or where persons receiving care pose a security threat, provided that all clinical staff can readily unlock doors at all times, and all such locks are keyed to keys carried by all clinical staff at all times or all clinical staff have the codes or other means necessary to operate the locks at all times.
3. In buildings in occupancy Group A having an occupant load of 300 or less, Group B, F, M and S, and in places of religious worship, the main exterior door or doors is permitted to be equipped with thumb turn operated locking devices from the egress side provided:
 - 3.1 A readily visible durable sign is posted on the egress side on or adjacent to the door stating: THIS DOOR TO REMAIN UNLOCKED WHEN THIS SPACE IS OCCUPIED. This sign shall be in letters one inch high on a contrasting background.
 - 3.2 The use of the key-operated or thumb turn locking device is revocable by the fire code official for due cause.
4. Doors other than those regulated by item 3 in Group B, F, M and S, and in places of religious worship having an occupant load of 500 or less, the secondary exterior door or doors is permitted to be equipped with thumb turn operated locking devices from the egress side.
5. Doors serving rooms or spaces Accessory to Group A occupancies not in the means of egress for the Group A occupancy, are permitted to be equipped with thumb turn operated locking devices from the egress side.
6. Where egress doors are used in pairs, approved automatic flush bolts

- shall be permitted to be used, provided that the door leaf having the automatic flush bolts has no doorknob or surface mounted hardware. The unlatching of any leaf shall not require more than one operation.
7. Doors from individual dwelling units or sleeping units of Group R occupancies having an occupant load of 10 or less are permitted to be equipped with a night latch, dead bolt or security chain, provided such devices are openable from the inside without the use of a key or tool.
 8. Fire doors after the minimum elevated temperature has disabled the unlatching mechanism in accordance with listed fire door test procedures.
 9. Doors serving roofs not intended to be occupied shall be permitted to be locked, preventing entry to the building from the roof.
 10. Other than egress courts, where occupants must egress from an exterior space through the building for means of egress, exit access doors shall be permitted to be equipped with an approved locking device where installed and operated in accordance with all of the following:
 - 10.1. The maximum occupant load shall be posted where required by Section 1004.9. Such sign shall be permanently affixed inside the building and shall be posted in a conspicuous space near all the exit access doorways.
 - 10.2. The egress door locking device is readily distinguishable as locked and shall be a key-operated locking device.
 - 10.3. A clear window or glazed door opening, not less than 5 square feet (0.46 m²) in area, shall be provided at each exit access door to determine if there are occupants using the outdoor area.
 - 10.4. A readily visible durable sign shall be posted on the interior side on or adjacent to each locked required exit access door serving the exterior area stating: "THIS DOOR TO REMAIN UNLOCKED WHEN THE OUTDOOR AREA IS OCCUPIED." The letters on the sign shall be not less than 1 inch (25.4 mm) high on a contrasting background.
 - 10.5. The occupant load of the occupied exterior area shall not exceed 300 occupants in accordance with Section 1004.
 11. Locking devices are permitted on doors to balconies, decks or other exterior spaces serving individual dwelling or sleeping units.
 12. Locking devices are permitted on doors to balconies, decks or other exterior spaces of 250 square feet (23.23 m²) or less, serving a private office space.
17. Section 1011.12 of the International Building Code is hereby changed to read as follows:

Section 1011.12 Stairway to roof.

In buildings four or more stories above *grade plane*, one *stairway* shall extend to the roof surface, unless the roof has a slope steeper than four units vertical in twelve units horizontal (33 percent slope) or unless deemed not necessary by

the *building official*. In buildings without an occupied roof, access to the roof from the top story shall be permitted to be by an *alternating tread device*.

18. Section 1015.4 of the International Building Code is hereby changed to read as follows:

Section 1015.4. Opening limitations.

Required guards shall not have openings that allow passage of a sphere 4 ½” (114 mm) in diameter from the walking surface to the required guard height.

Exceptions:

1. The triangular openings at the open side of a stair, formed by the riser, tread and bottom rail shall not allow passage of a sphere 6” (152 mm) in diameter.
2. At elevated walking surfaces for access to and use of electrical, mechanical and plumbing systems or equipment, guards shall not have openings that allow passage of a sphere 21 inches (533 mm) in diameter.
3. In areas that are not open to the public within occupancies in Group I-3, F, H or S and for alternating read devices and ships ladders, guards shall not have openings that allow passage of a sphere 21 inches (533 mm) in diameter.
4. In assembly seating areas, guards required at the end of aisles in accordance with Section 1030.17.4 shall not have openings that allow passage of a sphere 4 ½” (114 mm) in diameter up to a height of 26 inches (660 mm). From a height of 26 inches (660 mm) to 42 inches (1067 mm) above the adjacent walking surfaces, guards shall not have openings that allow passage of a sphere 8 inches (203 mm) in diameter.

19. Section 1015.8 of the International Building Code is hereby changed to read as follows:

Section 1015.8 Window openings.

In occupancy groups R-2 and R-3, one and two family and multiple family dwellings, where the opening of the sill portion of an operable window is located more than 72 inches (1829 mm) above the finished grade or other surface below, the lowest part of the clear opening of the window shall be at a height not less than 18 inches (457.2 mm) above the finished floor surface of the room in which the window is located. Operable sections of windows located lower than 18 inches (457.2 mm) shall be limited to a 4 inch (101.6 mm) opening or be supplied with approved guards when more than 72 inches (1829 mm) above the finished grade or surface below.

20. Section 1031.2 of the International Building Code is hereby changed to read as follows:

Section 1031.2 Where required.

In addition to the means of egress required by this chapter, emergency escape and rescue openings shall be provided in group R and Group I-1 occupancies. Basements and sleeping rooms below the fourth story shall have no fewer than one emergency escape and rescue opening in accordance with this section. Where basements contain one or more sleeping rooms, an emergency escape and rescue opening shall be required in each sleeping room but shall not be required in adjoining areas of the basement. Such openings shall open directly into a public way, or to a yard or court that opens to a public way.

Exceptions:

1. In other than Group R-3 occupancies, buildings equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2 may have the required above grade egress windows fixed in a closed position as long as the required ventilation is maintained.
2. Emergency escape and rescue openings are not required from basements or sleeping rooms that have an exit door or exit access door that opens directly into a public way or to a yard, court or exterior exit egress balcony that opens to a public way.
3. Storm shelters are not required to comply with this section where the shelter is constructed in accordance with ICC 500.

21. Section 1031.3.1 of the International Building Code is hereby changed to read as follows:

Section 1030.2 Minimum size.

Emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet.

22. Chapter 11 of the International Building Code is hereby deleted.

23. Section 2701.1 of the International Building Code is hereby changed to read as follows:

Section 2701.1 Scope.

This chapter governs the electrical components, equipment and systems used in buildings and structures covered by this code. Electrical components, equipment and systems shall be designed and constructed in accordance with the provisions of the National Electrical Code as adopted in Section 8-47 of the City Code of Ordinances.

24. Section 2702.1.3 of the International Building Code is hereby changed to read as follows:

Section 2702.1.3 Installation.

Emergency and standby power systems shall be installed in accordance with this code, the National Electrical Code, NFPA 110 and NFPA 111.

25. Section 2902.1 of the International Building Code is hereby changed to read as follows:

Section 2902.1 Minimum number of fixtures.

Plumbing fixtures shall be provided in the minimum numbers as shown in Table 2902.1 based on the actual use of the building or space. Uses not shown in Table 2902.1 shall be considered individually by the code official. The number of occupants for purposes of this section and section 2902.2 shall be determined by this code or may be determined by the code official for specific occupancies. Individual fixtures may be waived by the code official when specific conditions warrant.

26. Section 3202.2.1 of the International Building Code is hereby changed to read as follows:

Section 3202.2.1 Steps and ramps.

Steps and ramps shall not project more than 12 inches and shall be guarded by approved devices not less than 3 feet in height, or shall be located between columns and pilasters.

Exception:

Steps and ramps shall be permitted to project more than 12 inches if approved by the City Engineer and Building Official.

27. Section K103.3 of the International Building Code is hereby added to read as follows:

Section K103.3 Fees.

The fee for each electrical permit shall be \$25.00.

For each re-inspection beyond the first re-inspection. \$50.00

Each inspection which is not deemed ready for inspection at the scheduled time shall be considered a failed inspection and subject to re-inspection. The re-inspection fee shall be paid within 10 calendar days of the date of the inspection causing the fee, and prior to a certificate of occupancy being issued for that project. Subsequent inspections for that permitted project shall not be conducted until all past due re-inspection fees have been paid. The Building Official shall have the authority to waive re-inspection fees as deemed necessary.

SECTION 3. Ordinance No. 7423 and all other ordinances, or portions thereof, in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall be published once in the official City newspaper and shall take effect on January 1, 2023.

PASSED AND ADOPTED THIS 18TH DAY OF OCTOBER, 2022 BY THE GOVERNING BODY OF THE CITY OF MANHATTAN, KANSAS.



Linda Morse, Mayor

ATTEST:



Brenda K. Wolf, CMC, City Clerk



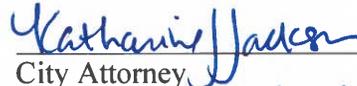
(PUBLISHED IN *THE MANHATTAN MERCURY* ON OCTOBER 22, 2022)

ORDINANCE NO. 7602 SUMMARY

On October 18, 2022 the City of Manhattan, Kansas adopted the following ordinance:

AN ORDINANCE AMENDING CHAPTER 8, ARTICLE III OF THE CODE OF ORDINANCES, REGULATING BUILDINGS WITHIN THE CORPORATE LIMITS OF THE CITY OF MANHATTAN, KANSAS; INCORPORATING BY REFERENCE THE “2021 INTERNATIONAL BUILDING CODE,” WITH CERTAIN OMISSIONS, CHANGES AND ADDITIONS THERETO; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

The Ordinance adopts the 2021 International Building Code and makes certain amendments to that code, all effective January 1, 2023, as more specifically described in the Ordinance. The complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, City Hall, 1101 Poyntz Ave., Manhattan, KS 66502, Monday – Friday, 8 a.m. – 5 p.m., and is available for at least one week following the publication date of this summary at www.cityofmhk.com. This Summary certified to be legally accurate and sufficient by City Attorney Katharine Jackson.



City Attorney
Date certified: 10/18/22