

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. 7603

AN ORDINANCE AMENDING CHAPTER 8, ARTICLE XII, OF THE CODE OF ORDINANCES, REGULATING EXISTING BUILDINGS WITHIN THE CORPORATE LIMITS OF THE CITY OF MANHATTAN, KANSAS; INCORPORATING BY REFERENCE THE “2021 INTERNATIONAL EXISTING BUILDING CODE, FIRST PRINTING DECEMBER 2020,” WITH CERTAIN OMISSIONS, CHANGES AND ADDITIONS THERETO; AND REPEALING ALL ORDINANCE IN CONFLICT HERewith.

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

SECTION 1. That Section 8-251 of Chapter 8 of the Code of Ordinances of the City of Manhattan, Kansas is hereby amended to read as follows:

Sec. 8-251. - Adoption of the International Existing 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 existing buildings code known as the 2021 International Existing Building Code, First Printing December 2020, including Appendices A and C 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. _____,” 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 8-252 of Chapter 8 of the Code of Ordinances of the City of Manhattan, Kansas is hereby amended to read as follows:

Sec. 8-252. - Amendments.

The International Existing Building Code, adopted by Section 8-251, is hereby changed, altered, modified and otherwise amended as follows:

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

Section 101.1 Title.

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

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

Section 103.1 Creation of 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 108.2 of the International Existing Building Code is hereby changed to read as follows:

Section 108.2 Schedule of Permit 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.

4. Section 108.3 of the International Existing Building Code is hereby changed to read as follows:

Section 108.3 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 shall be calculated by using the most recent version of Valuation Data Table as published in the International Code Council Building Safety Journal Magazine. The amount 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. 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.

5. Section 108.4 of the International Existing Building Code is hereby changed to read as follows:

Section 108.4 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.

6. Section 112 of the International Existing Building Code is hereby deleted.
7. Section 114.1 of the International Existing Building Code is hereby changed to read as follows:

Section 114.1 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.

8. Section 114.4 of the International Existing Building Code is hereby changed to read as follows:

Section 114.4 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.

9. Section 306 of the International Existing Building Code is hereby deleted.
10. Section 505.2 of the International Existing Building Code is hereby deleted.
11. Section 505.3.1 of the International Existing Building Code is hereby deleted.
12. Section 702.4 of the International Existing Building Code is hereby deleted.
13. Section 702.5.1 of the International Existing Building Code is hereby deleted.
14. Section 806.1 of the International Existing Building Code is hereby changed to read as follows:

Section 806.1 New installations.

All newly installed electrical equipment and wiring relating to work done in any work area shall comply with the materials and methods requirements of Chapter 4.

Exception:

Electrical equipment and wiring in newly installed partitions and ceilings shall comply with all applicable requirements of the National Electrical Code as adopted in Section 8-47 of the city Code of Ordinances.

15. Section 806.4.4 of the International Existing Building Code is hereby changed to read as follows:

Section 806.4.4 Ground Fault Circuit Interruption.

Newly installed receptacle outlets shall be provided with ground fault circuit interruption as required by the National Electrical Code as adopted in Section 8-47 of the city Code of Ordinances.

16. Section 806.4.7 of the International Existing Building Code is hereby changed to read as follows:

Section 806.4.7 Clearance for equipment.

Clearance for electrical service equipment shall be provided in accordance with the National Electrical Code as adopted in Section 8-47 of the city Code of Ordinances.

17. Section 1007.1 of the International Existing Building Code is hereby changed to read as follows:

Section 1007.1 Special occupancies.

Where the occupancy of an existing building or part of an existing building is changed to one of the following special occupancies as described in the National Electrical Code, the electrical wiring and equipment of the building or portion thereof that contains the proposed occupancy shall comply with the applicable requirements of the National Electrical Code as adopted in Section 8-47 of the city Code of Ordinances. Health care facilities, including Group I-2, ambulatory health care facilities and outpatient clinics, shall also comply with the applicable requirements of NFPA 99:

1. Hazardous locations
2. Commercial garages, repair and storage
3. Aircraft hangers
4. Gasoline dispensing and service stations
5. Bulk storage plants
6. Spray application, dipping and coating processes
7. Health care facilities, including Group I-2, ambulatory health care facilities and outpatient clinics.
8. Places of assembly
9. Theatres, audience areas of motion picture and television studios, and similar locations
10. Motion picture and television studios and similar locations
11. Motion picture projectors
12. Agricultural buildings

18. Section 1007.2 of the International Existing Building Code is hereby changed to read as follows:

Section 1007.2 Unsafe conditions.

Where the occupancy of an existing building or part of an existing building is changed, all unsafe conditions shall be corrected without requiring that all parts of the electrical system be brought up to the current edition of the National Electrical Code as adopted in Section 8-47 of the city Code of Ordinances.

19. Section 1007.3 of the International Existing Building Code is hereby changed to read as follows:

Section 1007.3 Service upgrade.

Where the occupancy of an existing building or part of an existing building is changed, electrical service shall be upgraded to meet the requirements of the National Electrical Code as adopted in Section 8-47 of the city Code of Ordinances, for the new occupancy.

20. Section 1007.4 of the International Existing Building Code is hereby changed to read as follows:

Section 1007.4 Number of electrical outlets.

Where the occupancy of an existing building or part of an existing building is changed, the number of electrical outlets shall comply with the National Electrical Code as adopted in Section 8-47 of the city Code of Ordinances, for the new occupancy.

21. Section 1011.5.6 of the International Existing Building Code is hereby changed to read as follows:

Section 1011.5.6 Existing emergency escape and rescue openings.

Where a change of occupancy would require an emergency escape and rescue opening in accordance with Section 1031 of the International Building Code, operable windows serving as the emergency escape and rescue opening shall comply with the following:

1. An existing operable window shall provide a minimum net clear opening of 4 square feet (0.38 m²) with a minimum net clear opening width and height of 18 inches (457 mm) and a maximum sill height above floor level of 48 inches (1219 mm). Permanently installed step(s) may be used to attain maximum sill height. Such step(s) must have a minimum tread of 12 inches and a maximum riser height of 16 inches.
2. A replacement window where such window complies with both of the following:
 - 2.1. The replacement window meets the size requirements in Item 1.
 - 2.2. The replacement window is the manufacturer's largest standard size window that will fit within the existing frame or existing rough opening. The replacement window shall be permitted to be of the same operating style as the existing window or a style that provides for an equal or greater window opening area than the existing window.

SECTION 3. Ordinance No. 7424 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 BY THE GOVERNING BODY OF THE CITY OF MANHATTAN, KANSAS,
THIS 18TH DAY OF OCTOBER, 2022.



Linda Morse, Mayor

ATTEST:



Brenda K. Wolf, CMC, City Clerk



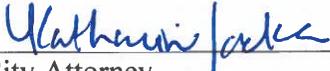
(PUBLISHED IN *THE MANHATTAN MERCURY* ON OCTOBER 22, 2022)

ORDINANCE NO. 7603 SUMMARY

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

AN ORDINANCE AMENDING CHAPTER 8, ARTICLE XII, OF THE CODE OF ORDINANCES, REGULATING EXISTING BUILDINGS WITHIN THE CORPORATE LIMITS OF THE CITY OF MANHATTAN, KANSAS; INCORPORATING BY REFERENCE THE “2021 INTERNATIONAL EXISTING BUILDING CODE, FIRST PRINTING DECEMBER 2020” WITH CERTAIN OMISSIONS, CHANGES AND ADDITIONS THERETO; AND REPEALING ALL ORDINANCE IN CONFLICT HEREWITH.

The Ordinance adopts the 2021 International Existing Building Code, First Printing December 2020, 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