

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. 7609

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

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

SECTION 1. That Section 8-203 of Chapter 8 of the Code of Ordinances of the City of Manhattan, Kansas is hereby amended to read as follows:

Sec. 8-203. - Adoption of the International Residential 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 residential code known as the 2021 International Residential Code, including Appendices AA, AB, AC, AE, AF, AG, AH, AJ, AM, AN, AO, AP, AQ, AR, AS, AU, and AW 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. 7609,” 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 8-204 of Chapter 8 of the Code of Ordinances of the City of Manhattan, Kansas, is hereby changed to read as follows:

Sec. 8-204. - Amendments.

The International Residential Code, adopted by Section 8-203, is hereby changed, altered, modified or otherwise amended as follows:

1. Section R101.1 of the International Residential Code is hereby changed to read as follows:

Section R101.1 Title.

These regulations shall be known as the Residential Code for one and two family dwellings of the City of Manhattan, Kansas, and herein after known as “this code”.

2. Section R103.1 of the Internal Residential Code is hereby changed to read as follows:

Section R103.1 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 code official.

3. Section R105.2 of the International Residential Code is hereby changed to read as follows:

Section R105.2 Work exempt from permit.

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

Building:

1. One story detached accessory structures used as tool and storage sheds, playhouses and similar uses, 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. Retaining walls that are not over 7 feet in height measured from grade on the low end to the top of the wall, unless supporting a surcharge.
5. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
6. Sidewalks and driveways.
7. Porches, decks and similar uses that are not more than 30 inches from floor to grade at any point and are not roofed or enclosed.
8. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.
9. Swings and other playground equipment.
10. Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.
11. Prefabricated swimming pools that are less than 24" deep.

Electrical:

A permit shall not be required for minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Gas:

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

3. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical:

1. Portable heating and ventilation appliances.
2. Portable cooling units or portable evaporative coolers.
3. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
4. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
5. Self contained refrigeration systems containing 10 pounds or less of refrigerant that are actuated by motors of 1 horsepower or less.
6. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

The clearing of stoppages or stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

3. Section R107.3 of the International Residential Code is hereby changed to read as follows:

Section R107.3 Temporary power.

The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the National Electrical Code as adopted in Section 8-47 of the city Code of Ordinances.

4. Section R108.2 of the International Residential Code is hereby changed to read as follows:

Section R108.2 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
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.

5. Section R108.3 of the International Residential Code is hereby changed to read as follows:

Section R108.3 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 by the International Code Council. 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.

6. Section R108.6 of the International Residential Code is hereby changed to read as follows:

Section R108.6 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.

7. Section R112 of the International Residential Code is hereby deleted.
8. Section R114.1 of the International Residential Code shall be changed to read as follows:

Section R114.1 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.

9. Section R114.4 of the International Residential Code is hereby changed to read as follows:

Section R114.4 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.

10. Section R302.5.1 of the International Residential Code is hereby changed to read as follows:

Section R302.5.1 Opening protection.

Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 1 3/8 inches (35mm) in thickness, solid or honeycomb core steel doors not less than 1 3/8 inches (35mm) thick, or 20-minute fire rated doors.

11. Section R303.1 of the International Residential Code is hereby changed to read as follows:

Section R303.1 Habitable rooms.

All habitable rooms shall have an aggregate glazing area of not less than 8 percent of the floor area of such rooms. Natural ventilation shall be through windows, doors, louvers or other approved openings to the outdoor air. Such openings shall be provided with ready access or shall otherwise be readily controllable by the building occupants. The minimum openable area to the outdoors shall be 4 percent of the floor area being ventilated.

Exceptions:

1. Where not required by section R310 and where supply and return air is provided to the room, glazed openings need not be provided for ventilation.
2. Artificial light may be substituted for glazed openings at a rate of 6-foot candles (65 lux) over the entire room at a height of 30 inches (762 mm) above the floor where such openings are not required by section R310.

12. Section R303.4 of the International Residential Code is hereby deleted.

13. Section R310.1 of the International Residential Code is hereby changed to read as follows:

Section R310.1 Emergency escape and rescue opening required.

Basements, habitable attics and every sleeping room shall have not less than one operable emergency escape and rescue opening. Where basements contain one or more sleeping rooms, an emergency escape and rescue opening shall be required in each sleeping room. Emergency escape and rescue openings shall open directly into a public way, or to a yard or court that opens into a public way.

Exception: Storm shelters and basements used only to house mechanical equipment not exceeding a total floor area of 200 square feet.

14. Section R310.2.1 of the International Residential Code is hereby changed to read as follows:

Section R310.2.1 Minimum opening area.

All emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet. The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside. The net clear height opening shall be not less than 24 inches and the net clear width shall be not less than 20 inches.

15. Section R310.2.3 of the International Residential Code is hereby changed to read as follows:

Section R310.2.3 Window wells.

The minimum horizontal area of the window well shall be 9 square feet, with a minimum horizontal projection and width of 36 inches. The area of the window well shall allow the emergency escape and rescue opening to be fully opened.

Exception:

The ladder or steps required by Section R310.2.1 shall be permitted to encroach a maximum of 6 inches into the required dimensions of the window well.

16. Section R310.7 of the International Residential Code is hereby added to read as follows:

Section R310.7 Alterations or repairs of existing basements.

New sleeping rooms created in an existing basement shall be provided with emergency escape and rescue openings in accordance with Section R310.1. Other than new sleeping rooms, where existing basements undergo alterations or repairs, an emergency escape and rescue opening is not required.

Exception:

An operable window provided in an existing opening location, complying with the following shall be acceptable as an emergency escape and rescue opening:

A minimum clear opening width and height of 18 inches, a minimum total clear openable area of 4 square feet, and a maximum sill height above floor level of 48 inches. 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. Emergency escape or rescue windows wells shall be a minimum of 24 inches measured from the exterior wall of the structure to the inside of the well and shall be at least as wide as the window.

17. Section R311.7.5.1 of the International Residential Code is hereby changed to read as follows:

Section R311.7.5.1 Risers.

The maximum riser height shall be 8 inches (203 mm). The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than

3/8 inch (9.5 mm). Risers shall be vertical or sloped from the underside of the nosing of the tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open risers are permitted provided that the opening between the treads does not permit the passage of a 4-inch diameter (102 mm) sphere.

Exception:

The opening between adjacent treads is not limited on stairs with a total rise of 30 inches (762 mm) or less.

18. Section R312.1.3 of the International Residential Code is hereby changed to read as follows:

Section R312.1.3 Guard opening limitations.

Open guardrails shall have intermediate rails or an ornamental pattern such that a sphere 4 1/2" (102 mm) in diameter cannot pass through.

Exceptions:

1. The open space between the intermediate rails or ornamental pattern of guardrails in areas of commercial and industrial-type occupancies which are not accessible to the public may be such that a sphere 12 inches (305 mm) in diameter cannot pass through.
2. The triangular openings formed by the riser, tread and bottom element of a guardrail at the open side of a stairway may be of such size that a sphere 6 inches (152 mm) in diameter cannot pass through.

19. Section R312.2.1 of the International Residential Code is hereby changed to read as follows:

Section R312.2.1 Window sills.

In dwelling units, where the opening of an operable window is located more than 72 inches (1829 mm) above the finished grade or surface below, the lowest part of the clear opening of the window shall be a minimum of 18 inches (457 mm) above the finished floor of the room in which the window is located. Operable sections of windows shall not permit openings that allow passage of a 4-inch diameter (102 mm) sphere where such openings are located within 18 inches (457 mm) of the finished floor unless such windows are provided with approved guards.

20. Section R313 of the International Residential Code is hereby deleted.

21. Section R507.9.2 of the International Residential Code is hereby deleted.

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

23. Section M1503.6 of the International Residential Code is hereby changed to read as follows:

Section M1503.6 Makeup air required.

Where one or more gas, liquid or solid fuel burning appliance that is neither direct vent nor uses a mechanical draft venting system is located within a dwelling unit's air barrier, exhaust hood systems capable of exhausting in excess of 400 cubic feet per minute shall be provided with makeup air at a rate approximately equal to the difference between the maximum exhaust rate and 400 cubic feet per minute. Such makeup air systems shall be equipped with a means of closure and shall automatically be controlled to start and operate simultaneously with the exhaust system.

24. Section P2503.4 of the International Residential Code is hereby deleted.

25. Section P2503.5 of the International Residential Code is hereby deleted.

26. Section P2603.5.1 of the International Residential Code is hereby changed to read as follows:

Section P2603.5.1 Sewer depth.

Building sewers shall be a minimum of 34 inches below grade unless insulated.

27. Section P3011.5 of the International Residential Code is hereby changed to read as follows:

Section P3011.5 Prohibited applications.

Where the preinstallation recorded video camera survey reveals that piping systems are not installed correctly, or defects exist, relining shall not be permitted without the approval of the building official. The defective portions of piping shall be exposed and repaired with pipe and fittings in accordance with this code. Defects shall include, but are not limited to, backslope or insufficient slope, complete pipe wall deterioration or complete separations such as from tree root invasion or improper support.

28. Section E3601.6.2 of the International Residential Code is hereby changed to read as follows:

Section E3601.6.2 Service disconnect location.

The service disconnecting means shall be installed on the outside of a building or structure at a readily accessible location nearest the service location. Each occupant shall have access to the disconnect serving the dwelling unit in which they reside.

29. Section E3901.11 of the International Residential Code is hereby deleted.

30. Section E3901.4.2 of the International Residential Code is hereby changed to read as follows:

Section E3901.4.2 Island and peninsular countertops and workspaces.

Receptacle outlets shall be installed in accordance with the following:
[210.52(C)(2)]

1. At least one receptacle outlet shall be provided for the first 9 square feet (0.84 m²), or fraction thereof, of the countertop or work surface. A second separate and remotely located receptacle outlet shall be provided if the island or peninsula countertop or work surface is greater than 9 square feet.
2. At least one receptacle outlet shall be located within 2 feet (600 mm) of the outer end of a peninsular countertop or work surface. Additional receptacle outlets shall be permitted to be located as determined by the installer, designer or building owner. The location of the receptacle outlets shall be in accordance with Section E3901.4.3. [210.52(C)(2)(b)]

A peninsular countertop shall be measured from the connected perpendicular wall. [210.52(C)(2)]

31. Section E3902.2 of the International Residential Code is hereby changed to read as follows:

Section E3902.2 Garage and accessory building receptacles.

All 125-volt, single phase, 15 or 20 ampere receptacles installed in garages and grade level portions of unfinished accessory buildings used for storage or work areas shall have ground fault circuit interrupter protection for personnel.

Exception:

Receptacles that are not readily accessible.

32. Section E3902.17 of the International Residential Code is hereby deleted.
33. Section E3905.8 of the International Residential Code is hereby changed to read as follows:

Section E3905.8 Boxes at fan outlets.

Outlet boxes and outlet box systems used as the sole support of ceiling-suspended fans (paddle) shall be marked by their manufacturer as suitable for this purpose and shall not support ceiling-suspended fans (paddle) that weigh more than 70 pounds (31.8 kg). For outlet boxes and outlet box systems designed to support ceiling-suspended fans (paddle) that weigh more than 35 pounds (15.9 kg), the required marking shall include the maximum weight to be supported.

Outlet boxes mounted in the ceilings of habitable rooms in a location acceptable for the installation of a ceiling-suspended (paddle) fan shall comply with one of the following:

1. Listed for sole support of ceiling-suspended (paddle) fans.
2. An outlet box complying with the applicable requirements of Section E3905.6 and providing access to structural framing capable of supporting of a ceiling-suspended (paddle) fan bracket or equipment. [314.27(C)]

Exception:

Outlet boxes within 3 feet of a wall or provided for a smoke or carbon monoxide alarms.

34. Section E4002.9 of the International Residential Code is hereby changed to read as follows:

Section E4002.9 Receptacles in wet locations.

Where installed in a wet location, receptacles shall have an enclosure that is weatherproof when the receptacle cover is closed and an attachment pug cap is not inserted. Receptacles installed in wet locations shall be a listed weather resistant type.

35. Section E4002.10 of the International Residential Code is hereby deleted.

36. Section AF104 of the International Residential Code is hereby deleted.

SECTION 3. Ordinance No. 7430 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



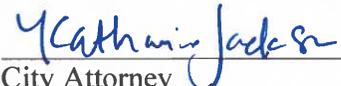
(PUBLISHED IN *THE MANHATTAN MERCURY* ON OCTOBER 22, 2022)

ORDINANCE NO. 7609 SUMMARY

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

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

The Ordinance adopts the 2021 International Residential 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