

The logo for Emporia, Missouri, features the word "EMPORIA" in a large, blue, serif font. Above the letters "P" and "O" is a golden comet streak with several yellow stars. The letter "A" is stylized to resemble a house with a chimney, a window, and a door. Below "EMPORIA" is the text "Code Services City of Emporia" in a red, italicized serif font, and "Building Inspection Department" in a red, italicized serif font.

EMPORIA

Code Services City of Emporia
Building Inspection Department

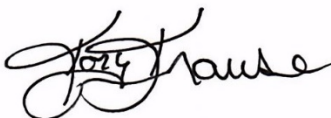
Emporia's Building and Construction Regulations are being published to our city web site as a resource for any person that is in the process of new construction, additions, alterations, accessory buildings or repairs of any new or existing structures in the City of Emporia.

This resource contains Emporia specific information on administration, certification and licensing of contractors and tradesmen and also site supervision and responsibility at the construction site. The Building and Construction Regulations also specify Emporia's requirements for inspections, permitting and the fee schedule used for construction and contractor licensing and renewals. This document also contains the modifications to the adopted national code standards that are City of Emporia specific. This is a living document and may change by ordinance through the approval of Emporia's City Commission.

This document is in no means the only source of regulations pertaining to the minimum building standards that are referenced by the City of Emporia's Code Service Division. Be it known that the building official is the only person authorized and directed to enforce the provisions of this code. The building official shall be the only authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in conformance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in the building and construction regulations or of any building or trades code adopted by the City of Emporia.

If any persons aggrieved by a decision of the building official, or feel the use of alternate materials or methods is justified, or feel these regulations do not adequately cover a point in question, they may appeal the decision to our Building Trades Board through the proper channels and process.

Thank you for your co-operation and commitment in making the community of Emporia a safer environment to live in and visit.

A handwritten signature in black ink that reads "Jerry Krause".

Chief Building Inspector / ICC Certified Building Official



2020

Building and Construction Regulations

As of January 1, 2020

Emporia Building Department Mission Statement

The Emporia Building Inspection Department strives to achieve excellence in all aspects of the building inspection process by providing timely, efficient and thorough plans review and building inspections. We are committed to providing quality services to the community by continuing our education, knowledge and determination through excellence in customer service.

Emporia's primary objective of the Building Department is the protection of the public's safety, and welfare as it relates to construction. We provide this by ensuring that all construction, reconstruction, remodels, repairs and demolition of buildings and structures are compliant with all the locally adopted building codes by ordinance and also with state and federal laws.

With this we believe in the equitable treatment for all individuals regardless of circumstances and will strive to enforce all codes in a fair and considerate manner.

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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS AMENDING SECTION 8-3 OF THE CODE OF THE CITY OF EMPORIA, KANSAS, 1983, ADOPTING THE BUILDING AND CONSTRUCTION REGULATIONS, EDITION OF 2019, AS AMENDED.

BE IT ORDAINED by the Governing Body of the City of Emporia, Kansas;

Section 1. That Section 8-3 of the Code of the City of Emporia, Kansas, 1983, is hereby amended as follows:

“Sec. 8-3”. Adoption of Building and Construction Regulations:

(a) There is hereby incorporated by reference, for the purpose of regulating construction activities within the city, a standard ordinance entitled "building and construction regulations", edition of 2019, as amended herein, prepared and published in book form by the code services division of the fire department of the city of Emporia, Kansas. Not less than one (1) copy of said standard ordinance shall be marked or stamped "Official Copy as incorporated by Section 8-3 of the Code of the City of Emporia, Kansas", and to which shall be attached a copy of this section and the same shall be filed with the city clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge and all administrative departments of the city charged with the enforcement of any such ordinance shall be supplied, at the cost of the city, such number of official copies of such building and construction regulations similarly marked, as may be deemed expedient.

(b) The City of Emporia’s 2019 edition of the Building and Construction Regulations is hereby amended in the following respects:

**CITY OF EMPORIA BUILDING AND CONSTRUCTION
REGULATIONS**

ARTICLE I

PURPOSE AND INTENT

DIVISION 1. ADMINISTRATION

Section 1. Purpose and intent: The purpose and intent of this code and/or regulations is to establish a comprehensive set of codes and standards, designed to be compatible with, and reference one another, which will provide better building construction practices and greater safety to the public through a nationally recognized set of regulations and standards.

Section 2. Unlawful to interfere: It shall be a violation of this chapter for any person to hinder or interfere with the building official/code official or his or her designee in the discharge of their duties under the provisions of this ordinance.

Section 3. Application to existing buildings and building service equipment:

1. **General.** Buildings, structures and their building service equipment to which additions, alterations or repairs are made shall comply with all the requirements of the technical codes for new facilities, except as specifically provided in these codes and regulations.

2. **Additions, Alterations or Repairs.** Additions, alterations or repairs may be made to any building or its building service equipment without requiring the existing building or its building service equipment to comply with all the requirements of the technical codes, provided the addition, alteration or repair conforms to that required for a new building or building service equipment. Additions or alterations shall not be made to an existing building or building service equipment which will cause the existing building or building service equipment to be in violation of any of the provisions of the technical codes nor shall such additions or alterations cause the existing building or building service equipment to become unsafe. An unsafe condition shall be deemed to have been created if an addition or alteration will cause the existing building or building service equipment to become structurally unsafe or overloaded; will not provide adequate egress in compliance with the provisions of the building code or will obstruct existing exits; will create a fire hazard; will reduce required fire resistance; will cause building service equipment to become overloaded or exceed their rated capacities; will create a health hazard or will otherwise create conditions dangerous to human life. Any building so altered, which involves a change in use or occupancy, shall not exceed the height, number of stories and area permitted by the building code for new buildings. Any building plus new additions shall not exceed the height, number of stories and area specified by the building code for new buildings. Additions or alterations shall not be made to an existing building or structure when such existing building or structure is not in full compliance with the provisions of the building code except when such addition or alteration will result in the existing building or structure being no more hazardous based on life safety, fire safety and sanitation, than before such additions or alterations are undertaken.

Alterations or repairs to an existing building or structure which are nonstructural and do not adversely affect any structural member or any part of the building or structure having required fire resistance may be made with the same materials of which the building or structure is constructed, subject to approval by the building official. The installation or replacement of glass shall be as required for new installations.

Minor additions, alterations and repairs to existing building service equipment installations may be made in accordance with the technical codes in effect at the time the original installation was made, subject to approval of the building official, and provided such additions, alterations and repairs will not cause the existing building service equipment to become unsafe, insanitary or overloaded.

3. **Existing Installations.** Building service equipment lawfully in existence at the time of the adoption of the technical codes may have their use, maintenance or repair

continued if the use, maintenance or repair is in accordance with the original design and no hazard to life, health or property has been created by such building service equipment.

4. **Existing Occupancy.** Buildings in existence at the time of the adoption of the building code may have their existing use or occupancy continued if such use or occupancy was legal at the time of the adoption of the building code, provided such continued use is not dangerous to life, health and safety.

Any change in the use or occupancy of any existing building or structure shall comply with the provisions of Chapter 1 (Scope and Administration) of the IRC and IBC regulations.

5. **Maintenance.** All buildings, structures and building service equipment, existing and new, and all parts thereof shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by the technical codes shall be maintained in conformance with the technical code under which installed. The owner or his designated agent shall be responsible for the maintenance of buildings, structures and their building service equipment. Upon vacation of a structure and the termination of any utilities to that structure for the length of one (1) year and longer, the owner or the designated agent shall bring the structure up to the current adopted code before any of the utilities shall be allowed to be reconnected. It shall be the determination of the building official upon inspection that if the structure meets all aspects of structural safety and personnel safety without having to update the structure, the utilities shall be allowed to be turned back on. To determine compliance with this subsection, the building official may cause any structure to be reinspected.

6. **Moved Buildings and Temporary Buildings.** Buildings or structures and their building service equipment moved into or within the jurisdiction shall comply with the provisions of these regulations for new buildings or structures, except for mobile homes authorized by the zoning regulations as temporary uses.

Temporary structures such as reviewing stands and other miscellaneous structures, sheds, canopies, or fences used for the protection of the public around and in conjunction with construction work may be erected by special permit from the building official for a limited period of time. Such buildings and structures need not comply with these regulations. Mobile homes, as authorized by the zoning regulations as temporary uses, need not comply with the provisions of these regulations. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.

7. **Historic Buildings.** Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building, structure, or its building service equipment may be made without conformance to all the requirements of the technical codes when authorized by the building official, provided:

a. The building or structure has been designated by official action of the legally constituted authority of this jurisdiction as having special historical or architectural significance.

b. Any unsafe conditions as described in these regulations are corrected.

c. The restored building or structure and its building service equipment will be no more hazardous based on life safety, fire safety and sanitation than the existing building.

Section 4. Conflicting provisions:

Wherever conflicting provisions or requirements occur between these regulations, the technical codes, national standard codes and any other codes, standards or laws, the most restrictive shall govern.

Where conflicts occur between the technical codes, those provisions providing the greater safety to life shall govern. In other conflicts where sanitation, life safety or fire safety are not involved, the most restrictive provisions shall govern.

Where in any specific case different sections within any of the technical codes specify different materials or methods of construction or other requirements, the most restrictive shall govern.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

Where conflicts occur between any specific provisions of these regulations and any administrative provisions in any technical code which is then applicable within this jurisdiction, those provisions becoming the law last in time shall prevail.

Section 5. Unsafe building, structures or building service equipment:

All buildings or structures regulated herein and in the technical codes which are structurally inadequate or have inadequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life are, for the purpose of this section, unsafe.

Building service equipment regulated by such codes, which constitutes a fire, electrical or health hazard, or insanitary condition, or is otherwise dangerous to human life, for the purpose of this section, is unsafe. Any use of buildings, structures or building service equipment constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is, for the purpose of this section, an unsafe use.

Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or structural members which are supported by, attached to, or a part of a building and which are in

deteriorated condition or otherwise unable to sustain the design loads which are specified in the building code are hereby designated as unsafe building appendages.

All such unsafe buildings, substandard buildings that cannot be occupied, structures or appendages and building service equipment are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in these regulations or such alternate procedure as may be adopted by this jurisdiction. As an alternative, the building official or other employee or official of this jurisdiction as designated by the governing body may institute any other appropriate action to prevent, restrain, correct or abate the violation.

A “Substandard Building Do Not Occupy” sign shall be posted on unsafe buildings or structures and shall constitute a Class C misdemeanor to occupy the building or to remove or deface such notice posted on the building or structure. **Penalty for Class C misdemeanor, Chapter 1, Article 6 of the Code of the City of Emporia, Kansas.**

Section 6. Exemptions:

The provisions of these regulations shall not apply to public service utility companies and their authorized representatives and employees when engaged in the installation, operation or maintenance of equipment which will be used for the production, generation, transmission or distribution of the product or service from the source of the product of service through the facilities owned or operated by the utility company to the point of customer service, including the metering.

Section 7. Restrictions:

The building official and his assistants shall not engage in any business or trade regulated by these regulations either directly or indirectly within the city, and shall have no financial interest in any concern engaged in such business.

Section 8. Liability.

These regulations shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building, structure, or building service equipment therein for any damages to persons or property caused by defects, nor shall the code enforcement agency or its parent jurisdiction be held as assuming any such liability by reason of the inspections authorized by these regulations or any permits or certificates issued under these regulations.

These regulations shall not be construed to relieve or lessen the liability of any person building, constructing, altering, adding to or repairing buildings, structures, or its building service equipment for damages to anyone injured thereby, nor shall the city be held as assuming liability by reason of the inspection authorized herein or certificates, licenses, and permits issued pursuant to the provisions hereof.

Section 9. Penalty.

Any person violating any of the provisions of these regulations shall, upon conviction thereof, be guilty of a Class C misdemeanor. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Cross reference -- Penalty for Class C misdemeanor, Chapter 1, Article 6 of the Code of the City of Emporia, Kansas.

Section 10. Appeal of building official's decision.

Anyone aggrieved by the building official's decision may appeal to the building trades board. Such an appeal must be made within thirty (30) days of said decision. (See Article 1, Division 2, Section 22.)

Section 11. Cooperation of other officials and officers.

The building official may request, and shall receive so far as is required in the discharge of his duties, the assistance and cooperation of other officials of this jurisdiction.

Section 12. Definitions

General. For the purpose of these regulations, certain terms, phrases, words and their derivatives shall be construed as specified in this section. Where terms are not defined, they shall have their ordinarily accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, Copyright 2002, shall be considered as providing ordinarily accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

APPROVED...as to materials, types of construction, equipment and systems, refers to approval by the building official as the result of investigation and tests conducted by him, or by reason of accepted principles or tests by recognized authorities, technical or scientific organizations.

BUILDING CODE...is the International Building Code promulgated by the International Code Council, as adopted by this jurisdiction.

BUILDING OFFICIAL...is the officer or other designated authority charged with the administration and enforcement of these regulations and the national adopted codes of this jurisdiction, or his duly authorized representative.

BUILDING SERVICE EQUIPMENT...refers to the plumbing, mechanical, electrical

and elevator equipment including piping, wiring, fixtures and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, fire-fighting and transportation facilities essential for the habitable occupancy of the building or structure and any related appurtenances thereto for its designated use and occupancy.

ELECTRICAL CODE...is the National Electrical Code promulgated by the National Fire Protection Association, as adopted by this jurisdiction.

ICC CODES...is the set of codes promulgated by the International Code Council, as adopted by this jurisdiction.

MECHANICAL CODE...is the Uniform Mechanical Code promulgated by the International Association of Plumbing and Mechanical Officials, as adopted by this jurisdiction.

OCCUPANCY...is the purpose for which a building, or part thereof, is used or intended to be used.

OWNER...is any person, agency, firm or corporation having a legal or equitable interest in the property.

PERMIT...is an official document or certificate issued by the authority having jurisdiction that authorizes performance of a specified activity.

PLUMBING CODE...is the Uniform Plumbing Code promulgated by the International Association of Plumbing and Mechanical Officials, as adopted by this jurisdiction.

RESIDENTIAL CODE...is the International Residential Code promulgated by the International Code Council, as adopted by this jurisdiction.

STRUCTURE...is which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joining together in some definite manner.

TECHNICAL CODES...refer to those codes adopted by this jurisdiction containing the provisions for design, construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings and structures and building service equipment as herein defined

VALUATION or VALUE...applied to a building and its building service equipment,

shall be the estimated cost to replace the building and its building service equipment in kind, based on current replacement costs.

**ARTICLE II.
CERTIFICATION, LICENSING AND SUPERVISION**

DIVISION 1. GENERALLY

Section 1. General.

All persons or firms who are engaged in building construction and/or a related trade and who work under any of the provisions of these regulations shall be licensed and/or certified under this article.

Section 2. False representation of status.

No person or firm shall advertise in any manner or use the title or designation of any contractor regulated herein, unless certified and licensed under the provision of this article.

No person shall represent himself to the public as a certified person in the building construction and/or related trade unless qualified, duly certified and licensed under this article.

No person, firm or company shall use their license or certification to obtain a permit for a person, firm or company that does not have the qualifications or certifications as per the Kansas State Statutes or the City of Emporia's adopted building codes and ordinances.

Section 3. Identification.

1. **Vehicles.** All contractors shall identify all vehicles used in their business by a minimum of two (2) inch high letters on both sides of each vehicle stating the firm name, address, and phone number.

2. **Certification.** All persons certified under this article shall carry their certification cards while working at the job site.

Section 4. Suspension and revocation.

1. **General.** The issuance of any certificate or license provided for in this article shall be suspended or revoked for cause by the governing body upon recommendation by the city manager, or city manager's authorized personnel. Acts that may be deemed as sufficient cause for revocation, suspension or fined for a certificate or license may include but are not limited to the following:

a. Misrepresentation of a material fact in obtaining a certificate, license or permit.

- b. Fraudulent use of a person or firm's certificate or license for another non-licensed person or firm.
- c. Willful or repeated violations of the technical codes and other related city ordinances, or failure to comply with any lawful order of the building official.
- d. Not providing qualified (by certification) supervisory personnel on the job site while work is being performed which requires such supervision.
- e. Negligence in providing reasonable safety measures for the protection of workmen and the public.
- f. Bad faith, unreasonable delays or the lack of the minimum quality in the performance of construction work.

2. **Responsibility.** Every contractor shall be held responsible for the violation of these and other related regulations by himself or by persons or subcontractors employed by him. The building official shall notify the contractor in writing at any time his certification or license is in question of being revoked. A date, no less than ten (10) days after notification is mailed, will be established for a hearing before the building trades board to which the contractor may appear and be heard. The building trades board shall then recommend in writing to the city manager and the city attorney, the suspension or revocation for cause of any certificate or license issued under the provisions of this article, and shall so notify such individual or firm in writing at the same time, by sending such notification to the last known address of such individual or firm.

Section 5. Limited certification and license.

When an industry or business employs persons to do minor installation, construction, repairs and maintenance upon their own buildings or premises, such individuals shall be certified and the firm licensed when such work requires procurement of a permit by the codes and ordinances of the city. An individual may be certified in more than one (1) trade, but the firm must be licensed and separately bonded for each trade license desired.

Each industry or business having employees so certified shall in every other respect, conform to the provisions of these regulations.

Section 6. Specialty certification and license.

When a person or firm performs a specific function regulated by these regulations other than those in the building, electrical, mechanical, or plumbing industries that person may be certified in a specialty field and the firm may be licensed as a specialty contractor.

This certification in every respect shall conform to the provisions of these regulations.

Section 7. Definitions.

As used in this article and elsewhere in the ordinances of the city, unless the context otherwise indicates, the terms used herein shall be as follows:

APPRENTICE...A person employed by a licensed plumbing, mechanical, or electrical contractor and who works directly under the supervision of a certified master or journeyman plumber, mechanical installer or electrician, as the case may be.

BUILDER...A person qualified and duly certified to properly lay out, plan, direct, supervise, or control the construction and/or repair to any structure or building limited to or by his certification.

BUILDING CONSTRUCTION SUPERVISOR...A person qualified and duly certified to work and/or supervise the construction or repair of a building or structure placed in his charge and under the direction of a builder.

BUILDING TRADES...Those trades or crafts relative to the construction business or industry that are the art of assembling, installing, repairing, and/or maintaining by use of materials or apparatus to construct or repair a building or structure which are governed by these regulations.

CERTIFICATION...An acknowledgment by the building trades board of an individual's skills, either intermediate or upper level, within a trade.

CONTRACTOR, BUILDING GENERAL...A certified builder, or firm employing a certified builder who:

- a. Undertakes with or for another to build, construct, alter, add to, or repair any building or structure or portion thereof within the city for a fixed fee, price, percentage, or compensation;
- b. Advertises or otherwise represents to the public as having the capacity or ability to undertake to build, construct, alter, add to, or repair any building, structure, or portion thereof; or
- c. Builds, constructs, alters, adds to or repairs any building, structure or portion thereof, either on his own or other property, for the purpose of speculation; a speculative purpose shall be presumed when the person building, constructing, altering, adding to or repairing a building or structure resides in or occupies such building or structure for a period of less than twenty-four (24) months and sells or negotiates for the sale of such building or structure and applies for a permit to build, construct, alter, add to, or repair another building or structure.

CONTRACTOR, ELECTRICAL GENERAL...A certified master electrician or a firm employing a certified master electrician who:

- a. Undertakes with or for another to install, or repair electrical wiring and/or equipment within the city for a fixed fee, price, percentage, or compensation.
- b. Advertises or otherwise represents to the public as having the capacity or ability to undertake the installation, or repair of electrical wiring or equipment.

CONTRACTOR, LIMITED...A firm employing a certified person to do specified type of work on the premises of the firm only.

CONTRACTOR, MECHANICAL, GENERAL...A certified master mechanical appliance installer or a firm employing a certified mechanical appliance installer who:

- a. Undertakes with or for another to install, or repair mechanical appliances within the city for a fixed fee, price, percentage, or compensation.
- b. Advertises or otherwise represents to the public as having the capacity or ability to undertake the installation, or repair of mechanical appliances and/or equipment.

CONTRACTOR, PLUMBING, GENERAL...A certified master plumber or a firm employing a certified master plumber who:

- a. Undertakes with or for another to install, or repair plumbing fixtures or piping within the city for a fixed fee, price, percentage, or compensation.
- b. Advertises or otherwise represents to the public as having the capacity or ability to undertake the installation, or repair of plumbing fixtures, mechanical appliances, and/or piping serving such equipment.

CONTRACTOR, SPECIALTY...A person or firm licensed within any of the trades regulated by these regulations that due to their license restriction is limited to a specific scope of work.

- a. Category A. A license that requires an individual certification.
- b. Category B. A license that only requires bonding and/or insurance.

DEMOLITION...The art of removal, razing, or deliberate dismantling of a structure and shall include the removal of the structure's foundation to at least thirty-six (36) inches below grade.

ELECTRICAL WIRING AND EQUIPMENT...All wiring, materials, devices, machinery, appliances, fixtures, motors or conductors used in connection with the transmission or consumption of current used in electrical light, heat or power, as more specifically set forth in the edition of the National Electrical Code adopted and amended by ordinances of the city, excluding portable tools and appliances and property of utility companies.

FIRE EXTINGUISHING SYSTEM...An approved system of devices and equipment that automatically detects a fire and discharges an approved fire extinguishing agent onto or in the area of a fire. May include stand pipes for fire department use.

GAS PIPING...All pipes, valves or fittings used for conveying fuel gas located within the property lines of any premises or in any building, excepting as follows:

- a. Any portion of the service piping (that piping and equipment between the gas main and the gas piping inlet) installed by or under the control and maintenance of a gas utility.
- b. Any approved piping connection ten (10) feet or less in length extending between an existing gas outlet and a gas appliance located in the same room as the outlet.

HELPER...A person employed by a contractor to perform manual labor.

INSTALL...To install means installing, relocating, or re-venting any equipment, appliance, or apparatus.

JOURNEYMAN (electrician, plumber, or mechanical appliance installer) ...A person qualified and duly certified to work and/or supervise under the direction of a master electrician, plumber, or mechanical installer, as the case may be.

LAWN SPRINKLER SYSTEM...Any system connected to the domestic water supply or the purpose of watering any natural green space.

LICENSE...A privilege granted by the City of Emporia to engage in a building trade which by law has specific requirements that must be met.

MASTER (electrician, plumber, or mechanical appliance installer) ...A person qualified and duly certified and equipped to properly lay out, plan, direct, supervise, or control the installation, or repair of; electrical wiring and equipment, plumbing and plumbing fixtures, or mechanical appliances and related equipment, as the case may be.

MECHANICAL APPLIANCE...A device which utilizes fuel or other forms of energy, including boiler and solar systems, to provide a system or unit for heating, ventilating, cooling, refrigerating, drying or incinerating in or upon a building, structure or premises.

MOBILE HOME UTILITY INSTALLATION...Placing a mobile home on an approved lot with all utility connections.

PLUMBING...All materials and plumbing fixtures, water pipes, gas pipes, portable water treating equipment, traps, drainage and vent piping, and building drains,

including their respective joints, connections, devices, receptacles, and appurtenances located within the property lines of any premises or in any building.

PLUMBING FIXTURE...Receptacle or device which when installed is supplied with water, or which is designed to receive or discharge the same into the drainage system to which it may be directly or indirectly connected.

SERVICE...To make repairs and replacements of portions of an appliance.

SWIMMING POOL...Shall mean any privately owned receptacle or container for water, either temporary or permanent, or an artificial pool of water, either temporary or permanent, having a depth at any point of more than three (3) feet and which is intended primarily for the purpose of swimming, bathing, or wading.

TEMPORARY...Shall mean other than permanently affixed. To be removed after a period of time not exceeding ninety (90) days or as time limitations used elsewhere within these regulations.

TRADE...An occupation or craft requiring dexterity and/or artistic skills in relation to the construction of a structure and its related equipment that is organic to its function.

Section 8 through Section 14. Reserved.

DIVISION 2.
REQUIRED CERTIFICATION, EXAMINATIONS AND FEES

Section 1. Certification required.

a. Unless specifically excepted elsewhere in these regulations, only persons so certified by the building trades board and employed by a firm licensed under the provisions of Division 3 of this article shall: build, construct, alter, add to, or repair any building or structure; install, alter, maintain, or repair plumbing or gas piping; install or service appliances; or install, repair, connect, alter, maintain, or replace electrical wiring and equipment.

b. A person who is not certified may do building, electrical, plumbing, or appliance work under the following circumstances:

1. Subcontractors doing building construction, working for and under the supervision of a licensed building contractor.

2. When work is done in a single-family dwelling used exclusively for living purposes, including the usual accessory structures in connection with a single-family dwelling; and when such person is the owner of record of such dwelling and accessory buildings, and the same are occupied or designed to be occupied as the owners permanent mailing and living address, for a minimum of twenty-four (24) months; by such owner of record; and when such owner shall personally perform the principal labor in connection therewith, rather than act in a supervisory capacity.

***Exception:** A person defined above, may act in the capacity of a supervisor, providing he employs only licensed contractors to do the work.*

3. When doing work not requiring certification, such person shall in every other respect, conform to the provisions of these regulations and other codes of the city, including the procurement of a permit, inspection, and payment of permit and inspection fees.

4. When an owner of record, personally performing the principal labor in connection therewith, applying roof coverings, siding, and replacement windows on one (1) and two (2) family dwellings. Such owner shall in every other respect conform to the provision of these regulations and other codes of the city, including the procurement of a permit, inspection, and payment of permit and inspection fees.

a. For all intents and purposes of these regulations, a person certified as a master or journeyman plumber shall be automatically certified as a master or journeyman pipe fitter whichever the case may be.

b. A non-profit organization, as defined in Section 501(c)(3) of the United States Internal Revenue Code of 1986 (or corresponding provisions of any future U.S. Internal Revenue

Law) and who has no one certified as a building contractor in their organization or employee, may do building construction work on a single-family dwelling owned by such organization, Law) and who has no one certified as a building contractor in their organization or employee, may do building construction work on a single-family dwelling owned by such organization, **provided that a certified construction supervisor shall be on the job-site at all times that any structural work is being done and such certified construction supervisor shall in every other respect conform to the provisions of these regulations and other codes of the city.**

Section 2. Examination's Required.

General.

a. Any person seeking certification as a builder, building construction supervisor; a journeyman electrician, plumber, or mechanical appliance installer; a master electrician, plumber, mechanical appliance installer; roofing contractor, structural concrete contractor; or any specialty or limited trades shall make application in writing to the building official. Examinations for local testing shall be given locally during regular business hours at the discretion of the building official but shall not be given less than once each quarter. All other examinations shall be given by a State of Kansas nationally recognized testing agency, at times and locations listed annually. Applications for locally given examinations must be received no less than twenty-one (21) days prior to the examination date. All examinations shall be designed to show the applicant's knowledge of the provisions of the code which applies to his trade. A score of seventy-five (75%) percent or better shall be required to receive a passing grade. **K.S.A. 12-1509(2)**

b. Applicants who have successfully passed the State of Kansas, or nationally recognized testing agency examination, shall be considered as qualified within the scope of the examination taken. Applicants that have passed a nationally recognized test, instead of the specified Kansas contractor's tests, shall show proof that they have meet the 75 percent passing qualifications per Kansas State Statutes. They shall meet all other requirements of these regulations.

c. Applicants requesting to take the state, or nationally recognized examination shall provide proof of experience for the following trade categories.

1. Journeyman plumber, journeyman mechanical appliance installer or journeyman electrician; minimum of two (2) years field experience.

Before issuing a journeyman certificate, the issuing jurisdiction shall verify the validity of the applicant's documented proof of a minimum of two years' field experience. "Field experience" means working under the direct supervision of a person having a valid journeyman certificate or master certificate or attending trade related schooling. No more than one year of the requirement may be satisfied by trade related schooling. Schooling shall consist of a minimum of 930 program hours documented by a certificate of completion. **K.S.A. 12-1509(e)**

2. Master plumber, master mechanical appliance installer or master electrician; proof of having a valid journeyman certificate for a minimum of two (2) years.

3. Eligibility. To be eligible to make application for certification, an applicant may select from the following building trades certification categories:

(a) ICC Building Contractor Certification, consisting of a:

- **General (ICC-A)**
- **Building (ICC-B)**
- **Residential Contractor (ICC-C)**

Kansas General Contractors test or the National Contractors exam with a result showing of at least a 75% passing rate or better. **K.S.A. 12-1509(2)**

(b) Class D builder. (**Emporia Certification Only**)

(c) Roofing Contractor

(d) Structural Concrete Contractor

(e) Building construction supervisor.

(f) Limited or specialty contractors. (Mason, Siding, Structural Concrete, Pools, Roofing, etc.)

(g) Master plumber, electrician, or mechanical appliance installer.

(h) Journeyman plumber, electrician, or mechanical appliance installer.

(i) Roofing supervisor.

Exam fee. Application for examination shall be accompanied by a fee. Fees for examinations given locally shall be determined by the building official. Fees for the examination given by the testing agency will be as per their current schedule.

Section 3. Issuance.

Upon receipt of a written application in proper form made by a person to be certified pursuant to this part by the building trade's board, upon payment of the required fee, the building trades' board and the building official shall issue a certificate to the applicant designating him in the position he has qualified for.

Section 4. Fees.

The fees for certificates required by this part shall be as follows:

a. Builder and master electrician, master plumber, and master mechanical appliance installer: Twenty-five dollars (\$25.00).

b. Construction supervisor and journeyman electrician, journeyman plumber, and journeyman mechanical appliance installer: Fifteen dollars (\$15.00).

c. Limited and specialty (Mason, Siding, Structural Concrete, Pools, Roofing, etc.): Fifteen dollars (\$15.00).

d. Apprentice (all categories): Five dollars (\$5.00).

All such fees shall be paid to the building official, or authorized personnel who shall remit them to the city clerk.

Section 5. Expiration and renewal.

Certificates issued pursuant to these regulations shall be in effect until December 31 of the year of issuance, and they shall be renewed annually. Those persons who have let their certification elapse five (5) or more years shall automatically be required to take the current examination required for their trade.

Section 6. Display.

Every individual certified pursuant to these regulations who is doing work within this jurisdiction shall show his certificate to any city official, city inspector, or police officer who shall request to see the same.

Section 7. Certification of individuals.

The building official shall certify an individual upon proof of successfully passing with a grade of seventy-five (75%) percent or better through the State recognized examinations prepared and published by IAPMO, Prometric or by the International Code Council (ICC). **K.S.A. 12-1509(2)**

Individuals, who have not taken the State recognized examination for their perspective trade, shall automatically be required to take the current examination for that specific trade. Such individual shall be required to meet all other qualifications and criteria as set forth herein.

Exception: *Individuals who have been previously certified with the City of Emporia providing they comply with the requirements as outlined in Division 2, Section 5 of this article.*

Section 8. Ratio of apprentices.

There shall be no more than four (4) apprentices as defined in Section 7 of this article working with any one (1) certified journeyman or master on the job. Such apprentice is required to be employed by a licensed firm, procure an apprentice certification, and shall be directly supervised by the presence of a certified journeyman or master on the job at all times.

Section 9 through Section 20. Reserved.

**DIVISION 3.
LICENSING**

Section 1. Required.

No person, other than a duly licensed contractor, shall engage in any of the building trades within the limits of the city.

Exception:

a. Subcontractors doing building construction work under the direct supervision of a licensed building contractor.

b. When work is done in a single-family dwelling used exclusively for living purposes, including the usual accessory structures in connection with a single-family dwelling; and when such person is the owner of record of such dwelling and accessory buildings, and the same are occupied by such owner as the owners permanent mailing and living address, for a minimum of twenty-four (24) months; and when such owner shall personally perform the principal labor in connection therewith, rather than act in a supervisory capacity. No owner shall use this section of the code to circumvent any part of the certification or licensing requirements. An owner occupant of a single-family dwelling may act as the general contractor when all subcontractors are licensed as required by this article.

c. When demolition of a structure is being done by the bona fide owner of record of land, and when such owner shall personally perform or supervise by his immediate presence the labor in connection therewith.

Exception: The owner shall be required to furnish surety bond and insurance as required per Section 5 and 6, Division 3, Article II in either of the following instances:

1. If such building or structure is more than two (2) stories in height; or

2. If such building or structure is less than ten (10) feet from the property line on a street side.

d. Building Contractors performing construction involving the distribution, collection, or metering of any public utility including municipal water and waste water treatment plants and equipment facilities, provided that such construction has been designed by licensed engineers and a project engineer is on site full time for making all necessary inspections as a representative of the utility. Projects at these facilities not used for distribution, collection, or metering are not exempt from the provisions of licensing.

e. A non-profit organization, as defined in Section 501(c)(3) of the United States Internal Revenue Code of 1986 (or corresponding provisions of any future U.S. Internal Revenue Law) and who is not licensed as a building contractor, may do building construction work

on a single family dwelling owned by such organization, **provided** that a certified construction supervisor shall be on the job-site at all times that any structural work is being done and such certified construction supervisor shall call for all required inspections. Such organization shall in every other respect, conform to the provisions of these regulations and other codes of the city including the procurement of permits and inspections and the payment of such permit and inspections fees.

f. When an owner of record, personally performing the principal labor in connection therewith, applying roof coverings, siding, and replacement windows on one (1) and two (2) family dwellings. Such owner shall in every other respect conform to the provision of these regulations and other codes of the city, including the procurement of a permit, inspection, and payment of permit and inspection fees.

Section 2. License categories.

The following license categories are hereby established and defined:

1. **Classification of Building Contractors.** Classifications as per International Code Council:

Class (A). General Contractor. Having the necessary technical knowledge to properly plan and supervise the unlimited erection, alteration, addition, or repair of any building or structure.

Class (B). Building Contractor. Having the necessary technical knowledge to properly plan and supervise the erection, remodeling or addition to any building not exceeding three (3) stories in height and non-structural remodeling of any building.

Class (C). Residential Contractor. Having the necessary technical knowledge to properly plan and supervise the erection, remodeling, addition, repair or improvement of one (1) or two (2) family dwellings.

2. **Class D Building Contractor.** (Emporia Certification Only) Shall entitle the holder to contract for and perform any act as a building contractor as defined in this article; provided that the cost of all labor and materials for any one (1) project shall not exceed forty thousand (\$45,000) dollars.

3. **Electrical Contractor.** Unrestricted in scope of electrical work performed.

4. **Mechanical Appliance Contractor.** Unrestricted in scope of mechanical appliance work performed.

5. **Plumbing Contractor.** Unrestricted in scope of plumbing work performed.

6. **Limited Contractor.** Restricted to in-plant operations for which certification was issued.

7. **Specialty Contractor.** Restricted to a specified area of work for which certification was issued and/or bonding and insurance requirements have been met. Specific areas of work may include but are not limited to:

a. Construction categories (siding, roofing, foundation and repair, masonry, demolition and swimming pools).

b. Other specific categories (electrical equipment repair, mechanical, mobile home utility installers, lawn sprinkler installers, and fire extinguishing installers).

8. **One-Job Building Contractor.** Shall be restricted to one (1) new commercial construction project within a twenty-four (24) month period. A building contractor, who has not passed a State of Kansas recognized exam and has been in the business doing the type of work requested for permitting for not less than six (6) years, may make application for a one-job building contractor's license through the building official on forms provided by the building official.

The building official shall review and check the application and will notify the applicant within five (5) working days of his determination.

If the building official approves the applicant for the one-job building contractor's license, the applicant shall conform to all other requirements of the code including the submission of bond, and obtaining and paying for all necessary building permits. The license fee for the one-job building contractor license shall be \$250. A certified construction supervisor shall be on the job-site at all times while any construction is being done.

If the building official denies the request, the applicant may appeal to the Building Trades Board.

Section 3. Certification for single license.

No certified individual shall use his certification to obtain more than one (1) contractor's license.

Section 4. Application for license.

Any person desiring any class of license covered by these regulations shall make application to the building official on the form prescribed by him for a license. The applicant shall provide all information requested. If required for licensure, he shall show proof that he is or so employs a certified person for the class of license requested. The certified person shall be a full-time employee of the firm.

Section 5. Bond.

Before the issuance of any contractor's license shall be made, the applicant shall submit a surety bond in the amount of five thousand (\$5,000) dollars, per each contractor's license, approved by the city manager or the city managers authorized personnel, conditioned that the principal will comply with all provisions of these regulations relating to the type of work that the license is requested for, and further conditioned that the city, or any person that may be injured or damaged by the principal's failure to comply with such ordinances, may sue on such bond to recover damages.

A surety shall not cancel a bond without giving notice in writing of such cancellation to the building official or the city clerk. Said cancellation shall take effect ten (10) days after receipt of such notice; however, said surety shall remain liable for any injury or damage incurred prior to the effective date of such cancellation. In case of such cancellation, the principal shall be required to file another bond conforming with the requirements of this article prior to performing any further work.

Section 6. Liability insurance.

In conjunction with the required bond in Article II, Division 3, Section 5, the specialty contractor-demolition contractor shall be required to furnish public liability insurance in the amount of not less than one hundred thousand (\$100,000) dollars for any injury to any one person, three hundred thousand (\$300,000) dollars for injury in any one accident, and fifty thousand (\$50,000) dollars for damages to property in any one accident.

Section 7. Fees.

The fee for the license required by this part shall be seventy-five (\$75.00) dollars, with the following **exceptions**: Class D building, specialty, and limited license contractors shall pay a fee of fifty (\$50.00) dollars.

Section 8. Issuance and renewal.

Upon receipt of an application in proper form, payment of the prescribed fees, and provision of the bond as required in Article II, Division 3, Section 5 of these regulations and satisfaction of the insurance requirement as required in this article, if the applicant is qualified as provided by provisions of the Code of the City of Emporia, Kansas and these regulations, the building official shall issue a license pursuant to the provisions of these regulations. The license for a contractor shall be an annual license and it and the bond shall expire on December 31 following its issuance. Licenses shall be renewable each year upon payment of the prescribed license fee and submission of the required bond. Should the building official deny such license, the applicant may appeal such denial to the governing body by filing within ten calendar days a notice of appeal with the building official. Thereupon, the building official shall cause the application to be placed on the agenda of the next meeting of the governing body. If the governing body votes to issue a license, it shall direct the building official to execute and issue the license.

Section 9. Transfer.

A license issued pursuant to the provisions of these regulations shall be nontransferable.

Section 10. Display.

Every contractor's license shall be displayed in a conspicuous place in the business of the license holder.

Section 11 through Section 20. Reserved.

DIVISION 4.
SITE SUPERVISION AND RESPONSIBILITY

Section 1. Construction Site.

A construction site shall be determined to be the specific address or location for which the Emporia building permit application has been pulled and approved by Code Services.

Section 2. Building Supervisor.

A person who passes an Emporia Building Construction Supervisor Exam (residential or commercial) with a score of 75 percent or better, given by the Emporia building department. The Building Supervisor shall be able to supervise one (1) permitted project. A Building Supervisor shall be required for each permit issued for that particular structure or building.

A Building Supervisor shall be on site at all times during all the construction framing, such as load and non-load bearing walls, roof decking, fire blocking and bracing; except a Building Supervisor may go off site as needed periodically for retrieving equipment, materials, parts and other necessary job duties throughout the work day. The Building Supervisor shall be required to be on the job site until the final rough in framing inspection has been inspected and approved by an Emporia Building Inspector.

Section 3. Building Supervisor Exception.

The Chief Building Inspector, or personnel authorized by the City Manager of Emporia, shall have the authority to grant an exception of requirement for an onsite Certified Building Supervisor for residential construction pertaining to the foundation, framing, wall bracing, roof decking and fire blocking. A waiver of determination can be granted for a Certified Building Supervisor based on the number of permitted residential construction sites they can supervise in a platted sub-division. In each case it shall be determined if one (1) structure to no more than three (3) structures per building supervisor, being constructed by the same contractor, within the same sub-division during the same time frame in close proximity or adjacent to the first permitted residential structure. The determination by the Chief Building Inspector or designated personnel shall be based on quality of construction, the ability to supervise multiple structures that are being constructed using the currently adopted building code regulations by the City of Emporia. The determination of a single building supervisor for multiple sites shall be an ongoing process throughout the construction and can be modified, at any time by the building inspector, without recourse, if by determination that the building supervisor is not able to manage multiple houses during framing construction.

Section 4. Building Supervisor Test.

This test shall be a fifty (50) question general knowledge test over the currently adopted International Building Code and Emporia's Building and Construction Regulations or a

fifty (50) question test over the International Residential Code and Emporia's Building and Construction Regulations depending on the occupancy classification of the project in which the permit is for. The test shall be a closed book test with a time limit of 60 minutes to finish the test.

The test will be updated promptly to reflect the adoption of new code cycles established by ordinance and voted on by the Emporia City Commission.

The test shall be offered in English or Spanish and an interpreter will be supplied by the City upon request and based on availability.

Certified Building Supervisors shall be required to take and renew their certification within six (6) months after the City of Emporia has implemented a new code cycle pertaining to the International Building Code and the International Residential Code.

Section 5. Inspections by Emporia Building Inspectors.

The construction supervisor and/or general contractor or a certified person other than an apprentice shall be on site during all inspections that have been requested by the permit holder or by the Building Supervisor. If a certified person is not present, the inspection will be null and void, if non-minimum code requirements (violations) are noted by the inspector, the permitted site shall be shut down until a re-inspection shall be scheduled by the permit holder with no less than a 24-hour notice.

Section 6 through 10. Reserved

DIVISION 5 INSPECTIONS

Section 1. Inspections.

1. **General.** All work for which a permit is required shall be subject to inspection by the building official and all such work shall remain accessible and exposed for inspection purposes until approved by the building official. In addition, certain types of construction shall have continuous inspections as specified in Article II, Division 5, Section 1 (9).

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of these regulations or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of these regulations or of other ordinances of the jurisdiction shall not be valid.

It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor this jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

A survey of the lot may be required by the building official to verify that the structure is located in accordance with the approved plans.

2. **Inspection Record Card.** Work requiring a permit shall not be commenced until the permit holder or his agent shall have posted or otherwise made available an inspection record card such as to allow the building official conveniently to make the required entries thereon regarding inspection of the work. This card shall be maintained available by the permit holder until final approval has been granted by the building official.

3. **Inspection Requests.** It shall be the duty of the person doing the work authorized by a permit to notify the building official that such work is ready for inspection. The building official may require that every request for inspection be filed at least one (1) working day before such inspection is desired. Such request may be in writing or by telephone at the option of the building official.

It shall be the duty of the person requesting any inspections required either by these regulations or the technical codes to provide access to and means for inspection of such work.

4. **Approval Required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate that portion of the construction is satisfactory as completed, or shall notify the permit holder or his agent wherein the same fails to comply with these regulations and adopted codes. Any portions which do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

There shall be a final inspection and approval of all buildings and structures when completed and ready for occupancy and use.

5. Required Inspections. Reinforcing steel or structural framework of any part of any building or structure shall not be covered or concealed without first obtaining the approval of the building official.

The building official, upon notification, shall make the following inspections (but not limited to the following specific inspections) and shall either approve that portion of the construction as completed or shall notify the permit holder or his agent wherein the same fails to comply with these regulations.

a. **Layout Inspection (STAKEOUT):** When the building and all property lines are staked out and prior to any excavation. If original property pins are not located, then a survey must be made. On any new construction, which will be built within one (1) foot of a required setback, utility easement or property line, the builder or owner must furnish the building official an "as built survey", by a licensed surveyor, upon completion of the foundation work. Such survey must show the structure complies with the required setbacks, before any framing work is authorized. Should such a survey indicate a zoning violation or projection into a utility easement, a stop work order shall be issued immediately.

b. **Foundation Inspection:** To be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C94, the concrete need not be on the job. Where the foundation is to be constructed of approved treated wood, additional inspections may be required by the building official.

c. **Concrete Slab or Under-Floor Inspection:** Concrete slab and under-floor inspections shall be made after all in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place but before any concrete is placed or floor sheathing installed, including the subfloor.

d. **Frame Inspection:** To be made after the roof, all framing, fire blocking and bracing are in place and all pipes, chimneys and vents are complete and the rough electrical, plumbing, and heating, wires, pipes, and ducts are approved.

e. **Lath and/or Wallboard Inspection:** Lath, gypsum board and gypsum panel product inspections shall be made after lathing, gypsum board and gypsum panel products, interior and exterior, are in place, but before any plastering is applied or gypsum board and gypsum panel product joints and fasteners are taped and finished.

f. Final Inspection: To be made after finish grading and the building is completed and ready for occupancy.

6. Required Building Service Equipment Inspections.

a. General. All building service equipment for which a permit is required by these regulations shall be inspected by the building official. No portion of any building service equipment intended to be concealed by any permanent portion of the building shall be concealed until inspected and approved. When the installation of any building service equipment is complete, an additional and final inspection shall be made. Building service equipment regulated by the technical codes shall not be connected to the water, fuel or power supply, or sewer system until authorized by the building official.

b. Operation of Building Service Equipment. The requirements of this section shall not be considered to prohibit the operation of any building service equipment installed to replace existing building service equipment serving an occupied portion of the building in the event a request for inspection of such building service equipment has been filed with the building official not more than forty-eight (48) hours after such replacement work is completed, and before any portion of such building service equipment is concealed by any permanent portion of the building.

7. Other Inspections.

a. In addition to the called inspections specified above, the building official may make or the technical codes may require other inspections of any construction work to ascertain compliance with the provisions of these regulations or technical codes and other laws which are enforced by the code enforcement agency.

b. After demolition is complete and prior to vacating the job-site, an inspection shall be scheduled for the building official, or building inspector for a final inspection.

8. Re-inspections. A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete, or when corrections called for are not made.

This subsection is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of the technical codes, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection.

Re-inspection fees may be assessed when the permit card is not properly posted on the work site; the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official.

To obtain a re-inspection, the applicant shall file an application therefore in writing upon a form furnished for that purpose, and pay the re-inspection fee in accordance with Table 4 (A) as set forth in the fee schedule adopted by this jurisdiction. In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

9. Special Inspections. As required by the current edition of the International Building Code.

ARTICLE III. PERMITS

DIVISION 1. APPLICATION FOR PERMITS.

Section 1. APPLICATION.

1. Application for Permit. To obtain a building, swimming pool, or demolition permit, the applicant shall first file an application therefore in writing on a form furnished by the building official for that purpose. Such application shall be signed by the person or firm who is responsible for the work.

To obtain permits for electrical, mechanical, plumbing, fire extinguishing systems, lawn sprinkler systems, mobile home utility installations, and other miscellaneous permits, the applicant shall first furnish to the building official all pertinent data on forms or as required by the building official prior to commencing work.

2. Plans and Specifications. Plans, engineering calculations, diagrams and other data shall be submitted in no less than two (2) sets of hard copies and one (1) digital copy with each application for a permit. All such data shall be prepared by or under the direct supervision of an engineer or architect licensed in the State of Kansas. All said plans, specifications, and other data so furnished shall bear the architect or engineer's seal. Said engineer and/or architect shall provide where necessary a list of all special inspections and tests that will be required to insure the integrity of structural design. Such plans and specifications shall include complete electrical, plumbing, and mechanical systems. The building official may waive the submission of plans, calculations, construction inspection requirements, etc., if he finds that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with these regulations.

***Exception:** The following listed buildings and structures are not required to be drawn or prepared by an architect or engineer.*

Provided: The Building Official may require certain structural components be evaluated and certified by an architect or engineer.

- a) Projects as defined under Architectural Exemptions per K.S.A. 74-7031 and Engineering Exemptions per K.S.A. 74-7033, (or corresponding provisions of any future related K.S.A. Law.)
- b) Construction of one and two family dwellings.
- c) Construction of agricultural buildings.
- d) Construction of additions to one and two family dwellings.

e) Construction of one and two family residential accessory buildings.

f) Repair or alteration of an existing structure which does not compromise the structural or load bearing components of the structure, increase the occupancy rating, or necessitate rearrangement of egress requirements.

NOTE:

Work consisting under items "d" and "e" above need only a plot plan drawn to scale and a typical wall section through a load bearing wall and foundation or basement plans.

Work consisting under items "b" and "c" above need one (1) set of plans consisting of a minimum of a plot plan, floor plans for each floor, typical wall sections, including wall sections through load bearing walls, foundation or basement plans, roof truss, ceiling joist, and floor joist plans, and front and side elevations.

The building official may request, and shall receive, a Certificate of Exemption as per K.S.A. 74-7038 for those projects that may be deemed exempted as per K.S.A. 74-7031 and K.S.A. 74-7033.

3. Information on Plans and Specifications. Plans and specifications shall be drawn to scale upon substantial paper and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the technical codes and all relevant laws, ordinances, rules and regulations. Specifications shall include the method of protection of adjacent properties from surface drainage created by the changes of topography.

Plans for buildings more than two stories in height of other than Groups R, Division 3 and M Occupancies shall indicate how required structural and fire-resistive integrity will be maintained where a penetration will be made for electrical, mechanical, plumbing and communication conduits, pipes and similar systems.

Section 2. PERMIT ISSUANCE.

1. Issuance. The application, plans, specifications, computations and other data, filed by an applicant for permit shall be reviewed by the building official. Such plans shall be reviewed by other departments, including but not limited to the City of Emporia's, Engineering, Planning and Zoning and Fire Departments of this jurisdiction to verify compliance with any applicable laws under their jurisdiction. If the building official finds that the work described in an application for a permit and the plans, specifications, and other data filed therewith conform to the requirements of these regulations and the technical codes and other pertinent laws and ordinances,

and that the fees specified have been paid, he shall issue a permit therefore to the applicant.

When the building official issues a permit where two (2) or more sets of plans are required, they shall be endorse as approved in writing or stamp the plans as “Reviewed for Code Compliance”. Such approved plans and specifications shall not be changed, modified or altered without authorizations from the building official, and all work regulated by these regulations shall be done in accordance with the approved plans. All engineered or architectural changes to the original approved plans and specifications shall be given to the building official before the changes are implemented.

The building official may issue a permit for the construction of part of a building, structure or building service equipment before the entire plans and specifications for the whole building, structure or building service equipment have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of the technical codes. The holder of such permit shall proceed at his own risk without assurance that the permit for the entire building, structure or building service will be granted.

2. Retention of Plans. One (1) set of approved plans and computations shall be retained by the building official for a period of not less than ninety (90) days from the date of completion of the work covered therein; and one (1) set of approved plans shall be returned to the applicant and shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

3. Validity of Permit. The issuance of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of these regulations or the technical codes, or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of these regulations or of other ordinances of the jurisdiction shall not be valid.

The issuance of a permit based upon plans, specifications and other data shall not prevent the building official from thereafter requiring the correction of errors in said plans, specifications and other data, or from preventing building operations being carried on there under when in violation of these regulations or of any other ordinances of this jurisdiction.

4. Expiration. Every permit issued by the building official under the provisions of these regulations shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one-half (2)

the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one (1) year. In order to renew action on a permit after expiration of one (1) year, the permittee shall pay a new full permit fee.

Any permittee holding an unexpired permit may apply for an extension of the time within which he may commence work under that permit when he is unable to commence work within the time required by these regulations for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding one hundred eighty (180) days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

***Exception:** All demolition permits issued under these regulations shall expire sixty (60) days from the date of issuance. Where all other requirements for issuance of a permit remain in effect, an expired permit may be renewed for a period of thirty (30) days by payment of the original permit.*

5. Suspension or Revocation. The building official may, in writing, suspend or revoke a permit issued under the provisions of these regulations and the technical codes whenever the permit issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of these regulations.

Section 3. DETERMINATION OF FEES.

1. General. Fees shall be assessed in accordance with the provision of this section.

2. Building Permit Fees. The fee for each permit regulated by these regulations shall be as set forth Table 4 (A).

The determination of value or valuation under any of the provisions of this code shall be made by the building official. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the building official shall use the current Building Valuation Data published online at www.iccsafe.org, or the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. For this purpose; the building official shall use the current Building Valuation Data published online at www.iccsafe.org.

Exceptions:

a. If the permittee can furnish a copy of the contract signed by both parties which substantially includes all of these items listed above then the contract price may be used in lieu of the valuation data.

b. Building permit fees for charitable non-profit organizations as defined in Section 501(c)(3) of the United States Internal Revenue Code of 1986 (or corresponding provisions of future United States Internal Revenue Law) that develops new or remodeled single family dwellings for low income families shall be waived.

3. Plan Review Fees. By determination of the building official, any plans and specifications requiring submittal to International Code Council for a plan review shall have a fee assessed upon the charges received from said office. Any change made after the permit is issued that requires re-submittal shall be charged in the same manner.

4. Expiration of Plan Review. Applications for which no permit is issued within one hundred eighty (180) days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding one hundred eighty (180) days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee if such a fee is required.

5. Other Permit Fees. All fees for permits other than building permits shall be assessed on the number of required inspections and accordance with the fee schedule listing in Table 4 (A). The applicant for the permit shall inform the building official of the partial inspection requirements at the time of application so that each of these partial inspection fees can be computed into the permit cost. When other permits are obtained in conjunction with a building permit, such fees shall be waived. This does not alleviate the responsibility of subcontractors to obtain permits for the work they are doing.

6. Investigation Fees: Working Without a Permit.

A. Investigation. Whenever any work for which a permit is required by these regulations has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

B. Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by these regulations. The minimum

investigation fee shall be the same as the minimum fee set forth in Table No. 4 (A). The payment of such investigation fee shall not exempt any person from compliance with all other provisions of either these regulations or the technical codes nor from any penalty prescribed by law.

7. Fee Refunds.

1. The building official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.
2. The building official may authorize the refunding of not more than eighty (80%) percent of the permit fee paid when no work has been done under a permit issued in accordance with these regulations.
3. The building official may authorize the refunding of not more than eighty (80%) percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.
4. The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee no later than thirty (30) days after the date of fee payment

TABLE 4 (A)
PERMIT AND INSPECTION FEES

1. Building Permits

<u>Total Valuation</u>	<u>Fee</u>
\$1.00 to \$500.00	\$15.00
\$501.00 to \$2,000.00	\$15.00 for the first \$500.00 plus \$2.00 for each additional \$100.00 of fraction thereof, to and including \$2,000.00.
\$2,001.00 to \$25,000.00	\$45.00 for the first \$2,000.00 plus \$9.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00.
\$25,001.00 to \$50,000.00	\$252.00 for the first \$25,000.00 plus \$6.50 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00.
\$50,001.00 to \$100,000.00	\$414.50 for the first \$50,000.00 plus \$4.50 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.
\$100,001.00 to \$500,000.00	\$639.50 for the first \$100,000.00 plus \$3.50 for each additional \$1,000.00 or fraction thereof.
\$500,001.00 to \$1,000,000.00	\$2,039.50 for the first \$500,000.00 plus \$3.00 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00.
\$1,000,001.00 and up	\$3,539.50 for the first \$1,000,000.00 plus \$2.00 for each additional \$1,000.00 or fraction thereof.

2. Permits, other than those covered under building permits. Fee is assessed by the number of inspections required. Each Required Inspection \$15.00

3. Outside of normal business hours. Each Inspection \$40.00

4. Re-inspection (due to incomplete or code violations) Each Inspection \$50.00

5. Plan review charges are included in our valuation fees unless, due to time restraints or complexity of the plans, code services shall send the plans to the International Code Council for review. In that case the cost will be based on ICC's review fee.

Section 5 through Section 12. Reserved.

TABLE 4 (B)
CONTRACTOR FEES & INDIVIDUAL CERTIFICATION FEES

CONTRACTOR FEES

CONTRACTOR TYPE	FEE
General Contractor (A)	\$75.00
Building Contractor (B)	\$75.00
Residential Contractor (C)	\$75.00
Electrical Contractor	\$75.00
Plumbing Contractor	\$75.00
Mechanical Contractor	\$75.00
Class D Contractor (Emporia Specific)	\$50.00
Specialty Contractor – Restricted to: Structural Concrete, Pools, Roofing, Masonry, Siding, Windows	\$50.00
Limited Contractor (work on premises only)	\$50.00

INDIVIDUAL CERTIFICATION FEES

INDIVIDUAL CERTIFICATION	FEE
General Contractor (A)	\$25.00
Building Contractor (B)	\$25.00
Residential Contractor (C)	\$25.00
Class D Contractor (Emporia Specific)	\$25.00
Building Construction Supervisor	\$15.00
Roofing Supervisor	\$15.00
 Electrician:	
Master	\$25.00
Journeyman	\$15.00
 Plumber:	
Master	\$25.00
Journeyman	\$15.00
 Mechanical/Appliance Installer:	
Master	\$25.00
Journeyman	\$15.00
 Specialty Contractor – Restricted to: Structural Concrete, Pools, Roofing, Masonry, Siding, Windows	
Limited Contractor (work on premises only)	\$15.00
 Apprentice all categories:	
	\$5.00

ARTICLE IV. INTERNATIONAL RESIDENTIAL CODE 2015 EDITION

Section 2. AMENDMENTS

The following sections of the International Residential Code (IRC) adopted and incorporated by reference in this article are hereby added, amended or deleted as follows:

(a) Section R101.1 Title of the IRC shall be amended to read as follows:

R101.1 Title. These provisions shall be known as the Residential Code for One- and Two-family Dwellings of the City of Emporia, and its extraterritorial region, and shall be cited as such and will be referred to herein as “this code.”

(a) Section R102.4 shall be amended as follows: 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 and as further regulated in Sections R102.4.1 and R102.4.2.

Exception: *Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and manufacturer’s instructions shall apply.*

a. Gas reference to the International Fuel Gas Code shall mean the currently adopted Uniform Plumbing Code.

b. Mechanical reference to the International Mechanical Code shall mean the currently adopted Uniform Mechanical Code.

c. Plumbing reference to the International Plumbing Code shall mean the currently adopted Uniform Plumbing Code.

(a) Section R104.11 of the IRC shall be amended to read as follows:

R104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material, design or method of construction shall be *approved* where the *code official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code. Compliance with the specific performance-based provisions of the International Codes shall be an alternative to the specific requirements of this code. Where the alternative material, design or method of construction is not *approved*, the *building official* shall respond in writing, stating the reasons the alternative was not *approved* within two (2) days of denial.

(b) Section R105.1 of the IRC shall be amended by adding the following:

All construction sites shall be secured and protected to prevent unauthorized entry and to protect the public. All construction sites with hazardous areas or large equipment shall have approved temporary safety fences constructed to protect the public. The Building Official is authorized to waive this requirement if special circumstances exist and public safety will not be impacted.

(c) Section R105.2 of the IRC shall be amended to read as follows:

R105.2 Work exempt from permit. 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 the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building. Building permits shall not be required for the following:

1. One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed two hundred (200) square feet. All metal type accessory buildings that do not exceed two hundred (200) square feet, shall be placed on an approved surface or footing and properly fastened to the surface.
2. Fences. (Fence regulations are required by the Zoning Regulations of Emporia-Lyon County, Kansas)
3. Movable cases, counters and partitions not over five feet nine inches (5'9") high.
4. Retaining walls which are not over four (4) feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding flammable liquids.
5. Water tanks supported directly upon grade if the capacity does not exceed five thousand (5,000) gallons and the ratio of height to diameter or width does not exceed two to one.
6. Platforms, walks and driveways not more than thirty (30) inches above grade and not over any basement or story below.
7. Painting, papering and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.

9. Window awnings supported by an exterior wall of Group R, Division 3, and Group M Occupancies when projecting not more than fifty-four (54) inches.
10. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed five thousand (5,000) gallons.
11. Agricultural structures outside the city of Emporia being an accessory structure on a tract of land used for the growing of crops, pasturage, nursery, dairying, animal and poultry husbandry, and the sale of such products on the premises that are produced on the premises, necessary for the carrying out of the agricultural operations, but shall not include residences or feed lots as defined by state statute.
12. Replacement of kitchen cabinets and similar cabinetry work in existing structures.

Unless otherwise exempted by these regulations, separate electrical, mechanical and plumbing permits will be required for the above exempted items.

Electrical Permits. An electrical permit shall not be required for the following:

1. Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by the electrical code.
2. Repair or replacement of fixed motors, transformers, ballasts, or fixed approved appliances of the same type and rating in the same location.
3. Temporary decorative lighting.
4. Repair or replacement of current-carrying parts of any switch, contactor or control device.
5. Replacement of attachment plugs and receptacles.
6. Repair or replacement of any over-current device of the required capacity in the same location.
7. Removal of electrical wiring.
8. Temporary wiring for experimental purposes in suitable experimental laboratories.
9. The wiring for temporary theater, motion picture or television stage sets.

10. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
11. Low-energy power, control and signal circuits of Classes II and III as defined in the electrical code.

Mechanical Permits. A mechanical permit shall not be required for the following:

1. Portable heating appliances.
2. Portable ventilation appliances.
3. Portable cooling units.
4. Portable evaporative coolers.
5. Steam, hot or chilled water piping within any heating or cooling equipment regulated by the mechanical code.
6. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
7. Refrigeration equipment which is part of the equipment for which a permit has been issued pursuant to the requirements of the technical codes.
8. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.
9. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Plumbing Permits. A plumbing permit shall not be required for the following:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that should any concealed trap, drain pipe, soil, waste or vent pipe become defective and it becomes necessary to remove and replace the same with new material, the same shall be considered as new work and a permit shall be procured and inspection made as provided in these regulations.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and for the removal and replacement of plumbing fixtures, provided such repairs do not involve or require the replacement or

rearrangement of pipes.

Miscellaneous Permits. A permit shall not be required as listed under the following categories:

1. **Demolition Permit.** No permit shall be required to wreck, demolish or raze an accessory building or structure, provided said building or structure has none of the following characteristics or utility services:

- (a) Basement.
- (b) More than one (1) story.
- (c) More than six hundred (600) square feet of floor area.
- (d) Connection to sewer mains, water, gas or electric power service.

2. **Fire Extinguishing System Permit.**

- (a) When replacing defective equipment parts.
- (b) When recharging chemical systems.
- (c) When testing of equipment.

3. **Lawn Sprinkler System Permit.**

(a) When replacing defective or broken parts of the original equipment for which a permit was issued.

(a) Section R109 INSPECTIONS, shall be amended by the addition of the following sections:

R109.5 Required Inspections. Reinforcing steel or structural framework of any part of any building or structure shall not be covered or concealed without first obtaining the approval of the building official.

The building official, upon notification, shall make the following inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his agent wherein the same fails to comply with these regulations.

R109.6 Layout Inspection (STAKEOUT): When the building and all property lines are staked out and prior to any excavation. If original property pins are not located, then a survey must be made. On any new construction, which will be built within one (1) foot of a required setback, utility easement or property line, the builder or owner must furnish the building official an "as built survey", by a licensed surveyor, upon completion of the

foundation work. Such survey must show the structure complies with the required setbacks, before any framing work is authorized. Should such a survey indicate a zoning violation or projection into a utility easement, a stop work order shall be issued immediately.

R109.7 Concrete Slab or Under-Floor Inspection: Concrete slab and under-floor inspections shall be made after all in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place but before any concrete is placed or floor sheathing installed, including the subfloor.

R109.8 Frame Inspection: To be made after the roof, all framing, fire blocking and bracing are in place and all pipes, chimneys and vents are complete and the rough electrical, plumbing, and heating, wires, pipes, and ducts are approved.

R109.9 Lath and/or Wallboard Inspection: Lath, gypsum board and gypsum panel product inspections shall be made after lathing, gypsum board and gypsum panel products, interior and exterior, are in place, but before any plastering is applied or gypsum board and gypsum panel product joints and fasteners are taped and finished.

R109.10 Final Inspection: To be made after finish grading and the building is completed and ready for occupancy.

(a) Section R112 BOARD OF APPEALS shall be deleted in its entirety and amended as follows:

SECTION R112 BUILDING TRADES BOARD

R112.1 General. A building trades board hereby known as “Board” is established for the purpose of examining and passing upon the qualifications of a person seeking certification within the building trades as required by applicable ordinances; acting as an appeals board for persons aggrieved by a decision of the building official, or who feel the use of alternate materials or methods is justified, or feel these regulations do not adequately cover a point in question; and act as a code committee recommending to the governing body any changes necessary to keep the city codes governing the building trades current and up-to-date.

R112.2 Composition. The Board recommends to the extent that qualified individuals are willing to serve, that the Board be compelled to consist of eleven (11) members appointed by the governing body of the City of Emporia, Kansas, as follows:

- One (1) architect or engineer (licensed within the State of Kansas);
- Two (2) certified ICC Class “A” or “B” builders.
- Two (2) certified master plumbers.
- Two (2) certified master electricians.
- Two (2) certified master mechanical appliance installers.

- Two (2) members at large appointed from the City of Emporia.

The building official or his authorized representative will act as an ex officio member and shall be the Board's secretary. All appointments shall be made for three (3) year terms, and no member shall serve more than two (2) consecutive terms unless the Board, by a majority vote, allows a Board member(s) to

serve an additional one (1) year term. If circumstances exist in which the City of Emporia does not receive applications pertaining to the specific trade being vacated, the Board may accept applications from a City of Emporia licensed contractor, master plumber, master electrician or master mechanical profession to fill any of the trade positions being vacated. The extension of a one-year term shall be accomplished if the city does not receive any qualified applications to fill for the outgoing Board member(s) and also in the event that the Board is in the process of updating a new code cycle or is in the process of changing an ordinance for recommendation before the Commission. In these instances, an outgoing Board member(s) may serve an additional one-year term to complete the ongoing process by a majority vote of the Board. The Board will meet at least once a month, and a majority of the board must be present to constitute an official meeting and to conduct business.

R112.3 Duties. The Board shall elect a chairman and vice-chairman. Any action or recommendation of the Board must be by majority vote of the entire Board. The board shall adopt in writing, a set of rules and procedures for testing and certification of applicants, conducting appeals hearings, and recommending code changes. A copy of such rules and procedures shall be available for the public in the office of the building official. The Board is given the authority to appoint recommending committees as the need may be. In conducting any business authorized by this article, the Board shall be bound by the provisions of these regulations and any other ordinance or code of the city applicable to a particular trade.

R112.4 Meetings. The Board shall meet at least once each year for the purpose of recommending any changes to the city codes.

R112.5 Appeals

R112.5.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of the technical codes, a Building Trades Appeals Board is hereby established.

R112.5.2 Composition. A three (3) member Building Trades Appeals Board shall consist of three (3) members of the Building Trades Board who shall be appointed by the chairman of the Building Trades Board. Whenever the building official notifies the chairman that an appeal has been filed, the chairman shall immediately appoint the three (3) member Building Trades Appeals Board to serve for such appeal. The Building Trades Appeals Board must consist of one (1) member representing the trade involved in

the appeal, one (1) member of a separate trade, and either the architect/engineer member or one (1) of the at-large members.

R112.5.3 Limitations of Authority. The Building Trades Appeals Board shall have no authority relative to interpretation of the administrative provisions of these regulations or the technical codes nor shall the board be empowered to waive requirements of either these regulations or the technical codes.

R112.5.4 Application. Any person wishing to file an appeal to the Building Trades Appeals Board shall make application to the building official on the form provided. The building official shall transmit a copy of the application to each member of the board and shall arrange for a hearing on the point in question within seven (7) working days of receipt of the application.

(a) Section R113.4 Violation Penalties shall be amended as follows:

R113.4 Violation penalties. Any person who violates any provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, upon conviction thereof, be guilty of a Class C misdemeanor. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Cross reference -- Penalty for Class C misdemeanor, Chapter 1, Article 6 of the Code of the City of Emporia, Kansas.

(a) Section R202 Definitions: Section R202 shall be added or amended as follows:

a. [RB] DWELLING. Any building, *not including mobile homes*, that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

c. HOTEL. A building or structure which is kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are offered for pay primarily to transient guests and in which four (4) or more rooms are used for the accommodation of such guests, regardless of whether such building or structure is designated as a cabin camp, tourist cabin, motel, or other type of lodging unit.

(a) Table R301.2(1) Shall be amended to include the following language.

CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA											
Ground Snow Load	Wind Speed (mph)	Seismic Design Category	Subject To Damage From				Winter Design Temp	Ice Shield Underlayment Required	Flood Hazards	Air Freezing Index	Mean Annual Temp
			Weathering	Frost Line Depth	Termite	Decay					
20	115	A	Severe	36"	M-H	N-S	5	No	02/20/2008 20111C0245D	787	54.7

Section R302.1 Exterior walls is hereby amended to read as follows:

R302.1 Exterior walls. Construction, projections, openings and penetrations of exterior walls of dwellings and accessory buildings shall comply with Table R302.1(1) and Table R302.1(2). These provisions shall not apply to walls, projections, openings or penetrations in walls that are perpendicular to the line used to determine the fire separation distance. Projections beyond the exterior wall such as eave projections and roof overhangs shall comply with the current zoning regulations.

SECTION R322 FLOOD-RESISTANT CONSTRUCTION

Section R322 Flood-resistant construction and all of its subsections are hereby omitted and deleted in its entirety. FEMA regulations will be enforced in all flood hazard areas.

(c) **Chapter 3 Building Planning** is hereby amended by adding a new section to read as follows:

SECTION R327 PREFABRICATED CONSTRUCTION

R327.1 General

R327.1.1 Purpose. The purpose of this section is to regulate materials and establish methods of safe construction where any structure or portion thereof is wholly or partially prefabricated.

R327.1.2 Scope. Unless otherwise specifically stated in this section, all prefabricated construction and all materials used therein shall conform to all the requirements of this code.

Exception: Mobile homes authorized by zoning regulations as temporary uses need not comply with the provisions of these regulations.

R327.1.3 Definition.

PREFABRICATED ASSEMBLY is a structural unit, the integral parts of which have been built up or assembled prior to incorporation in the building.

R327.1.4 Tests of Materials. Every approval of a material not specifically mentioned in this code shall incorporate as stipulated the kind and number of tests to be made during prefabrication.

R327.1.5 Tests of Assemblies. The building official may require special tests to be made on assemblies to determine their durability and weather resistance.

R327.1.6 Certificate and Inspection.

R327.1.6.1 Materials. Materials and the assembly thereof shall be inspected to determine compliance with this code. Every material shall be graded, marked or labeled where required elsewhere in this code.

R327.1.6.2 Certificate. A certificate of approval shall be furnished with every prefabricated assembly, except where the assembly is readily accessible to inspection at the site. The certificate of approval shall certify that the assembly in question has been inspected and meets all the requirements of this code. When mechanical equipment is installed so that it cannot be inspected at the site, the certificate of approval shall certify that such equipment complies with the laws applying thereto.

R327.1.6.3 Certifying agency. To be acceptable under this code, every certificate of approval shall be made by an approved agency.

R327.1.6.4 Field erection. Placement of prefabricated assemblies at the building site shall be inspected by the building official to determine compliance with this code.

R327.1.6.5 Continuous inspection. If continuous inspection is required for certain materials where construction takes place on the site, it shall also be required where the same materials are used in prefabricated construction.

Exception: Continuous inspection will not be required during prefabrication if the approved agency certifies to the construction and furnishes evidence of compliance.

R327.1.6.6 Permits. All required permits including electrical, plumbing and mechanical shall be obtained when the building permit is issued. Such permit shall be issued in the name of the owner who shall perform the work personally if the structure is for his use and occupancy; or be responsible to assure such remaining work shall be performed by a licensed craftsman.

SECTION R403 FOOTINGS

Section R403 Footings is hereby amended in the following respects:

(a) **TABLE R403.1 MINIMUM WIDTH OF CONCRETE OR MASONRY FOOTINGS** is hereby omitted and deleted in its entirety.

(b) **Section R403.1.1** is hereby amended to read as follows:

R403.1.1 Minimum size for footings and foundation walls

Bearing walls shall be supported on concrete footings, piers, or piles, or other approved foundation systems and shall be sufficient in size to support all loads. Where a design is not approved by the building official, bearing walls shall be no less than eight (8) inches in thickness nor than ten (10) inches in thickness when supporting a third floor or a

masonry veneer face. The minimum size spread footing shall be no less than twenty-four (24) inches in width and twelve (12) inches in depth. The minimum size for trench footings shall be no less than eight (8) inches in width and thirty-six (36) inches in depth.

Exceptions:

- 1. A residential one or two-family detached accessory one-story wood or metal-frame building not used for human occupancy and not over 400 square feet in floor area may be constructed with walls supported on treated wood foundation plates, provided the building is secured to the ground by approved tie downs and ground anchors.*
- 2. A residential one or two-family detached accessory one-story wood or metal-frame building not used for human occupancy and not to exceed 500 square feet in floor area, provided such foundation system is designed and approved by an architect or engineer licensed with the State of Kansas.*

Section R403.1.4 Minimum depth is hereby amended to read as follows:

R403.1.4 Minimum depth.

Footings and foundations unless otherwise specifically approved by the building official shall be of masonry or concrete. In all cases such systems shall extend a minimum of thirty-six (36) inches below the adjacent finished grade or twenty-four (24) inches into undisturbed soil whichever is the greatest depth. Footings and foundations which are concrete or masonry shall be of solid material. Foundations or slabs on grade supporting wood shall extend a minimum of six (6) inches above final grade.

***Exception:** Accessory structures with a floor area of less than five hundred (500) square feet and of Type V construction may have footings or foundations extend no less than twenty-four (24) inches below finish grade.*

Section R403.1.4.1 Exception (1.) shall replace “600 square feet (56m²)” with “400 square feet (37 m²)”.

Section R404.1.2.3.7.1 Steel reinforcement is hereby amended by adding a new subsection

R404.1.2.3.7.0 to read as follows:

R404.1.2.3.7.0 Details of reinforcement for concrete shall be designed under the provisions of these regulations. Where an approved professional engineered design is not provided, then the minimum requirement shall comply with the following:

1. Footings.

a. Spread footing shall have a minimum of three (3) horizontal #4 bars running continuously throughout the footing spaced no more than nine (9) inches apart and no closer from the bottom than three (3) inches.

b. Trenched footing (foundation) shall have a minimum of three (3) horizontal #4 bars spaced no more than twenty-four (24) inches apart continuously throughout the footing and vertical #4 bars placed no more than twenty-four (24) inches apart around the perimeter of the footing.

2. Bearing or Foundation Walls. Where uneven horizontal forces may be applied, bearing or foundation walls shall have no less than #4 bars spaced twenty-four (24) inches apart vertically and #4 bars running horizontally and spaced twenty-four (24) inches maximum with the upper most bar placed no more than six (6) inches below the top of the wall.

2. **Foundation anchorage.** Foundation anchor bolts shall be spaced no greater than forty-eight (48) inches apart. Bolts shall be at least 1/2 inch in diameter and shall extend a minimum of seven (7) inches into concrete or grouted cells of concrete masonry units. The bolts shall be located in the middle third of the width of the sill plate. A nut and washer shall be tightened on each anchor bolt. There shall be a minimum of two bolts per plate section with one bolt located not more than 12 inches (301 mm) or less than seven bolt diameters from each end of the plate section. Interior bearing wall sole plates on monolithic slab foundation that are not part of a braced wall panel shall be positively anchored with approved fasteners. Sill plates and sole plates shall be protected against decay and termites where required by Sections R317 and R318.

Exceptions:

1. *Walls 24 inches (610 mm) total length or shorter connecting offset braced wall panels shall be anchored to the foundation with a minimum of one anchor bolt located in the center third of the plate section and shall be attached to adjacent braced wall panels at corners as shown in Item 9 of Table R602.3(1).*

2. *Connection of walls 12 inches (310 mm) total length or shorter connecting offset braced wall panels to the foundation without anchor bolts shall be permitted. The wall shall be attached to adjacent braced wall panels at corners as shown in Item 9 of Table R602.3(1).*

Table R602.7.5 MINIMUM NUMBER OF FULL-HEIGHT STUDS AT EACH END OF HEADERS IN EXTERIOR WALLS is hereby deleted in its entirety and replaced with the following:

TABLE R602.7.5

**MINIMUM NUMBER OF FULL-HEIGHT STUDS
AT EACH END OF HEADERS IN EXTERIOR WALLS^b**

MAXIMUM HEADER SPAN (feet)	ULTIMATE DESIGN WIND SPEED AND EXPOSURE CATEGORY	
	<140mph, Exposure B or <130 mph, Exposure C	<115 mph Exposure B ^b
4	1	1
6	2	1
8	2	1
10	3	2
12	3	2
14	3	2
16	4	2
18	4	2

For SI: 1 foot=304.8mm, 1 mile per hour=0.447 m/s.

- a. For header spans between those given, use the minimum number of full height studs associated with the larger header span.
- b. The tabulated minimum number of full-height studs is applicable where jack studs are provided to support the header at each end in accordance with Table R602.7(1). Where a framing anchor is used to support the header in lieu of a jack stud in accordance with Note d of Table R602.7(1), the minimum number of full-height studs at each end of a header shall be in accordance with requirements for wind speed < 140 mph, Exposure B.

Section R802.11 Roof tie-down is hereby amended to read as follows:

R802.11.1 Uplift resistance. Roof assemblies shall have uplift resistance, in the form of listed uplift connectors, in the following conditions.

Where the basic wind speed does not exceed 115 mph, the Wind Exposure Category is B, the roof pitch is 2:12 and greater, the roof span is 42 feet or greater, with rafters and trusses spaced on 16” on center shall be attached to their supporting wall assemblies with uplift ties.

Where the basic wind speed does not exceed 115 mph, the Wind Exposure Category is B, the roof pitch is 2:12 and greater, the roof span is 24 feet or greater, with rafters and trusses spaced on 24” on center shall be attached to their supporting wall assemblies with uplift ties.

All other roof assemblies shall have uplift resistance in accordance with Table R802.11 and shall be permitted to be attached to their supporting wall assemblies in accordance with Table R602.3(1).

Section R908.3.1 Roof Recover shall have Subsections 1 and 3 deleted.

Section R908.4 Roof re-covering shall be deleted.

Section E3601.6 shall be amended by adding “Every service shall be provided with an accessible disconnecting means on the exterior of the structure prior to the service entrance conductors entering the structure.

Section E3604.5.1 shall be amended and have added “In no case shall a mast be less than 2” (inches) rigid conduit.”

APPENDIX E - MANUFACTURED HOUSING USED AS DWELLINGS shall be adopted in its entirety.

APPENDIX F - RADON CONTROL METHODS shall not be required but shall be the minimum standard for installation of Radon Control Methods when installed.

1. Deletions, Omissions’ or replacing:

A. The 2015 edition of the International Residential Code is hereby amended by omitting, deleting and replacing the following provisions:

1. Part IV - Energy Conservation

(a) **CHAPTER 11 ENERGY EFFICIENCY** shall be omitted and replaced with “There shall be a minimum insulation standard of R-35 for ceilings/attics, R-15 for exterior walls, and R-19 for floors above unconditioned spaces. A copy of the Kansas Energy Efficiency Disclosure, required by K.S.A. 66-1228 for new residential structures shall be provided to the Building Official prior to issuance of a Certificate of Occupancy.”

3. Part V – Mechanical

(a) **CHAPTER 12 MECHANICAL ADMINISTRATION**

(b) **CHAPTER 13 GENERAL MECHANICAL SYSTEMS REQUIREMENTS**

(c) **CHAPTER 14 HEATING AND COOLING EQUIPMENT**

(d) **CHAPTER 15 EXHAUST SYSTEMS**

(e) **CHAPTER 16 DUCT SYSTEMS**

- (f) **CHAPTER 17 COMBUSTION AIR**
- (g) **CHAPTER 18 CHIMNEYS AND VENTS**
- (h) **CHAPTER 19 SPECIAL APPLIANCES, EQUIPMENT AND SYSTEMS**
- (i) **CHAPTER 20 BOILERS AND WATER HEATERS**
- (j) **CHAPTER 21 HYDRONIC PIPING**
- (k) **CHAPTER 22 SPECIAL PIPING AND STORAGE SYSTEMS**
- (l) **CHAPTER 23 SOLAR SYSTEMS**

3.Part VI- Fuel Gas

- (a) **CHAPTER 24 FUEL GAS**

4.Part VII - Plumbing

- (a) **CHAPTER 25 PLUMBING ADMINISTRATION**
- (b) **CHAPTER 26 GENERAL PLUMBING REQUIREMENTS**
- (c) **CHAPTER 27 PLUMBING FIXTURES**
- (d) **CHAPTER 28 WATER HEATERS**
- (e) **CHAPTER 29 WATER SUPPLY AND DISTRIBUTION**
- (f) **CHAPTER 30 SANITARY DRAINAGE**
- (g) **CHAPTER 31 VENTS**
- (h) **CHAPTER 32 TRAPS**
- (i) **CHAPTER 33 STORM DRAINAGE**

B. The appendix to the 2015 International Residential Code is hereby amended by omitting and deleting the following provisions:

- (a) **APPENDIX A (IFGS) - SIZING AND CAPACITIES OF GAS PIPING**
- (b) **APPENDIX B (IFGS) - SIZING OF VENTING SYSTEMS SERVING APPLIANCES EQUIPPED WITH DRAFT HOODS, CATEGORY 1 APPLIANCES, AND APPLIANCES LISTED FOR USE WITH TYPE B VENTS**

(c) APPENDIX C (IFGS) - EXIT TERMINALS OF MECHANICAL DRAFT AND DIRECT-VENT VENTING SYSTEMS

(d) APPENDIX D (IFGS) - RECOMMENDED PROCEDURE FOR SAFETY INSPECTION OF AN EXISTING APPLIANCE INSTALLATION

(f) APPENDIX G - SWIMMING POOLS, SPAS AND HOT TUBS

(g) APPENDIX H - PATIO COVERS

(h) APPENDIX I - PRIVATE SEWAGE DISPOSAL

(i) (EB) APPENDIX J - EXISTING BUILDINGS AND STRUCTURES

(j) APPENDIX K - SOUND TRANSMISSION

(k) APPENDIX L - PERMIT FEES

(l) APPENDIX M - HOME DAY CARE - R3 OCCUPANCY

(m) APPENDIX N - VENTING METHODS

(n) APPENDIX O - GRAY WATER RECYCLING SYSTEMS

(o) APPENDIX P – SPRINKLING

(p) APPENDIX Q – RESERVED

(q) APPENDIX R – LIGHT STRAW-CLAY CONSTRUCTION

(r) APPENDIX S – STRAWBALE CONSTRUCTION

(s) APPENDIX T- RECOMMENDED PROCEDURE FOR WORST-CASE TESTING OF ATMOSPHERIC VENTING SYSTEMS UNDER N1102.4 OR N11 CONDITIONS $\leq 5ACH_{50}$

(t) SOLAR-READY PROVISIONS-DETACHED ONE-AND TWO-FAMILY DWELLINGS, MULTIPLE SINGLE-FAMILY DWELLINGS (TOWNHOUSES)

**ARTICLE V.
INTERNATIONAL BUILDING CODE 2015 EDITION**

Section 4. AMENDMENTS

The following sections of the International Building Code (IBC) adopted and incorporated by reference in this article are hereby added, amended or deleted as follows:

(a) **Section 101.1** Title shall have “the City of Emporia, Kansas” inserted.

(b) **Section 101.4** Referenced codes shall be amended as follows:

101.4.1 Electrical.

Each reference to the International Electric Code shall mean the currently adopted National Electric Code.

101.4.2 Gas.

Each reference to the International Fuel Gas Code shall mean the current adopted Uniform Plumbing Code.

101.4.3 Mechanical.

Each reference to the International Mechanical Code shall mean the current adopted Uniform Mechanical Code.

101.4.4 Plumbing.

Each reference to the International Plumbing Code shall mean the current adopted Uniform Plumbing Code.

(c) **Section 105 Permits** shall be amended as follows:

105.1.1 Annual permit shall be omitted.

105.1.2 Annual permit records shall be omitted.

105.2 Work exempt from permit shall have numbers 1 amended to read:

1. One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed two hundred (200) square feet. All metal type accessory buildings that do not exceed two hundred (200) square feet, shall be placed on an approved surface or footing and properly fastened to the surface.

105.2 Work exempt from permit shall have numbers 2, 4, 6 and 12 under Building omitted.

[A] 111.2 Certificate issued shall be amended to read as follows:

[A] **111.2 Certificate issued.** After the building official inspects the building or structure

and does not find violations of the provisions of this code and is in compliance with the various ordinances of the City of Emporia regulating building construction, occupancy, use, zoning and civil engineering that are enforced by the City of Emporia, the building official shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner or the owner's authorized agent.
4. The name of the building official.
5. The use and occupancy, in accordance with the provisions of Chapter 3.
6. The type of construction as defined in Chapter 6.
7. If an automatic sprinkler system is provided, whether the sprinkler system is required.

[A] 111.5 Penalty shall be added to read as follows:

[A] 111.5 Penalty. Any person violating the provision of use and occupancy before obtaining a certificate of occupancy by the building official, shall constitute, and be guilty of a Class C misdemeanor, per Chapter 1, Article 6 of the Code of the City of Emporia, Kansas. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

SECTION 113 BOARD OF APPEALS shall be deleted in its entirety and replaced with:

SECTION 113 BUILDING TRADES BOARD

[A]113.1 General. A building trades board hereby known as "Board" is established for the purpose of examining and passing upon the qualifications of a person seeking certification within the building trades as required by applicable ordinances; acting as an appeals board for persons aggrieved by a decision of the building official, or who feel the use of alternate materials or methods is justified, or feel these regulations do not adequately cover a point in question; and act as a code committee recommending to the governing body any changes necessary to keep the city codes governing the building trades current and up-to-date.

[A]113.2 Composition. The Board recommends to the extent that qualified individuals are willing to serve, that the Board be compelled to consist of eleven (11) members appointed by the governing body of the City of Emporia, Kansas, as follows:

- One (1) architect or engineer (licensed within the State of Kansas);
- Two (2) certified ICC Class "A" or "B" builders.
- Two (2) certified master plumbers.
- Two (2) certified master electricians.

- Two (2) certified master mechanical appliance installers.
- Two (2) members at large appointed from the City of Emporia.

The building official or his authorized representative will act as an ex officio member and shall be the Board's secretary. All appointments shall be made for three (3) year terms, and no member shall serve more than two (2) consecutive terms unless the Board, by a majority vote, allows a Board member(s) to serve an additional one (1) year term. If circumstances exist in which the City of Emporia does not receive applications pertaining to the specific trade being vacated, the Board may accept applications from a City of Emporia licensed contractor, master plumber, master electrician or master mechanical profession to fill any of the trade positions being vacated. The extension of a one-year term shall be accomplished if the city does not receive any qualified applications to fill for the outgoing Board member(s) and also in the event that the Board is in the process of updating a new code cycle or is in the process of changing an ordinance for recommendation before the Commission. In these instances, an outgoing Board member(s) may serve an additional one-year term to complete the ongoing process by a majority vote of the Board. The Board will meet at least once a month, and a majority of the board must be present to constitute an official meeting and to conduct business.

[A]113.3 Duties. The Board shall elect a chairman and vice-chairman. Any action or recommendation of the Board must be by majority vote of the entire Board. The board shall adopt in writing, a set of rules and procedures for testing and certification of applicants, conducting appeals hearings, and recommending code changes. A copy of such rules and procedures shall be available for the public in the office of the building official. The Board is given the authority to appoint recommending committees as the need may be. In conducting any business authorized by this article, the Board shall be bound by the provisions of these regulations and any other ordinance or code of the city applicable to a particular trade.

[A]113.4 Meetings. The Board shall meet at least once each year for the purpose of recommending any changes to the city codes.

[A]113.2 Appeals

[A]113.2.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of the technical codes, a Building Trades Appeals Board is hereby established.

[A]113.2.2 Composition. A three (3) member Building Trades Appeals Board shall consist of three (3) members of the Building Trades Board who shall be appointed by the chairman of the Building Trades Board. Whenever the building official notifies the chairman that an appeal has been filed, the chairman shall immediately appoint the three (3) member Building Trades Appeals Board to serve for such appeal. The Building Trades Appeals Board must consist of one (1) member representing the trade involved in the appeal, one (1) member of a separate trade, and either the architect/engineer member or one (1) of the at-large members.

[A]113.2.3 Limitations of Authority. The Building Trades Appeals Board shall have no authority relative to interpretation of the administrative provisions of these regulations or the technical codes nor shall the board be empowered to waive requirements of either these regulations or the technical codes.

[A]113.2.4 Application. Any person wishing to file an appeal to the Building Trades Appeals Board shall make application to the building official on the form provided. The building official shall transmit a copy of the application to each member of the board and shall arrange for a hearing on the point in question within seven (7) working days of receipt of the application.

(a) Section [A]114.4 Violation Penalties shall be amended as follows:

[A]114.4 Violation penalties. Any person who violates any provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, upon conviction thereof, be guilty of a Class C misdemeanor. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

SECTION 202 DEFINITIONS

Section 202 of the building code is amended by adding the following definitions (a) through (e) and by amending the definition for item (f) dwelling:

(a) **ACCESSORY BUILDING** is a subordinate building located on the same lot or group of lots as a main building and which serves a function customarily incidental to the main use. Customary accessory buildings include garages, carports, and small storage sheds.

(b) **ALLEY** is a dedicated public right-of-way, other than a street, which provides only a secondary means of access to abutting property.

(c) **DWELLING** is a building or portion thereof, not including mobile homes, which is designed and used exclusively for residential purposes, which contains not more than two (2) dwelling units.

(d) **FAMILY** is one (1) or more persons related by blood, marriage, or adoption, or pursuant to legal guardianship; living together as a single housekeeping unit; or a group of not more than four (4) unrelated persons living together as a single housekeeping unit. There shall be a presumption that five (5) or more people living together as a single housekeeping unit are not a family.

(e) **HOTEL** is a building or structure which is kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are offered for pay primarily to transient guests and in which four (4) or more rooms are used for the accommodation

of such guests, regardless of whether such building or structure is designated as a cabin camp, tourist cabin, motel, or other type of lodging unit.

(f) **STREET** is a right-of-way dedicated to public use which provides principal vehicular and pedestrian access to adjacent properties.

SECTION 705 EXTERIOR WALLS

(a) **Section 705** is hereby amended by adding the following new Section 705.12 to read as follows:

705.12 Manufactured metal frame buildings. The fire resistance requirements of Section 704.5 may be met by the following alternate methods for one-hour protection of exterior walls. Attachment to have girt and base angle with intermediate girts spaced no more than forty-eight (48) inches apart. Two (2) layers of 5/8-inch type X gypsum wallboard shall be applied vertically with joints offset twenty-four (24) inches, applied to the exterior side of the structure. The base layer shall be attached by 1 5/8 inch screws. The second layer shall be attached with 1 5/8 inch screws into eave girt, base angle and all intermediate girts. Exterior metal siding sheets shall be attached as per manufacturer's specifications with screws long enough to penetrate the gypsum wallboard plus framing members. When main frame components extend beyond the exterior edge of the girts, then these structural members shall be protected as required in Table 721.1(1).

The above described assembly may be permitted for buildings of Type V construction provided the building area is limited to three thousand (3,000) square feet, the protected wall assembly does not exceed sixty (60) feet in length, and where such assembly is not prohibited elsewhere in this code.

714.4.4 Penetrations in smoke barriers shall omit the requirements of UL 1479 for air leakage, and numbers 1 and 2.

CHAPTER 11 ACCESSIBILITY

(a) **Chapter 11 Accessibility** is hereby amended to read as follows:

1101 GENERAL

1101 The design and construction of accessible building elements shall be in accordance with the most current American with Disabilities Act (ADA), Accessibility Guidelines for Buildings and Facilities (ADAAG) and to the Fair Housing Act (FHA), if applicable.

SECTION 1511 REROOFING

(a) **Section 1511.3.1** is hereby amended to add the following condition:

5. The building official may allow more than one existing roof covering to remain,

provided, a letter signed and stamped by a licensed architect or engineer, registered with the State of Kansas, is received which states: a) the type and thickness of the proposed roof covering; b) the existing roof structure, with the existing roof coverings, is sufficient to sustain the weight of the additional proposed dead load and required live load; c) the existing roof covering is securely attached to the deck; d) the roof deck is structurally sound; and e) the existing insulation is not water soaked.

TABLE 1607.1 MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS AND MINIMUM CONCENTRATED LIVE LOADS

(a) **Table 1607.1** is hereby amended by adding a new category 36 to read as follows:

36. Other Storage.

This category and use is limited to storage areas containing less than twenty-five (25) percent of the total floor area being served with a minimum uniform load of fifty (50) pounds per square foot. Such area shall have the professional designed load permanently posted in a conspicuous place on an approved sign near the exit serving such area.

SECTION 1612 FLOOD LOADS

(a) 1612.3 Establishment of flood hazard area shall have “City of Emporia” and “February 20, 2008” inserted.

CHAPTER 17 STRUCTURAL TESTS AND SPECIAL INSPECTIONS

(a) **Chapter 17** is hereby amended by adding a new section to read as follows:

Section 1710 PREFABRICATED CONSTRUCTION

1710.1 General.

1710.1.1 Purpose. The purpose of this section is to regulate materials and establish methods of safe construction where any structure or portion thereof is wholly or partially prefabricated.

1710.1.2 Scope. Unless otherwise specifically stated in this section, all prefabricated construction and all materials used therein shall conform to all the requirements of this code.

***EXCEPTION:** Mobile homes authorized by zoning regulations as temporary uses need not comply with the provisions of these regulations.*

1710.1.3 Definition.

PREFABRICATED ASSEMBLY is a structural unit, the integral parts of which have

been built up or assembled prior to incorporation in the building.

1710.1.4 Tests of Materials. Every approval of a material not specifically mentioned in this code shall incorporate as stipulated the kind and number of tests to be made during prefabrication.

1710.1.5 Tests of Assemblies. The building official may require special tests to be made on assemblies to determine their durability and weather resistance.

1710.1.6 Certificate and Inspection.

1710.1.6.1 Materials. Materials and the assembly thereof shall be inspected to determine compliance with this code. Every material shall be graded, marked or labeled where required elsewhere in this code.

1710.1.6.2 Certificate. A certificate of approval shall be furnished with every prefabricated assembly, except where the assembly is readily accessible to inspection at the site. The certificate of approval shall certify that the assembly in question has been inspected and meets all the requirements of this code. When mechanical equipment is installed so that it cannot be inspected at the site, the certificate of approval shall certify that such equipment complies with the laws applying thereto.

1710.1.6.3 Certifying agency. To be acceptable under this code, every certificate of approval shall be made by an approved agency.

1710.1.6.4 Field erection. Placement of prefabricated assemblies at the building site shall be inspected by the building official to determine compliance with this code.

1710.1.6.5 Continuous inspection. If continuous inspection is required for certain materials where construction takes place on the site, it shall also be required where the same materials are used in prefabricated construction.

EXCEPTION: Continuous inspection will not be required during prefabrication if the approved agency certifies to the construction and furnishes evidence of compliance.

1710.1.6.6 Permits. All required permits including electrical, plumbing and mechanical shall be obtained when the building permit is issued. Such permit shall be issued in the name of the owner who shall perform the work personally if the structure is for his use and occupancy; or be responsible to assure such remaining work shall be performed by a licensed craftsman.

SECTION 1805 FOOTINGS AND FOUNDATIONS

(a) **Section 1805.4.2.1 Foundation Drain** is hereby added to read as follows:

1805.4.2.1 Foundation Drain.

Foundation drains shall be provided around foundations enclosing basements, cellars or habitable space below grade. All such drains shall be a minimum of four (4) inches in diameter. Such drainage system shall be covered with a minimum of six (6) inches of coarse (cleaned) rock or gravel.

1805.4.3 Drainage discharge shall be amended to read as follows:

All foundation drains shall discharge to a drainage ditch, storm sewer or street gutter by natural gravity or mechanical means such as a sump pit and pump. No foundation drainage shall discharge into a sanitary sewage system either directly or indirectly and no waste water shall connect to a sump pit.

Section 1809.4 Depth and width of footings, shall be amended to read as follows:

Footings and foundations unless otherwise specifically approved by the building official shall be of masonry or concrete. In all cases such systems shall extend a minimum of thirty-six (36) inches below the adjacent finished grade or twenty-four (24) inches into undisturbed soil whichever is the greatest depth. The minimum width of footings shall be 12 inches (305mm). Footings and foundations which are concrete or masonry shall be of solid material. Foundations or slabs on grade supporting wood shall extend a minimum of six (6) inches above final grade.

Section 1809.5 Frost protection shall be amended to read as follows:

Section 1809.5 Frost protection. Except where otherwise protected from frost, foundations and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods”

1. Extending below the frost line of the locality.
2. Constructing in accordance with ASCE 32.

***EXCEPTION:** Accessory structures with a floor area of less than five hundred (500) square feet and of Type V construction may have footings or foundations extend no less than twenty-four (24) inches below finish grade.*

SECTION 1909 DETAILS OF REINFORCEMENT is hereby amended by adding a new sub-section to read as follows:

(a) **1909.0 General.** Reinforcement for concrete shall be designed under the provisions of these regulations. Where an engineered design is not provided, then the minimum requirement shall comply with the following:

1. **Footings.**

- a. Spread footing shall have a minimum of three (3) horizontal #4 bars running

continuously throughout the footing spaced no more than nine (9) inches apart and no closer from the bottom than three (3) inches.

b. Trenched footing (foundation) shall have a minimum of three (3) horizontal #4 bars spaced no more than twenty-four (24) inches apart continuously throughout the footing and vertical #4 bars placed no more than twenty-four (24) inches apart around the perimeter of the footing.

2. **Bearing or Foundation Walls.** Where uneven horizontal forces may be applied, bearing or foundation walls shall have no less than #4 bars spaced twenty (24) inches apart vertically and #4 bars running horizontally and spaced twenty-four (24) inches maximum with the upper most bar placed no more than six (6) inches below the top of the wall.

Chapter 28 Mechanical Systems shall be amended by deleting [M] 2801.1 Scope in its entirety and adding the following:

[M] 2801.1 Scope. Mechanical appliances, equipment and systems shall be constructed, installed and maintained in accordance with the Uniform Mechanical Code. Masonry chimneys, fireplaces and barbecues shall comply with the Uniform Mechanical Code and Chapter 21 of this code.

Chapter 29 PLUMBING SYSTEMS shall be deleted in its entirety and amended as follows:

SECTION 2901 GENERAL

[P] **2901.1 Scope.** The Uniform Plumbing Code shall govern the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing equipment and systems.

CHAPTER 31 SPECIAL CONSTRUCTION

(a) **Chapter 31 Special Construction** is hereby amended by deleting the following sections:

1. **SECTION 3103** is hereby deleted in its entirety.
2. **SECTION 3107** is hereby deleted in its entirety.
3. **SECTION 3108** is hereby deleted in its entirety.
4. **SECTION 3109** is hereby deleted in its entirety.

CHAPTER 32 ENCROACHMENTS INTO THE PUBLIC RIGHT-OF-WAY

(a) **Chapter 32** is hereby amended by adding the following section to read as follows:

Section 3202.5 PROJECTION INTO ALLEYS

Fire escape stairs and their necessary balconies may project over a street or alley when approved by the building official. No part of such structure shall be less than ten (10) feet above the sidewalk or thirteen (13) feet above an alley. In cases of hardship, the structural supports for counter balanced fire escapes may extend onto public property, provided that, upon submission and approval of plans for such supports do not project onto public property more than twelve (12) inches.

5. Deletions:

A. The 2015 edition of the International Building Code is hereby amended by omitting and deleting the following provisions:

6. CHAPTER 13. ENERGY EFFICIENCY

B. The appendix to the 2015 International Building Code is hereby amended by omitting and deleting the following provisions:

(a) **APPENDIX A EMPLOYEE QUALIFICATIONS**

(b) **APPENDIX B BOARD OF APPEALS**

(c) **APPENDIX C GROUP U - AGRICULTURAL BUILDINGS**

(d) **APPENDIX D FIRE DISTRICTS**

(e) **APPENDIX E SUPPLEMENTARY ACCESSIBILITY REQUIREMENTS**

(f) **APPENDIX F RODENT PROOFING**

(g) **APPENDIX G FLOOD-RESISTANT CONSTRUCTION**

(h) **APPENDIX H SIGNS**

(i) **APPENDIX I PATIO COVERS**

(j) **APPENDIX J GRADING**

(k) **APPENDIX K ADMINISTRATIVE PROVISIONS**

(l) **APPENDIX L EARTHQUAKE RECORDING INSTRUMENTATION**

(m) **APPENDIX M TSUNAMI-GENERATED FLOOD HAZARD**

ARTICLE VI. ELECTRICAL CODE

DIVISION 1. GENERALLY

Section 1. General.

1. Electrical Wiring and Equipment. All electrical wiring and equipment that is installed repaired, altered, replaced or connected thereto in any building or structure, old or new, or upon any premise shall conform to the requirements of this article, the laws of the state, and approved standards of safety for persons or property.
2. Requirements. Requirements for the administration, permits and inspections, licenses and certifications, and enforcement of this article are to be found in Articles I, II, and III of these regulations.

DIVISION 2. TECHNICAL STANDARDS

Section 2. National Electrical Code. Adopted by reference.

For the purpose of establishing rules and regulations for the installation, alteration, repair and maintenance of electrical wiring and equipment within the city, the National Electrical Code (NFPA 70-2011), sponsored by the National Fire Protection Association, One Batterymarch Park, Quincy, Massachusetts 02169-7471, is hereby incorporated by reference in this article and shall be the technical standard controlling in the installation of all wiring and equipment within the corporate limits of the city.

Section 3. Amendments and deletions.

1. Amendments. The 2011 edition of the National Electrical Code is amended in the following respect:
 - a. **Article 215, Feeders** is amended in the following respect:
 - (1) **Article 215.2, Minimum Rating and Size, (A) Feeders Not More Than 600 Volts**, is amended by adding a new sub-item (5) to read as follows:
 - (5) **Encasement of Feeder conductors.** Feeder conductors for residential occupancies, except one and two family dwellings, that supply a panel, sub-panel, or switch board with overcurrent protection of 100 amperes or greater shall be encased as required by Article 230.50 (B) (1). Such feeder conductors shall have overcurrent protection as required by Article 215.3.

Note: MC cable shall be considered encased.

- b. **Article 230, Services** is amended in the following respect:

I. General

Article 230.2, Number of Services is amended by adding the following paragraph:

A building or other structure served shall be supplied by only one (1) service. When considering an area, lot, or other property designed or zoned as single-family residential use, all structures including accessory buildings shall be considered as being one (1) building.

- (2) **Article 230.24, Clearances, (B) Vertical Clearance for Overhead Service Conductors** is amended to read as follows:

(B) Vertical Clearance for Overhead Service Conductors. Overhead service-drop conductors, where not in excess of 600 volts, nominal, shall have the following minimum clearance from final grade:

- (1) 3.0 m (10 ft.) - at the electric service entrance to buildings, also at the lowest point of the drip loop of the building electric entrance, and above areas or sidewalks accessible only to pedestrians, measured from final grade or other accessible surface only for service-drop cables supported on and cabled together with a grounded bare messenger where the voltage does not exceed 150 volts to ground.
- (2) 3.7 m (12 ft.) - for those areas over residential property and sidewalks accessible only to pedestrians where the voltage does not exceed 300 volts to ground.
- (3) 4.5 m (15 ft.) - for those areas over residential driveways where the voltage is limited to 300 volts to ground.
- (4) 5.5 m (18 ft.) - over public streets, alleys, roads, parking areas subject to truck traffic, driveways on other than residential property, and other land traversed by vehicles such as cultivated, grazing, forest, and orchard.

Exception: For commercial areas not subject to truck traffic, a reduced clearance to 4.5 m (15 ft.) may be allowed, providing approval has first been obtained from the local utility provider.

- (3) **Article 230.54, Overhead Service Locations**, is amended by adding new sub-item (H) to read as follows:

(H) Encasement of the Service Conductors from the Service Head to Service Equipment

- (1) **Protection.** Service conductors shall be encased in no less than one and one-quarter (1 1/4) inch rigid metal conduit, intermediate metal conduit, rigid nonmetallic conduit, or electrical metallic tubing, from the service head to the meter and shall be protected as in Article 230.50 from the meter socket to the point of attachment to the service equipment.

Exception: Through the roof installations supporting roof risers shall be a minimum two (2) inch galvanized rigid steel conduit, and shall be installed according to the local utility provider's 'Overhead Service Support Mast Assembly and Service Entrance Details'.

(4) **VI. Service Equipment - Disconnecting Means**

Article 230.70, General, (A) Location, is amended by adding the following exception.

Exception: In basements and similar locations, the service disconnecting means shall be located no more than forty-eight (48) inches from the point of entry of the service conductors

- (5) **Article 230.72, Grouping of Disconnects, (C) Access to Occupants,** is amended by adding the following exception:

Exception 2: In multi-occupancy buildings, each tenant space shall be provided with direct access to their service disconnect. If said disconnect is located outside of the tenant space, then such disconnect shall be capable of being locked in the open position.

- c. **Article 240, Overcurrent Protection** is amended by adding Article 240.84 to read as follows:

240.84. Circuit Breaker Size. The circuit breaker shall be full modular size and shape to occupy one (1) full space of the panel board. Piggyback and pancake-type or any circuit breaker that can be used to increase the number of circuits of which a panel board is designed shall not be installed in new construction.

- d. **Article 250, Grounding and Bonding,** is amended in the following respects:

Article 250.50, Grounding Electrode System, is amended by adding the following paragraph to read as follows:

- (1)(a) For existing buildings, the grounding electrodes shall be installed as

specified in 250.52(A)(1) and 250.52(A)(5).

Article 250.52, Grounding Electrodes, (A) Electrodes Permitted for Grounding, (5) Rod and Pipe Electrodes, is amended by adding sub-item (c) to read as follows:

(2)(c) The driven electrode shall be readily identifiable and located in sight of the meter socket.

- e. **Article 408 - Switchboards and Panelboards** is amended by adding a new paragraph to Article 408.54 to read as follows:

408.54. Maximum Number of Overcurrent Devices. The panelboard shall be of a size large enough to allow the installation of all circuit overcurrent devices required for the present installation and at least two (2) additional spaces for two hundred twenty (220) volt two-pole circuit overcurrent devices for future use.

- f. **Chapter 5, Special Occupancies,** is amended by inserting the following statement directly beneath the title:

SPECIAL OCCUPANCIES.

The fixed wiring method shall be metal raceways in the following cases:

- (1) All commercial and industrial zoning districts, except for mobile homes authorized by the zoning regulations as a temporary use, and residential uses as defined by the Building Code.
- (2) Places of assembly, as per the Building Code.
- (3) Non-residential uses in any residential district.

Exception: Non-metallic raceways may be used where combustible construction is allowed under the current adopted Building Code.

- (4) **Article 590, Temporary Installations**

Article 590.4, General, is amended by adding the following paragraph to read as follows:

590.4 (C) Temporary Services for Construction Sites. Temporary services may be granted at construction sites prior to installation of service equipment in its permanent location as long as the installation of such temporary service shall comply with all the provisions of this code and as per the local utility provider's requirements.

1. Deletions. The 2014 edition of the National Electric Code is hereby deleted in the following respects:
 - a. **Article 230.43, Wiring Methods for 600 Volts, Nominal, or Less**, is amended by deleting the following categories:
 - (1) Open wiring on insulators;
 - (2) Type IGS cable;
 - (6) Electrical nonmetallic tubing (ENT);
 - (7) Service-entrance cables;
 - (13) Type MC cable;
 - (14) Mineral-insulated, metal-sheathed cable;
 - (15) Flexible metal conduit not over 1.8 m (6 ft.) long or liquidtight flexible metal conduit not over 1.8 m (6 ft.) long between raceways, or between raceway and service equipment, with equipment bonding jumper routed with the flexible metal conduit or the liquidtight flexible metal conduit according to the provisions of 250.102(A), (B), (C) and (E)
 - (16) Liquid-tight flexible nonmetallic conduit
 - (17) High density polyethylene conduit (HDPE)
 - (18) Nonmetallic underground conduit with conductors (NUCC)
 - (19) Reinforced thermosetting resin conduit (RTRC)
 - b. **Article 230.51, Mounting Supports, and Table 230.51 (C) Supports**, are deleted in its entirety.
 - c. **Article 518.4, Wiring Methods, (B) Nonrated Construction**, is amended by deleting the following item: Nonmetallic-sheathed cable.
 - d. **Article 520.5, Wiring Methods, (C) Nonrated Construction**, is amended by deleting the following item: Nonmetallic-sheathed cable.

Section 4. Wiring not to interfere with fire department or fire escapes.

No electrical wiring and equipment shall be installed over any street, alley, sidewalk or building in the city in such a manner that it may substantially interfere with the work of the fire department in the use of ladders or other fire-fighting apparatus, or which obstructs or renders hazardous the use of fire escape.

Section 5 -- Section 11. Reserved.

ARTICLE VII. MECHANICAL CODE

DIVISION 1. GENERALLY

Section 1. General

1. Mechanical Systems and Installations. All erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of any heating, ventilating, cooling, refrigeration systems, incinerators, or other miscellaneous heat-producing appliances shall conform to the requirements of this article, the laws of the state, and with approved standards of safety for persons and property.
2. Requirements. Specific requirements for the administration, permits and inspections, licenses and certifications, and enforcement of this article are to be found in Articles I, II, and III of these regulations.

DIVISION 2. TECHNICAL STANDARDS

Section 2. Uniform Mechanical Code. Adopted by reference.

For the purpose of establishing rules and regulations for the installation and maintenance of heating, ventilation, cooling, and refrigeration systems in the city, the Uniform Mechanical Code, **2012** edition, sponsored and published by the International Association of Plumbing and Mechanical Officials, **4755** E. Philadelphia Street, Ontario, California 91761-2816, and all of the Uniform Mechanical Code Appendixes except such parts or portions hereinafter deleted, modified, or amended is hereby incorporated by reference in this article and shall be the technical standards controlling the installation and maintenance of heating, ventilating, cooling, and refrigeration systems within the corporate limits of the city.

Section 3. Amendments and deletions.

1. Amendments. The **2012** edition of the Uniform Mechanical Code is hereby amended in the following respects:
 - a. Chapter 1 is amended by amending the following section to read as follows:

108.0 BUILDING TRADES BOARD

1. **108.1 General.** A building trades board hereby known as “Board” is established for the purpose of examining and passing upon the qualifications of a person seeking certification within the building trades as required by applicable ordinances; acting as an appeals board for persons aggrieved by a decision of the building official, or who feel the use of alternate materials or methods is justified, or feel these regulations do not adequately cover a point in question; and act as a

code committee recommending to the governing body any changes necessary to keep the city codes governing the building trades current and up-to-date.

2. Composition. The Board recommends to the extent that qualified individuals are willing to serve, that the Board be compelled to consist of eleven (11) members appointed by the governing body of the City of Emporia, Kansas, as follows:

- One (1) architect or engineer (licensed within the State of Kansas);
- Two (2) certified ICC Class “A” or “B” builders.
- Two (2) certified master plumbers.
- Two (2) certified master electricians.
- Two (2) certified master mechanical appliance installers.
- Two (2) members at large appointed from the City of Emporia.

The building official or his authorized representative will act as an ex officio member and shall be the Board's secretary. All appointments shall be made for three (3) year terms, and no member shall serve more than two (2) consecutive terms unless the Board, by a majority vote, allows a Board member(s) to serve an additional one (1) year term. If circumstances exist in which the City of Emporia does not receive applications pertaining to the specific trade being vacated, the Board may accept applications from a City of Emporia licensed contractor, master plumber, master electrician or master mechanical profession to fill any of the trade positions being vacated. The extension of a one-year term shall be accomplished if the city does not receive any qualified applications to fill for the outgoing Board member(s) and also in the event that the Board is in the process of updating a new code cycle or is in the process of changing an ordinance for recommendation before the Commission. In these instances, an outgoing Board member(s) may serve an additional one-year term to complete the ongoing process by a majority vote of the Board. The Board will meet at least once a month, and a majority of the board must be present to constitute an official meeting and to conduct business.

3. Duties. The Board shall elect a chairman and vice-chairman. Any action or recommendation of the Board must be by majority vote of the entire Board. The board shall adopt in writing, a set of rules and procedures for testing and certification of applicants, conducting appeals hearings, and recommending code changes. A copy of such rules and procedures shall be available for the public in the office of the building official. The Board is given the authority to appoint recommending committees as the need may be. In conducting any business authorized by this article, the Board shall be bound by the provisions of these regulations and any other ordinance or code of the city applicable to a particular trade.
4. Meetings. The Board shall meet at least once each year for the purpose of recommending any changes to the city codes.

Appeals.

1. General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of the technical codes, a Building Trades Appeals Board is hereby established.
2. Composition. A three (3) member Building Trades Appeals Board shall consist of three (3) members of the Building Trades Board who shall be appointed by the chairman of the Building Trades Board. Whenever the building official notifies the chairman that an appeal has been filed, the chairman shall immediately appoint the three (3) member Building Trades Appeals Board to serve for such appeal. The Building Trades Appeals Board must consist of one (1) member representing the trade involved in the appeal, one (1) member of a separate trade, and either the architect/engineer member or one (1) of the at-large members.
3. Limitations of Authority. The Building Trades Appeals Board shall have no authority relative to interpretation of the administrative provisions of these regulations or the technical codes nor shall the board be empowered to waive requirements of either these regulations or the technical codes.
4. Application. Any person wishing to file an appeal to the Building Trades Appeals Board shall make application to the building official on the form provided. The building official shall transmit a copy of the application to each member of the board and shall arrange for a hearing on the point in question within seven (7) working days of receipt of the application.

Any person who feels the decision of the Building Trades Appeals Board is arbitrary or in error may appeal such decision to the governing body. Such appeal must be taken within thirty (30) days from the date of the decision of the board.

- b. **108.2** Limitations of Authority is hereby deleted in its entirety.
- c. **Table 114.1 Mechanical Permit Fees** is hereby deleted.
- d. Chapter 3, is amended by adding the following section to read as follows:

Section **303.10** Restrictions. Installation of appliances, vents, ducts, and related materials and equipment shall comply with the following additional requirements:

- (1) All appliances requiring connection to water or gas supply systems shall be connected to existing piping; provided that no such connection between existing piping and the appliance shall exceed ten (10) feet. Connections in excess of ten (10) feet shall be installed by a licensed plumbing contractor.

- (2) All forms of water pipe saddles and water tap saddle valve connections are prohibited; except saddle valves which are no larger than one-fourth (1/4) inch in diameter which are constructed so that there are no projections or intrusions past the inside surface of the pipe to which it is attached. Such valve shall first be approved by the building official.
- (3) All appliances requiring connection to the sewer system shall be connected to a previously installed floor drain, standpipe or appliance drain.
- (4) Any appliance contractor may repair gas and electric apparatus within, on, or part of the appliance itself.

e. Chapter 3, is hereby amended by adding the following section to read as follows:

Section 305.2 Liquefied Petroleum Gas Appliances. Liquefied petroleum gas-burning appliances shall be installed according to their manufacturer's installation instructions. Such appliance shall also conform with the current provisions of the National Fire Protection Association, National Fuel Gas Code, **ANSI Z 223.1-2009, NFPA 54, 2009** and with the Liquefied Petroleum Gas Code, **NFPA 58- 2011**.

Liquefied petroleum gas-burning appliances installed in a single-family dwelling may be installed in a basement, crawl-space, garden level, berm, walk-out basement or similar locations, provided that all of the following safety protection requirements are provided:

- (1) All appliances shall be equipped with listed automatic devices which shut-off the flow of gas to the pilot and burners in the event of ignition failure.
- (2) A listed gas detector shall be installed according to the manufacturer's installation instructions in the basement or similar locations, which will activate a continuous audible alarm, audible to all areas of the dwelling.

2. Deletions.

a. The **2012** Uniform Mechanical Code is hereby amended by omitting and deleting the following provisions:

Chapter 13, Section **1308.5.2.3**

Chapter 13, Section **1308.5.3.2**

Section 4 -- Section 10. Reserved.

ARTICLE VIII. PLUMBING CODE

DIVISION 1. GENERALLY

Section 1. General.

1. Plumbing and Gas. All erection, installation, alteration, addition, repair, relocation, replacement, maintenance or use of any plumbing system or gas piping and the materials used therein shall conform to the requirements of this article, the laws of the state, and approved standards of safety for persons and property.
2. Requirements. Specific requirements for the administration, permits and inspections, licenses and certifications, and enforcement of this article are to be found in Chapter 1 “Administration” in the 2012 UPC and in Articles I, II, and III of Emporia’s Building and Construction Regulations.

DIVISION 2. TECHNICAL STANDARDS

Section 2. Uniform Plumbing Code. Adopted by reference.

For the purpose of establishing rules and regulations for the installation and maintenance of plumbing systems and gas piping in the city, the Uniform Plumbing Code, 2012 edition, sponsored and published by the International Association of Plumbing and Mechanical Officials, 5001 E. Philadelphia Street, Ontario, CA 91761-2816, all of the Uniform Plumbing Code Appendixes, and the International Association of Plumbing and Mechanical Officials Installation Standards, except such parts or portions hereinafter deleted, modified, or amended is hereby incorporated by reference in this article and shall be the technical standards controlling the erection, installation, alteration, addition, repair, relocation, replacement, maintenance or use of any plumbing system and gas piping within the corporate limits of the city.

Section 3. Amendments and deletions.

1. Amendments. The 2012 edition of the Uniform Plumbing Code is hereby amended in the following respects:
 - a. **102.3** is hereby amended to read as follows:

102.3 BUILDING TRADES BOARD

1. General. A building trades board hereby known as “Board” is established for the purpose of examining and passing upon the qualifications of a person seeking certification within the building trades as required by applicable ordinances; acting as an appeals board for persons aggrieved by a decision of the building official, or who feel the use of alternate materials or methods is justified, or feel these regulations do not adequately cover a point in question; and act as a

code committee recommending to the governing body any changes necessary to keep the city codes governing the building trades current and up-to-date.

2. Composition. The Board recommends to the extent that qualified individuals are willing to serve, that the Board be compelled to consist of eleven (11) members appointed by the governing body of the City of Emporia, Kansas, as follows:

- One (1) architect or engineer (licensed within the State of Kansas);
- Two (2) certified ICC Class “A” or “B” builders.
- Two (2) certified master plumbers.
- Two (2) certified master electricians.
- Two (2) certified master mechanical appliance installers.
- Two (2) members at large appointed from the City of Emporia.

The building official or his authorized representative will act as an ex officio member and shall be the Board's secretary. All appointments shall be made for three (3) year terms, and no member shall serve more than two (2) consecutive terms unless the Board, by a majority vote, allows a Board member(s) to serve an additional one (1) year term. If circumstances exist in which the City of Emporia does not receive applications pertaining to the specific trade being vacated, the Board may accept applications from a City of Emporia licensed contractor, master plumber, master electrician or master mechanical profession to fill any of the trade positions being vacated. The extension of a one-year term shall be accomplished if the city does not receive any qualified applications to fill for the outgoing Board member(s) and also in the event that the Board is in the process of updating a new code cycle or is in the process of changing an ordinance for recommendation before the Commission. In these instances, an outgoing Board member(s) may serve an additional one-year term to complete the ongoing process by a majority vote of the Board. The Board will meet at least once a month, and a majority of the board must be present to constitute an official meeting and to conduct business.

3. Duties. The Board shall elect a chairman and vice-chairman. Any action or recommendation of the Board must be by majority vote of the entire Board. The board shall adopt in writing, a set of rules and procedures for testing and certification of applicants, conducting appeals hearings, and recommending code changes. A copy of such rules and procedures shall be available for the public in the office of the building official. The Board is given the authority to appoint recommending committees as the need may be. In conducting any business authorized by this article, the Board shall be bound by the provisions of these regulations and any other ordinance or code of the city applicable to a particular trade.

4. Meetings. The Board shall meet at least once each year for the purpose of recommending any changes to the city codes.

Appeals.

1. General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of the technical codes, a Building Trades Appeals Board is hereby established.
2. Composition. A three (3) member Building Trades Appeals Board shall consist of three (3) members of the Building Trades Board who shall be appointed by the chairman of the Building Trades Board. Whenever the building official notifies the chairman that an appeal has been filed, the chairman shall immediately appoint the three (3) member Building Trades Appeals Board to serve for such appeal. The Building Trades Appeals Board must consist of one (1) member representing the trade involved in the appeal, one (1) member of a separate trade, and either the architect/engineer member or one (1) of the at-large members.
3. Limitations of Authority. The Building Trades Appeals Board shall have no authority relative to interpretation of the administrative provisions of these regulations or the technical codes nor shall the board be empowered to waive requirements of either these regulations or the technical codes.
4. Application. Any person wishing to file an appeal to the Building Trades Appeals Board shall make application to the building official on the form provided. The building official shall transmit a copy of the application to each member of the board and shall arrange for a hearing on the point in question within seven (7) working days of receipt of the application.

Any person who feels the decision of the Building Trades Appeals Board is arbitrary or in error may appeal such decision to the governing body. Such appeal must be taken within thirty (30) days from the date of the decision of the board.

b. **102.5 is hereby amended to read as follows:**

102.5 Penalties. A person, firm, or corporation violating a provision of this code shall be deemed guilty of a City of Emporia Class C Misdemeanor, and upon conviction thereof, shall be punishable by a fine, imprisonment, or both set forth by the governing laws of the jurisdiction. Each separate day or portion thereof, during which a violation of this code occurs or continues, shall be deemed to constitute a separate offense.

c. **103.4.1 Plan Review Fees.** Shall be deleted in its entirety.

d. **103.4.4.2 In Writing.** Shall be deleted in its entirety.

e. **Table 103.4 Plumbing Permit Fees.** Shall be deleted in its entirety.

- f. **318 is hereby amended to read as follows:**

318.0 Test Gauges.

318.1 General. Tests in accordance with this code, which are performed utilizing dial gauges, shall be limited to gauges having the following pressure graduations or incriminations.

318.2 Required pressure tests of twenty (20) pounds or less shall be performed with gauges of one (1) pound incrimination or less with test gauges not exceeding a pressure range of thirty (30) pounds.

318.3 Required pressure test exceeding twenty (20) pounds but less or equal than one hundred (100) pounds shall be performed with gauges of one (1) pound incrimination or less.

- g. **422.1** is hereby amended by adding the following exception:

Exception: For existing buildings only, the number of required plumbing fixtures may be determined as per the requirements of the International Building Code (IBC).

- h. **603.5.6** is hereby amended to add the following:

(5) Double check valve backflow prevention assembly (DC).

- i. **604.0 Materials** is hereby amended to read as follows:

604.2 Copper tube for water piping shall have a weight of not less than Type L.

Exception: Type M copper tubing or pipe may be used for water piping only when such piping is above ground in, or on a building.

604.9 is hereby amended to read as follows:

604.9 Approved plastic materials may be used in water service piping provided type L or K copper piping or tubing shall be used from a point inside the foundation wall and shall extend outside no less than ten (10) feet. A minimum of a three (3) inch section shall be exposed between the inside of the foundation walls and the stop valve.

- j. **605.3.4** is hereby amended by adding sub-section 605.3.4.1 to read as follows:

605.3.4.1 Underground Joints. All underground joints if soldered or brazed shall be silver soldered with solder that contains no less than fifteen (15) percent silver or its equivalent.

- k. **609.0 Installation, Testing, Unions, and Location** is hereby amended by adding the following subsection to read as follows:

609.1.1 All water service piping installed outside of the building shall have a minimum cover of not less than thirty-six (36) inches.

- l. **609.10 Water Hammer**, is hereby amended to read as follows:

609.10 Water Hammer. All building water supply systems in which quick-acting valves are installed shall be provided with devices to absorb the hammer caused by high pressure resulting from the quick closing of these valves. These pressure-absorbing devices shall be either air chambers or approved mechanical devices. Water pressure absorbing devices shall be installed as close as possible to quick-acting valves.

- m. **TABLE 703.2**, Maximum Unit Loading and Maximum Length of Drainage and Vent Piping; The number of fixture units assigned to 1 ½ inch horizontal drainage piping shall be amended to read as follows:

Size of Pipe, Inches	1-1/2
(mm)	(40)
Maximum Units	
<i>Drainage Piping</i> ¹	
Horizontal	2 ²

- n. **710.1** is hereby amended to read as follows:

710.1 Drainage piping serving fixtures which have flood level rims located below the elevation of the next upstream manhole cover of the public sewer serving such drainage piping may be protected from backflow of sewage by installing an approved type backwater valve. Fixtures above such elevation shall not discharge through the backwater valve. All such valves shall be accessible as required by 710.6 and shall not be concealed by future construction.

- o. **712.1 Media.**, is hereby amended to read as follows:

712.1 Media. The piping of the plumbing, drainage, and venting systems shall be tested with water or air.

The Authority Having Jurisdiction may require the removal of any cleanouts, etc., to ascertain whether the pressure has reached all parts of

the system. After the plumbing fixtures have been set and their traps filled with water or air, they shall be submitted to a final test.

- p. **723.0** is hereby amended to read as follows:

723.0 Building Sewer Test.

Building sewers may be tested by plugging the end of the building sewer at its point of connection with the public sewer or private sewage disposal system and completely filling the building sewer with water from the lowest to the highest point thereof, or by approved equivalent low pressure air test, or by such other test as may be prescribed by the administrative authority. The building sewer shall be watertight at all points.

- q. Chapter 7, Sanitary Drainage, Part II, Building Sewers, is hereby amended by adding the following section and subsections:

724.0 Repairs and Alterations

724.1 In existing buildings or premises in which plumbing installations are to be altered, repaired, or renovated, deviations from the provisions of this code are permitted, provided such deviations are found to be necessary and are first approved by the administrative authority.

724.2 Existing building sewers and building drains may be used in connection with alterations and or additions, but no existing building sewer shall be used for a new structure where an existing structure is removed or demolished. On a lot where a structure is removed, the existing building sewer shall be plugged-off within five (5) feet of the property line.

Exception: An existing building sewer may be used when such building sewer has been cleaned, video inspected and written verification is to the administrative authority stating that the existing sewer is safe, is in a sanitary condition, is of approved materials, and is of sufficient size for the new proposed drainage fixture unit load.

724.3 All openings into a drainage or vent system, excepting those openings to which plumbing fixtures are properly connected or which constitute vent terminals, shall be permanently plugged or capped in an approved manner using the appropriate materials required by this code.

- r. **807.4** is hereby amended by adding the following exception:

Exception: Domestic dishwashers may be installed without an air-gap fitting on the discharge side of the dishwashing machine provided the

waste hose is securely supported to the bottom side of the counter top.

- s. **902.0 Vents Not Required**, is hereby amended by adding the following section:

902.3 Where permitted by the administrative authority, vent piping may be omitted on floor drains not exceeding fifteen (15) feet of developed length when used as condensate receptors in one and two family dwellings.

- t. Chapter 9, Vents is hereby amended by adding the following subsection:

905.7 When structural and impractical conditions exist within an existing building, an approved auto vent may be installed with prior approval from the administrative authority. Such auto vent shall serve only one and two drainage fixture units. At no time shall an auto vent be used in a concealed location nor located in spaces utilized as supply or return air plenums.

- u. 908.1 is hereby amended by adding an exception to read as follows:

Exception: The horizontal vent for one (1) water closet in a one or two-family dwelling unit(s) may be used as a waste line for one or two lavatories.

- v. 1203.3.2 is hereby amended as follows:

1203.3.2 Final Piping Inspection

This inspection shall be made after all piping authorized by the permit has been installed and after all portions thereof which are to be covered or concealed are so concealed and before any fixtures, appliance, or shutoff valve has been attached thereto. This inspection shall include an air, CO₂ or nitrogen pressure test, at which time the gas piping shall stand a pressure of not less than twenty (20) pounds per square inch (68.9 kPa) gauge pressure, or at the discretion of the administrative authority, the piping and valves may be tested at a pressure of at least six (6) inches (152 mm) of mercury, measured with a manometer or slope gauge. Test pressures shall be held for a length of time satisfactory to the administrative authority, but in no case for less than fifteen (15) minutes, with no perceptible drop in pressure. For welded piping, and for piping carrying gas at pressures in excess of fourteen (14) inches (356 mm) water column pressure, the test pressure shall not be less than sixty (60) pounds per square inch (413.4 kPa) and shall be continued for a length of time satisfactory to the administrative authority, but in no case for less than thirty (30) minutes. These tests shall be made using air, CO₂, or nitrogen pressure only and shall be made in the presence of the administrative

authority. All necessary apparatus for conducting tests shall be furnished by the permit holder.

- u. 1208.5.2.3 is hereby amended to read as follows:

1208.5.2.3 All pipe used for the installation, extension, alteration or repair of any gas piping shall be standard weight wrought iron or steel (galvanized or black), or yellow brass (containing not more than seventy-five (75) percent copper), corrugated stainless steel tubing, and aluminum alloy tubing. Approved PE pipe may be used in exterior buried piping systems.

Exception: Approved standard type K or L copper tubing or piping may be installed for exterior gas piping supplying only liquefied petroleum gas appliances. Such installation shall comply with current provisions of the National Fire Protection Association (NFPA) 54, 58 and all applicable requirements of this code.

- v. **1212.0** is hereby amended by adding the following exception:

Exception: Liquefied petroleum gas-burning appliances installed in a single-family dwelling may be installed in a basement, crawl space, garden level, berm, walk-out basement or similar locations, provided that all of the following safety protection requirements are provided.

- (1) All appliances shall be equipped with listed automatic devices which will shut-off the flow of gas to the pilot and burners in the event of ignition failure.
- (2) A listed gas detector shall be installed according to the manufacturer's installation instructions in the basement or similar locations, which will activate a continuous audible alarm, audible to all areas of the dwelling.

- x. Appendix H, Private Sewage Disposal Systems is hereby amended to read as follows:

Private Sewage Disposal Systems shall be installed according to the rules and regulations of the Lyon County Board of Health.

2. Deletions.

The following parts or portions of the 2012 Uniform Plumbing Code are hereby deleted:

Section 318.2, 318.3, 318.4, 318.5
Section 1208.5.3.2

Sections 1213.3

Section 4. Sewer and water service connections and repairs.

- (1) Only a licensed plumbing contractor shall perform any work on the public right of way and or within fifteen (15) feet of a public sewer main.
- (2) The water service line from the main to the meter shall be installed by a licensed plumbing contractor.
- (3) The water service line from the city meter to the structure shall have a minimum of 3 feet of cooper attached to the city water meter.

Section 5. Gas service connections and repairs.

No person except the franchised public service company or its authorized representative shall tap or make any connection with any gas main. All gas meter locations shall be approved by the building official and the gas company.

Section 6. Other material and installation regulations and requirements and prohibited practices and materials.

Plumbing and plumbing materials shall comply with the following requirements:

- a. No cesspool or vault shall be built or maintained.
- b. Frost proof closets or other similar fixtures shall not be permitted.
- c. No roof drainage, cistern overflow, surface water or drainage water from any source shall be admitted into the sanitary sewer system, and all such existing connections shall be disconnected.
- d. Offsets in the main of all stacks shall be avoided if possible, but where unavoidable shall be made with forty-five (45) degree fittings.
- e. No rubber, fiber, or asbestos pipe or tubing shall be used in any plumbing system.
- f. All forms of waste or water pipe saddles are prohibited, except to

the extent that water pipe saddles are allowed under the provisions of Article VI of these regulations.

- g. Subsoil drainage systems which cannot be drained to a street or storm sewer by natural flow shall discharge into a sump pit and be pumped in a street or storm sewer. No sump pit shall be located closer than ten (10) feet from any floor drain. Each sump pit shall have a minimum opening of eighteen (18) inches by eighteen (18) inches and a minimum depth of twenty (20) inches below finished floor. The sump pump installed shall have a minimum discharge opening size of one and one-fourth (1 1/4) inches, and it shall be equipped with effective check valves.

Section 7 -- Section 15. Reserved.

ARTICLE IX. DEMOLITION

DIVISION 1. GENERALLY

Section 1. General.

1. Demolition of Buildings and Structures. All buildings and structures that are demolished, razed, or removed from or upon any premises shall conform to the requirements of this article, the laws of the state, and approved standards of safety for persons or property.
2. Requirements. Requirements for the administration, permits and inspections, licenses and certifications, and enforcement of this article are to be found in Articles I, II, and III of these regulations. A demolition contractor shall be a Category B Specialty Contractor as defined in Article II, Division 1, Section 7 of these regulations.

DIVISION 2. SPECIFIC REQUIREMENTS

Section 2. Requirements.

1. Notifying the building official. No building or structure shall be demolished or razed from or upon any premises without first notifying the building official of such intent at least twenty-four (24) hours prior to commencing such work.
2. Prior to obtaining a demolition permit. Prior to obtaining a demolition permit under Article III of these regulations any public utility shall be disconnected and the sewer shall be capped.
 - a. The owner shall cause the sewer line to the building or structure to be capped by a licensed plumbing contractor and such capping shall be inspected and approved by the building official. All such sewer lines shall be capped in an approved manner at a point between the connection to the sewer main a point five (5) feet inside the property line nearest the sewer main where the building sewer connects.
 - b. The owner shall cause all other utility services to be totally disconnected from the building or structure to be demolished prior to demolition.
3. Protection of the general public. When a building or structure is adjacent to a public way, the owner or his authorized representative shall afford protection of the general public as required by Chapter 44 of the Uniform Building Code. (See Article IV of these regulations for the adopted edition.)
4. Protection of adjacent private property. Adequate protection of adjacent property shall

be maintained during the demolition of any structure.

5. Removal Requirements. The following requirements will be met during and after the razing or demolition of any structure.
 - a. In wrecking, demolishing, or razing of any structure, the work shall begin at the top thereof. Each story shall be completely razed or demolished, and materials therefrom completely removed before work on the next lower story is started.
 - b. In those instances where demolishing of an unusual structure or building is undertaken or where unusual circumstances exist, the building official may by special permit in writing, authorize deviation from the standard regulations for demolition in the interest of public health, safety, and welfare.
 - c. When the building has been wrecked, demolished, razed, removed from the site, or destroyed by fire, flood, or storm and no permit for new construction has been approved by the building official, the lot shall be filled, graded and maintained in conformity with established street grades at curb level. No combustible material shall be used to fill any basement or excavation. Existing foundation walls shall be removed to a depth of at least thirty-six (36) inches below finished grade.

The lot shall be maintained free from accumulation of rubbish and any unsafe or hazardous condition dangerous to the life or health of the public. In event that a permit is issued for new construction, all excavations which are not completely filled shall be fenced with fencing adequate for the safety of the public.

Section 3 -- Section 10. Reserved.

ARTICLE X. FIRE EXTINGUISHING SYSTEMS

DIVISION 1. GENERALLY

Section 1. General.

1. Fire Extinguishing Systems. All fire extinguishing systems installed within any building or structure shall conform to this article, the laws of the state, and approved standards of safety for persons and property.

The words "fire extinguishing system" and "fire sprinkler system" shall be interpreted broadly to include and describe any other such installed system.

2. Requirements. Requirements for administration, permits and inspections, licenses and certifications, and enforcement of this article are to be found in Articles I, II, and III of these regulations. Fire extinguishing systems contractor is a Category B Specialty Contractor as defined in Article II, Division 3, Section 7 of these regulations.

DIVISION 2. SPECIFIC REQUIREMENTS

Section 2. Requirements.

1. Notifying the Building Official and Fire Marshal. No fire extinguishing system shall be installed, modified or changed without first notifying the building official and city fire marshal. Such systems shall be designed in accordance to the current requirements of the International Residential and International Building Codes and with all applicable standards of the National Fire Protection Association's National Fire Code.
2. Plans and Specifications. Prior to the installation of a new fire sprinkler system or the addition to an existing fire sprinkler system, plans and specifications shall be submitted to the building official who shall forward all such plans and specifications to the city fire marshal for review and approval.

- a. No work shall commence until all plans and specifications have been approved and one (1) set returned to the fire extinguishing systems contractor.

Exception: Prior to completion of plans review, the fire marshal may grant special permission to commence work if he finds such plans and specifications meet the documentation for a plans review. This permission in no way shall be construed to mean that such plans and specifications are approved.

- b. Arrangement of required inspections shall be made with the city fire marshal. No work shall be covered or concealed without his prior approval.
- c. Upon completion of installation and prior to final approval of a fire sprinkler system, the fire extinguishing system contractor shall furnish the city fire

marshal a letter certifying that the installation meets the requirements of all applicable State Statutes and rules and all applicable city ordinances.

Section 3 -- Section 10. Reserved.

ARTICLE XI. LAWN SPRINKLER SYSTEMS

DIVISION 1. GENERALLY

Section 1. General.

1. Lawn Sprinkler Systems. All lawn sprinkler systems installed, added to, or replaced within the city shall conform to the requirements of this article, the laws of the state, and approved standards of safety for persons or property.
2. Requirements. Specific requirements for administration, permits and inspections, licenses and certifications, and enforcement of this article are to be found in Articles I, II, and III of these regulations. A lawn sprinkler systems contractor is a Category B Specialty Contractor as defined in Article II, Division 3, Section 7 of these regulations.

Exception: A licensed plumbing contractor may install lawn sprinkler systems.

Section 2. Installation standards and procedures.

- a. All lawn sprinkler systems shall be equipped with a listed backflow preventer as per Uniform Plumbing Code 603.5.6 installed on the discharge side of each of the last shut-off valves. Materials used in lawn sprinkler systems shall be of approved materials as required by the Uniform Plumbing Code.
- b. Licensed plumbing contractors must install the water service from the main or water supply to and including the required *reduced pressure principle* backflow prevention assembly.

Section 3 -- Section 10. Reserved.

ARTICLE XII.

Intentionally left blank for future reference

ARTICLE XIII. SWIMMING POOLS

DIVISION 1. GENERALLY

Section 1. General.

1. Swimming Pools. All swimming pools except those exempted by Article III, Division 1, Section 1 constructed, enlarged or altered shall conform to the requirements of this article, the laws of the state, and approved standards of safety for persons and property.
2. Requirements. Requirements for the administration, permits and inspections, licenses and certifications, and enforcement are to be found in Article I, II, and III of these regulations. Swimming pool contractors shall be a Category A Specialty Contractor as defined in Article II, Division 3, Section 7 of the regulations.

DIVISION 2. SPECIFIC REQUIREMENTS

Section 2. Swimming pool defined.

For the purpose of this article, "swimming pool" shall mean any privately owned receptacle or container for water, either temporary or permanent, or any artificial pool of water, either temporary or permanent, having a depth at any point of more than three (3) feet and which is intended primarily for the purpose of swimming, bathing, or wading.

Section 3. Enclosures, fences required.

Every swimming pool shall be enclosed, within sixty (60) days of the issuance of the swimming pool building permit, with a fence or wall or any combination thereof not less than forty-two (42) inches in height above the grade of the land immediately adjacent to and outside of the required fence and/or wall. All ladders or steps permitting passage through or over such fence or wall shall be equipped with a gate or such other device as to prohibit inadvertent or unauthorized entry. All gates shall be equipped with self-closing devices for keeping gates closed at all times, when not in actual use. Such fence or wall shall contain no openings, holes or gaps that would allow the passage of a sphere six (6) inches in diameter. The enclosure around single-family residential pools may be around the perimeter of the pool or the whole perimeter of the property or any part thereof. Enclosures around any other pool shall be around the pool area which shall include the pool and the pool deck.

Section 4. Safety equipment.

All swimming pools having a depth of more than three (3) feet shall be equipped with not less than one (1) light-weight reaching pole not less than twelve (12) feet in length, and not less than one (1) life ring not less than fifteen (15) inches in diameter attached with a line or rope equal to

at least the width of the pool. Such safety equipment shall be kept in a conspicuous place available persons in the pool area.

Section 5. Plumbing, electrical connections and equipment.

All plumbing and electrical equipment installed with, or as a function of, any swimming pool shall comply with all appropriate articles of these regulations.

Section 6. Public nuisance declared.

No swimming pool shall be so operated or maintained as to create a nuisance, an eyesore, or otherwise to result in a substantial adverse effect on neighboring property, or to be in any other way detrimental to public health, safety, and welfare. It will be presumed that any swimming pool not in compliance with this article will be deemed a public nuisance.

Section 7 -- Section 12. Reserved.

ARTICLE XIV. UTILITY CONNECTIONS TO MOBILE HOMES

DIVISION 1. GENERALLY

Section 1. General.

1. Mobile Home Utility Connections. All mobile homes connected to a public utility shall conform to the requirements of this article, the laws of the state, and approved standards of safety for persons and property.
2. Requirements. Requirements for the administration, permits and inspections, licenses and certifications, and the enforcement of this article are to be found in Article I, II, and III of these regulations. Mobile home utility installers shall be Category A Specialty Contractor as defined in Article II, Division 1, Section 7 of these regulations.

Exception:

- a. A licensed electrical contractor may install the mobile home electrical hook-up.
- b. A licensed plumbing contractor may install the mobile home plumbing connections.

Section 2. Compliance with other ordinances.

Mobile home utility connections from a mobile home park or subdivision that supplies utilities to a mobile home, shall be in compliance with Article 550 of the National Electric Code, and Appendix E of the Uniform Plumbing Code as adopted and amended in these regulations.

DIVISION 2. SPECIFIC REQUIREMENTS

Section 3. Standards.

This section shall apply to the connections from mobile home parks or subdivisions to a mobile home.

- a. Electrical connections for air-conditioning compressors shall be wired in accordance with the electrical code of the city and all such conductors shall be protected by water-tight flex conduit from a point under the mobile home to the compressor unit.
- b. The following shall apply to gas connections:
 - (1) No buried gas piping shall be under any structure or slab unless such

- piping is sleeved.
- (2) All materials shall be approved for such purpose used to supply gas from the meter to all appliances within the unit.
- c. The following shall apply to sewer connections:
- (1) Only material approved for the purpose shall be used.
 - (2) All connection shall be air tight and a slope of one-fourth (1/4) inch per foot of run shall be maintained on all horizontal piping.
- d. The following shall apply to water connections:
- (1) Three-quarter (3/4) inch inside diameter, Type "L" or "K" copper piping shall be used.
 - (2) All water lines shall be protected from freezing by either natural or artificial means.

Section 4. Blocking and tie downs.

Blocking, tie downs, and ground anchors shall comply with Mobile Home and Recreation Vehicle Code, K.S.A. 75-1211 to 75-1234.

Section 5. Tests and inspections.

- a. Upon completion of all utility connections to the mobile home for which a permit has been issued, the person performing such work shall request inspection by the building official.
- b. The person authorized to perform such utility connections shall test the gas piping connections from the gas meter hook-up to the shut off valve of each appliance. The system shall be tested under air pressure with a clear mercury column holding six (6) inches of mercury for fifteen (15) minutes or a spring gauge holding ten (10) pounds of pressure for fifteen (15) minutes without loss of pressure. Such gauges shall be left on under pressure until approved by the building official.
- c. After inspection and approval, the building official shall notify the public utility supplier that gas and electric meters may be installed.

Section 6 -- Section 10. Reserved.

ARTICLE XV. UNFIT OR UNSAFE STRUCTURES

DIVISION 1. GENERALLY

Section 1. Findings of fact.

The governing body finds that there exists within the corporate limits of the city structures which are unfit for human use or habitation due to dilapidation defects, increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities or other conditions including those set forth in Section 6 of this article, which render such structures unsafe, unsanitary, or detrimental to the health and safety, otherwise inimical to the welfare of the residents of the city.

Section 2. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

NONRESIDENTIAL STRUCTURE...any structure or a part of such structure which is used for other than residential purposes, and where applicable, the premises on which such structures are situated.

PUBLIC OFFICER...the person designated or appointed by city manager to enforce this article.

RESIDENTIAL STRUCTURE...This shall include any building, dwelling or structure, or part thereof used and occupied for human habitation or intended to be used and including any appurtenances belonging thereto or usually enjoyed therewith.

STRUCTURE...anything constructed or erected which requires location on the ground or attached to something having a location on the ground.

Section 3. Appointment of public officer.

The city manager shall appoint a public officer to conduct proceedings in accordance with the terms of this article.

Section 4. Powers of public officer generally.

The public officer is hereby authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this article, including, in addition to others herein granted, the power to:

- a. Investigate the conditions of structures in the city in order to determine which

structures therein are unfit for human use or habitation;

- b. Administer oaths, affirmations, examine witnesses, and receive evidence;
- c. Enter upon premises for the purpose of making examinations, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession, and obtain an order of this purpose from a court of competent jurisdiction in the event entry is denied or resisted;
- d. Appoint and fix the duties of such officers, agents, and employees as he deems necessary to carry out the purposes of this article; and
- e. Delegate any of his functions and powers under this article to such officers, agents and employees as the officer may designate.

DIVISION 2. SPECIFIC REQUIREMENTS

Section 5. Minimum standards for maintenance, etc..

For the purpose of this article, the following minimum standards shall apply:

- a. Every structure shall be kept in good repair, and structurally sound by the owner.
- b. The exterior surfaces of every structure shall be maintained free of broken glass, loose shingles, siding or lumber, crumbling bricks or stone, excessive peeling paint, or other conditions reflective of deterioration, to the end that adjoining properties and the neighborhood be protected from blighting influences.
- c. Every foundation, exterior wall, exterior door, basement hatchway, window and roof shall be kept substantially weather-tight, watertight and rodent proof.
- d. Every basement window or opening which might provide an entry for rodents shall be supplied with such screen or other device as will effectively prevent their entrance.

Section 6. Unfit conditions designated.

The public officer may determine that a structure is unfit for human use or habitation if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such buildings, or of other residents of the municipality, of which have a blighting influence on properties in the area. Such conditions may include the following without limitations: Defects therein increasing the hazards of fire, accident or other calamities; lack of adequate ventilation, light or sanitary facilities; air pollution; dilapidation; disrepair; structural defects; uncleanness; overcrowding;

inadequate ingress and egress; dead and dying trees, limbs or other unsightly natural growth; unsightly appearances that constitutes a blight to adjoining property, the neighborhood, or the city; walls, sidings or exteriors of a quality and appearance not commensurate with the character of the properties in the neighborhood; unsightly stored or parked material, equipment, supplies, machinery, trucks; or any other violation of health, fire, building or zoning regulations, or any other laws or regulations relating to the use of land and the use and occupancy of buildings and improvements.

Section 7. Petition to repair, remove, etc..

Whenever a petition is filed with the public officer by at least five (5) residents of the city charging that any structure is unfit for human use or habitation or whenever it appears to the public officer (on his own motion) that any structure is unfit for human use or habitation, the office shall, if the officer's preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner, every mortgagee of record and all parties in interest in such structure (including persons in possession) a complaint stating the charges. Such complaint shall contain a notice that a hearing will be held before the public officer, or the officer's designated agent at a place therein fixed not less than ten (10) days nor more than thirty (30) days after the serving of the complaint; than the owner, mortgagee and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.

Section 8. Order to repair or demolish.

If after notice and hearing pursuant to Section 7 of this article, the public officer determines that the structure under consideration is unfit for human use or habitation, the officer shall state in writing his findings of facts in support of such determination and shall issue and cause to be served upon the owner thereof an order which:

- a. If the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure, which cost shall not exceed fifty (50%) percent of the fair market value of such structure, requires the owner, within the time specified in the order, to repair, alter or improve such structure to render it fit for human use or habitation, or vacate and close the structure until conformance with this article is met; or
- b. If the repair, alteration or improvement of the structure cannot be made at a reasonable cost in relation to the value of the structure that is to say, under fifty (50%) percent of the fair market value of such structure, which percentage is hereby deemed to be a reasonable standard by which to require either repair, alteration or improvement, or removal or demolition, requires the owner, within the item specified in the order, to remove or demolish such structure.

Section 9. Abatement by city.

- a. If the owner fails to comply with an order to repair, alter or improve or to vacate and close the structure issued pursuant to this article, the public officer may cause such structure to be repaired, altered or improved, or to be vacated and closed.
- b. If the owner fails to comply with an order to remove or demolish the structure issued pursuant to this article, the public officer may cause such structure to be removed or demolished.
- c. The amount of the cost of such repairs, alterations, improvements, vacating, closing, removal or demolition by the public officer shall be a lien against the real property upon which such cost was incurred. Such lien shall include allowance of the officer's costs and the necessary attorney's fees, and may be foreclosed in judicial proceedings in the manner provided by law for loans secured by liens on real property. In lieu of foreclosure, the costs, including the officer's costs, may be assessed as a special assessment against the lot or parcel of land on which the structure was located, in which case the city clerk, at the time of certifying other city taxes, shall certify the unpaid portion of the costs and the county clerk shall extend the same on the tax rolls of the county against the lot or parcel of land. If the structure is removed or demolished by the public offer, the officer shall sell the materials of such structure and shall credit the proceeds of the sale against the cost of the removal of demolition. If there be any balance remaining it shall be paid to the parties entitled thereto as determined by proper judicial proceedings instituted by the public officer after deducting the costs of such judicial proceedings, including his necessary attorney's fees incurred therein as determined by the court.

Section 10. Service of notices, etc..

Complaints or orders issued by a public officer pursuant to this article shall be served upon persons either personally or by registered or certified mail. If the location of such persons is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer makes an affidavit to that affect, service may be made by publishing the complaint or notice once in a newspaper printed and published in the city. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed with the clerk of the district court of the county and the filing of the complaint or notice therewith shall have the same force and effect as other lis pendens notices provided by law.

Section 11. Appeals.

Any person affected by an order issued by the public officer pursuant to this article may petition the district court of the county for an injunction restraining the public officer from commencing action upon or from further carrying out the provisions of the order. Upon

such petition, the court may issue a temporary injunction restraining the public officer pending the final deposition of the case. Such petition shall be filed not later than thirty (30) days after the posting and service of the order of the public officer. Hearings shall be had by the court on such petitions as soon thereafter as possible, and shall be given preference over other matters order or decree in the proceedings, In all such proceedings the findings of the public officer as to facts, if supported by evidence, shall be conclusive. Costs shall be in the discretion of the court. The remedies herein provided shall be exclusive remedies and no person affected by an order of the public officer pursuant to this article shall be entitled to recover any damages for action taken pursuant to such order, or because of compliance by such person with such order.

Section 12. Article supplemental.

- a. Nothing in this article shall be construed to abrogate or impair the powers of the courts or of any department of the city to enforce any provisions of its ordinances or regulations, nor to prevent or punish violations thereof and this article shall be in addition and supplemental to the powers conferred by any other law.
- b. Nothing in this section shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

Section 13 -- Section 20. Reserved.

ARTICLE XVI. UNIFORM CODE FOR BUILDING CONSERVATION

DIVISION 1. GENERALLY

Section 1. General.

1. Existing Buildings and Structures. Any change of occupancy, alteration or repair of existing buildings and structures and the material used therein, shall conform to the requirements of this article, the laws of the state, and approved standards of safety for persons and property.
2. Requirements. Requirements for the administration, permits and inspections, licenses and certifications, and enforcement of this article are to be found in Articles I, II, and III of these regulations.

DIVISION 2. TECHNICAL STANDARDS

Section 2. Uniform Code For Building Conservation. Adopted by reference.

For the purpose of establishing rules and regulations for the continued use or reuse of legally existing buildings and structures in the city, the "Uniform Code For Building Conservation", 1997 edition, sponsored and published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601-2298, including the Uniform Code For Building Conservation Guidelines, and all of the Uniform Code For Building Conservation Appendixes, except such parts or portions hereinafter deleted, modified, or amended, is hereby incorporated by reference in this article and shall be the technical standards controlling the change of occupancy, alteration, or repair of existing buildings and structures within the corporate limits of the city.

Section 3. Amendments and deletions.

1. Amendments. The 1997 edition of the Uniform Code for Building Conservation (referred to within this section of the "standard code") is amended in the following respect:

- A. a. **Chapter 2, Enforcement and Permits, Section 202, Permits Required**, is hereby amended by adding the following sub-section to read as follows:
Section 202.1, Code Footprint Required. All remodeling or renovation in which a building permit is required, shall include the submittal of a code footprint. Such Code Footprint shall include all pertinent information as outlined in the City of Emporia "Plan Submittal Checklist" including a Code Analysis. In addition, thereof, an existing floor-plan and demolition plan, (if applicable) shall be submitted.
- b. **Chapter 2, Enforcement and Permits, Building Conservation Advisory and Appeals Board, Section 207** is hereby amended as follows:

Section 207, Board of Appeals, in order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, all appeals shall be made to the Building Trades Appeals Board.

- A. a. **Chapter 3, Definitions, Section 301**, is hereby amended by changing the definition of “Dangerous Buildings”, to read as follows:

Section 301 - Definitions, Dangerous Building is any building or structure deemed to be dangerous by Article XIV, UNFIT OR UNSAFE STRUCTURES, of the Building and Construction Regulations.

- b. **Chapter 3, Definitions, Section 301**, is hereby amended by changing the definition of “Imminent Hazard” to read as follows:

Section 301 - Definitions, Imminent Hazard is a condition that could cause serious or life-threatening injury or death at any time, as determined by the Building Official or Fire Chief.

Chapter 3, Definitions, Section 301, is hereby amended by adding the following definitions to read as follows:

- (1) Fire Code is the currently adopted applicable code of this jurisdiction.
- (2) Fire Official is the officer or other designated authority charged with the administration and enforcement of this code as applicable to buildings, or other duly authorized representative.
- (3) New Construction is where there is no existing structure or when a major portion of the existing structure is removed, as determined by the building official.

- C. **Chapter 4, MINIMUM STANDARDS FOR EXISTING BUILDINGS**, is hereby deleted in its entirety and the following inserted in place thereof:

Chapter 4, ALTERATIONS AND REPAIRS TO EXISTING BUILDINGS

SECTION 401 - GENERAL

401.1 General. Existing buildings or structures within the scope of this code shall meet the minimum standards set forth in this chapter, as well as any specific occupancy requirements set forth in this code. Buildings and structures undergoing a change of occupancy or a change in the character of their use shall also meet the requirements of Chapter 5. Historic buildings and structures shall meet the requirements of Chapter 6 and the provisions of this chapter where applicable. Buildings or structures shall meet the minimum level of performance specified in this chapter through compliance with the specific

provisions of this code.

401.2 Repairs.

401.2.1 General. Except as is otherwise allowed herein, work shall be done using like materials or materials permitted by the applicable code for new construction. The work shall not make the building less conforming with the building, plumbing, mechanical, electrical or fire codes, or with any previously approved alternative arrangements, than it was before the repair was undertaken.

401.2.2 Replacement glazing. Replacement glazing in hazardous locations as defined in the Building Code shall be approved safety glazing.

EXCEPTIONS:

- (1) Glass-block walls may be repaired using like materials.
- (2) Louvered windows and jalousies may be repaired using like materials.

401.2.3 Water closets and plumbing fixtures. When any water closet or other plumbing fixture is replaced, the replacement water closet or fixture shall comply with all applicable regulations governing water conservation.

401.2.4 Structural Strength. The work shall cause no diminution of structural strength.

401.2.5 Hazardous Materials. Materials no longer permitted, such as asbestos and lead-based paint, shall not be used.

401.2.6 The following plumbing materials and supplies shall not be used:

401.2.6.1 General.

- (1) Flexible traps and tailpieces;
- (2) Sheet and tubular copper, brass trap and tailpiece fittings, less than B & S 17 gauge 0.045 inch (1.143 mm); and solder having more than 0.2 percent lead in the repair of potable water systems.

401.2.6.2 Joints.

- (1) Cement or concrete joints;
- (2) Mastic or hot-pour bituminous joints;
- (3) Joints made with fittings not approved for the specific installation under the Plumbing Code in effect at the time of

- installation;
- (4) Joints between different diameter pipes made with elastomeric O-rings;
- (5) Saddle type fittings.

401.2.6.3 Traps

- (1) Traps that depend on moving parts to maintain the seal;
- (2) Bell traps;
- (3) Crown-vented traps;
- (4) Traps that are not integral with a fixture and that depend on interior partitions for the seal, except those traps constructed of approved material that is resistant to corrosion and degradation.

401.2.7 Electrical. Except for the following requirements, existing electrical wiring and equipment undergoing repair shall be allowed to be repaired or replaced with like material.

EXCEPTIONS:

- (1) Replacement electrical products shall comply with applicable Electrical Code requirements, as per the “Installation and Use” of the Electrical Code.
- (2) Replacement of electrical receptacles shall comply with the applicable requirements of the Electrical Code.
- (3) Plug fuses of the Edison-base type shall be used for replacements only where there is no evidence of over fusing or tampering, per applicable requirements of the Electrical Code.
- (4) Non-“hospital grade” receptacles in patient bed locations of Use Group I-2 shall be replaced with “hospital grade” receptacles, as required by the applicable requirements of the Electrical Code.
- (5) Frames of electric ranges, wall-mounted ovens, counter-mounted cooking units, clothes dryers, and outlet or junction boxes that are part of the existing branch circuit for these appliances shall be permitted to be grounded to the grounded circuit conductor if all the applicable conditions of the Electrical Code are met.

401.3 Alterations.

401.3.1 When the alteration work in the work area includes no reconfiguration of spaces, all new work shall comply with the materials and methods requirements, as defined in Chapter 3.

EXCEPTION: Interior finishes shall comply with the requirements of Section 404.1.

401.3.2 When the alteration work in the work area includes any of the following:

- (1) The reconfiguration of spaces,
- (2) The addition or elimination of any door or window,
- (3) The reconfiguration or extension of any system, or
- (4) The installation of any additional equipment, all newly constructed elements, components and systems, including the installation of new elevators and boilers, shall comply with the requirements of the Building Code, Mechanical Code, Plumbing Code, Electrical Code, and other regulations applicable to new construction, and any other applicable codes adopted by this jurisdiction.

EXCEPTIONS:

- (1) Openable windows may be added without requiring compliance with the light and ventilation requirements of the Building Code.
- (2) Newly installed electrical equipment shall comply with the requirements of Section 412.2 of this Code.

401.3.3 The requirements of this section shall apply when the alteration work in the work area includes any of the following:

- (1) The reconfiguration of spaces in exits or corridors, or
- (2) The reconfiguration of any spaces in an entire occupancy within a building or in fifty (50) percent of the area of the building.

NOTE: Any supplemental requirements shall apply as specified.

SECTION 402 - HEIGHTS AND AREAS

402.1 General. The heights and areas of existing buildings or structures shall be acceptable, provided the requirements of this chapter are satisfied. Requirements for buildings and structures undergoing a change of occupancy shall be as provided in Chapter 5.

SECTION 403 - LIFE SAFETY

403.1 General. Safety to life in existing buildings and structures shall meet the intent of the Building Code. The provisions of this section shall be deemed as meeting the intent of the Building Code for existing buildings, provided that none of the life-safety features required by the code under which the building was constructed will be reduced below the level established by that code or equivalent provisions of the currently adopted Building Code. When the alteration work in the work area includes any of the work specified in Section 401.3.3 then the requirements of this section shall apply throughout the work area, and supplemental requirements shall apply as specified.

403.2 Means of Egress. Means of egress system capacity and the arrangement of exits shall comply with the requirements of the Building Code. Means of egress systems complying with Sections 401.2.1 and 403.2.17 shall be deemed as meeting the intent of the Building Code for existing buildings, provided that an exit system evaluated under the provisions of this code is judged by the building official to be at least equivalent to the exit system that was required by the code under which the building was constructed or equivalent provisions of the currently adopted Building Code. Every required means of egress shall have access to a public way, directly or through yards, courts or similar spaces, and such access shall be permanently maintained clear of any obstruction that would impede egress.

EXCEPTIONS:

- (1) Buildings in which the reconfiguration of space affecting exits and/or shared egress access alteration is exclusively the result of compliance with the accessibility requirements of this code shall not be required to comply with this section.
- (2) Existing dead-end corridors and new dead-end corridors shall be added in accordance with Section 403.2.17.

403.2.1 Number of Exits.

403.2.1.1 Every story utilized for human occupancy on which there is a work area shall be provided with the minimum number of exits required by the Building Code. Occupants of every floor above the first story and basements shall have access to at least two separate means of egress.

EXCEPTIONS:

- (1) In all occupancies, second stories with an occupant load of less than 10 may have one means of egress.
- (2) Floors and basements used exclusively for service of the building may have one means of egress. For the purposes of this

exception, storage rooms, laundry rooms, maintenance offices and similar uses shall not be considered as providing service to the building.

- (3) Basements within an individual dwelling unit having an occupant load of less than 10 may have one means of egress, provided every sleeping room on that floor is equipped with an approved window providing a clear opening of at least 5.7 square feet (0.4645 m²) in area with minimum net clear opening dimensions of at least 24 inches (609.6 mm) in height and at least 20 inches (508 mm) in width, and a sill height of not more than 44 inches (1118 mm) above the finished floor. An egress window well shall also be provided per the requirements of the Building Code.
- (4) Occupied roofs on Group R, Division 3 Occupancies may have one means of egress if such occupied areas are less than 500 square feet (46.45 m²) and located no higher than immediately above the second story.
- (5) When more than one exit is required, an existing or newly constructed fire escape, complying with the following limitations, shall be accepted subject to the approval of the building official, as providing one of the required means of egress. A fire escape shall not be substituted for a stairway that was required by the code under which the building was constructed. The fire escape shall not be the primary or the only means of egress.
 - (5.1) All occupants shall have unobstructed access to the fire escape without having to pass through a room subject to locking. An exit sign shall mark access to the fire escape.
 - (5.2) Access to a fire escape shall be through a door when serving an occupant load of 10 or more. Such door shall be a minimum of 30" in width and 48" in height.
 - (5.3) Access to fire escape through a window shall be permitted from a single dwelling or guest rooms in Group R-1 and R-3. Such window shall comply with the requirements specified for emergency escape and rescue windows in the Building Code.
 - (5.4) Newly constructed fire escapes shall be permitted only where exterior stairs cannot be utilized due to lot lines limiting stair size or due to the sidewalks, alleys or roads at grade level. New fire escapes shall not incorporate ladders or access by windows.
- (6) Except in buildings of Group E, H and I and in rooming houses

and child care centers, a single exit is permitted in the story at the level of exit discharge when the occupant load of the story does not exceed 50 and the exit access travel distance does not exceed 75 feet (22.9m).

- (7) In buildings of Use Group R-1 that are equipped throughout with an automatic fire sprinkler system, only one exit shall be required from basements or stories below grade, provided every sleeping room on that floor is equipped with an approved window providing a clear opening of at least 5.7 square feet (0.4645 m²) in area with minimum net clearing opening dimensions of at least 24 inches (609.6 mm) in height and at least 20 inches (508 mm) in width, and a sill height of not more than 44 inches (1118 mm) above the finished floor. An egress window well shall also be provided per the requirements of the Building Code.
- (8) In buildings of Use Group R-1 that are not equipped throughout with an automatic fire sprinkler system, a single exit shall be permitted from a basement or story below grade if the number of dwelling units does not exceed four, and every sleeping room on that floor is equipped with an approved window providing a clear opening of at least 5.7 square feet (0.4645 m²) in area with minimum net clear opening dimensions of at least 24 inches (609.6 mm) in height and at least 20 inches (508 mm) in width, and a sill height of not more than 44 inches (1118 mm) above the finished floor. An egress window well shall also be provided per the requirements of the Building Code. The minimum fire resistance rating of the exit enclosure shall be one hour or equivalent.
- (9) In multi-level dwelling units in buildings of Use Groups R-1, an exit shall not be required from each level of the dwelling unit provided that either of the following conditions are met:
 - (9.1) The building in which such dwelling units are contained is of Type I or Type II construction and the travel distance within the dwelling unit does not exceed 75 feet (22.9m); or
 - (9.2) The building in which such dwelling units are contained is not more than three stories in height and all third-floor space is part of one or more dwelling units located in part on the second floor and no habitable room within any such dwelling unit shall have a travel distance that exceeds 50 feet (15.24 m) from the outside of the

habitable room entrance door to the inside of the entrance door to the dwelling unit.

403.2.1.2 Single exit buildings. In buildings having only one exit, the single exit condition serving the work area shall be permitted to continue as follows, except as limited by the requirements of Section 403.2.17:

- (1) In buildings permitted to have a single exit in accordance with the Building code.
- (2) In buildings of Group R-3.
- (3) In buildings of Group R-1, from floors that are not more than 16 feet (4877 mm) above exterior grade, except that in community residences for the developmentally disabled, the maximum occupant loads, excluding staff, is 12.
- (4) In buildings of Use Groups R-1, not more than two stories in height, from floors that are more than 16 feet (4877 mm) above exterior grade, when there are not more than four dwelling units per floor and the exit access travel distance does not exceed 50 feet (15.24 m), except that in community residences for the developmentally disabled, the maximum occupant load, excluding staff, is 12. The minimum fire-resistance rating of the exit enclosure and of the opening protection shall be one hour.
- (5) Any buildings of Use Group R-1 of three stories or less shall be permitted to have a single exit provided all of the following conditions are met:
 - (5.1) The stairway is separated from the rest of the building by construction having a minimum fire-resistance rating of one hour with self-closing one-hour fire doors protecting all openings between the stair enclosure and the building, and
 - (5.2) The stairway does not serve more than one-half story below the level of exit discharge, and
 - (5.3) All corridors serving as access to exits from the work area have a minimum fire-resistance rating of 20 minutes, and
 - (5.4) There is not more than 35 feet (10.7 m) of travel distance from the entrance door of any living unit in the work area to an exit, and
 - (5.5) Twenty-minute fire-resistance rated horizontal and vertical separation between living units in the work area is provided.

- (6) In the buildings of Use Group R-1 not exceeding four stories, of any height with not more than four living units per floor, with a smoke proof enclosure or outside stair as an exit, and with such exit within 20 feet (6096 mm) of travel to the entrance to all living units served thereby.

403.2.1.3 Mezzanines. Mezzanines in the work area and with an occupant load of more than 50 or in which the travel distance to an exit exceeds 75 feet (22.86 m) shall have access to at least two independent means of egress.

EXCEPTION: Two independent means of egress are not required where the travel distance to an exit does not exceed 100 feet (30.48 m) and the building is protected throughout with an automatic sprinkler system.

403.2.2 Capacity of Means of Egress. The capacity of the means of egress in each work area and throughout the egress path of each work area shall be sufficient for the occupant load thereof. Capacity shall be determined in accordance with the Building Code. The occupant load of a space shall be determined by whichever of the following methods provide the lower number of occupants.

- (1) Divide the floor area by the occupant load factor for this use group as provided in the Building Code.
- (2) The actual number of occupants for whom the work area is designed, as certified in writing by the occupant to the Building Official.

EXCEPTION: The building official shall be permitted to establish the occupant load as the number of persons for which existing means of egress is adequate, provided that measures are established to prevent occupancy by a greater number of persons.

403.2.3 Stairways.

403.2.3.1 Existing winding or spiral stairways in any work area may serve as part of the means of egress from a building, including single exit buildings complying with Section 403.2.1.2, for a maximum occupant load of 10, provided that a complying handrail is located at the stair's outside perimeter. A winding or spiral stairway may not be the principal means of egress when used in conjunction with a fire escape as a second means of egress. Means of egress width shall comply with the Building Code. Circular stairways complying with the Building Code shall be acceptable as a means of egress.

403.2.3.2 An alteration or the replacement of an existing stairway in an existing structure shall not be required to comply with the requirements of a new stairway as outlined in the Building Code where the existing space and

construction will not allow a reduction in pitch or slope.

403.2.3.3 Rise and Run. The largest tread run within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

403.2.4 Handrails. The following requirements shall apply from the highest work area floor to the level of exit discharge.

403.2.4.1 Every required exit stairway that is part of the means of egress for any work area that has three or more risers and is not provided with at least one handrail, or in which the existing handrails are judged to be in danger of collapsing, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways with a required egress width of more than 66 inches (1676 mm) shall have handrails on both sides. Spiral and winding stairways shall have a handrail on the outside perimeter.

403.2.4.2 Where there are no handrails or where the existing handrails must be replaced in accordance with Section 403.2.4.1, the handrails shall be designed and installed in accordance with the provisions of the Building Code.

403.2.5 Guardrails. All unenclosed floor and roof openings, open and glazed sides of stairways, landing and ramps, balconies or porches that are more than 30 inches (762 mm) above grade on the floor below, and roofs used for other than service of the building shall be protected by a guardrail. This section shall apply from the highest work area floor to the level of exit discharge, but shall be confined to the egress path of any work area.

403.2.5.1 Existing guardrails. Other than guardrails located on the open side of a stairway, which are at least 36 inches (914 mm) in height, shall be permitted to remain. Guardrails lower than 36 inches (914 mm) in height shall be augmented or corrected to raise their effective height to 36 inches (914 mm). Guardrails for stairways, exclusive of their landings, may have a height that is not less than 30 inches (762 mm) measured above the nosing of treads. When approved by the building official, the spacing between existing intermediate railings or openings in existing ornamental patterns may be accepted. See Chapter 6 for existing guardrails in historical structures.

403.2.5.2 Where there are no guardrails or where the existing guardrails must be replaced in accordance with Section 403.2.5.1, the guardrails shall be designed and installed in accordance with the Building Code.

403.2.6 Fire Escape Construction Requirements. Fire escapes shall meet the following requirements. Fire escapes shall be subject to re-inspection as required by the building official. The building official may require

documentation to show compliance with the requirements of this section.

Fire escapes shall comply with the following:

- (1) All openings in an exterior wall below or within 10 feet (3048 mm), measured horizontally, of an existing fire escape serving a building over two stories in height shall be protected by a self-closing fire assembly having a three-fourths-hour fire-protection rating. When located within a recess or vestibule, adjacent enclosure walls shall not be less than one-hour fire-resistive construction.
- (2) Fire escape stairways and their balconies shall support their dead load plus a live load of not less than 100 pounds per square foot (4788 Pa) or a concentrated load of 300 pounds (1334 N) placed anywhere on the balcony or stairway to produce the maximum stress conditions. The stairway shall have a slope not to exceed 60 degrees from the horizontal and shall have a minimum width of 18 inches (457 mm). The stairway shall be provided with a top and intermediate railing on each side. Treads shall not be less than 4 inches (102 mm) in width and the rise between treads shall not exceed 10 inches (254 mm). All stairway and balcony railings shall support a horizontally applied force of not less than 50 pounds per lineal foot (218.9 N/m) of railing or a concentrated load of 200 pounds (890 N) placed anywhere on the railing to produce the maximum stress conditions.
- (3) Fire escape balconies shall not be less than 44 inches (1118 mm) in width with no floor opening greater than 5/8 inch (15.9 mm) in width except the stairway opening. Stairway openings in such balconies shall not be less than 22 inches by 44 inches (559 mm by 1118 mm). The guardrail of each balcony shall not be less than 36 inches (914 mm) high with not more than 9 inches (229 mm) between intermediate rails.
- (4) Fire escapes shall extend to the roof or provide an approved gooseneck ladder between the top floor landing and the roof when serving buildings four or more stories in height having roofs with a slope not exceeding 4 units vertical in 12 units horizontal (33.3 percent slope). Such ladders shall be designed and connected to the building to withstand a horizontal force of 100 pounds per lineal foot (1459 N/m); each rung shall support a concentrated load of 500 pounds (2224 N) placed anywhere on the rung to produce the maximum stress conditions. All ladders shall be at least 15 inches (381 mm) in clear width, be located within 12 inches (305 mm) of the building and shall be placed flat wise relative to the face of the building. Ladder rungs shall be 3/4 inch (19.1 mm) in diameter and shall be located 10 inches to 12 inches (254 mm to 305 mm) on center. Openings for roof access ladders through cornices and similar projections shall have minimum dimensions of 30 inches by 33 inches (762 mm by 838 mm).
- (5) The lowest balcony shall not be more than 18 feet (5486 mm) from the

ground. Fire escapes shall extend to the ground or be provided with counterbalanced stairs reaching to the ground.

- (6) Fire escapes shall be kept clear and unobstructed at all times and maintained in good working order.
- (7) The fire escape shall have a clearance from electrical service conductors as required by the Electrical Code.

403.2.7 Means of Egress Lighting.

403.2.7.1 Means of egress in all work areas shall be provided with artificial emergency lighting in accordance with the requirements of the Building Code.

403.2.7.2 (Supplemental requirement) Where the work area on any floor exceeds 50 percent of that floor area, means of egress throughout the floor shall be provided with emergency artificial lighting in accordance with the requirements of the Building Code.

EXCEPTION: Means of egress within a tenant space that is entirely outside the work area need not comply.

403.2.7.3 (Supplemental requirement) In a building with work areas involving over 50 percent of the aggregate floor area within the building, means of egress from the floor of the highest work area to the floor of exit discharge, and all intermediate floors, shall be provided with artificial emergency lighting within the exit enclosure in accordance with the requirements of the Building Code.

403.2.8 Exit Signs.

403.2.8.1 Corridors and means of egress in all work areas shall be provided with exit signs in accordance with the requirements of the Building Code.

403.2.8.2 (Supplemental requirement) Where the work area on any floor exceeds 50 percent of that floor area, corridors and means of egress throughout the floor shall be provided with exit signs in accordance with the requirements of the Building Code.

403.2.8.3 (Supplemental requirement) In a building with work areas involving over 50 percent of the aggregate floor area within the building, means of egress from the floor of the highest work area to the floor of exit discharge shall be provided with exit signs in accordance with the requirements of the Building Code.

403.2.9 Egress Doorways.

403.2.9.1 In any work area, all rooms and spaces having an occupant load greater than 50 or in which the travel distance exceeds 75 feet (22.86 m) shall

have a minimum of two egress doorways.

EXCEPTIONS:

- (1) Storage rooms having an occupant load of 10 or less.
- (2) Where the work area is served by a single exit in accordance with Section 403.2.8.

403.2.9.2 In buildings of Use Group I-2, any patient sleeping room or suite of rooms greater than 1,000 square feet (92.9 m²) in the work area shall have a minimum of two egress doorways.

403.2.10 Corridors. Corridors in the work area serving as a part of the means of egress system shall be constructed as required by the Building Code. Existing walls and ceilings surfaced with wood lath and plaster or 1/2 inch thick (12.7 mm) gypsum wallboard may be permitted in lieu of one-hour fire-resistive construction, provided the surfaces are in good condition.

403.2.11 Corridor doors.

403.2.11.1 In any work area, door openings into corridors shall be protected by a tight-fitting smoke and draft-control assembly having a fire-protection rating of not less than 20 minutes when such opening protection was required by the code under which the building was constructed. Door-closing devices, door gaskets and other requirements imposed by the code under which the building was constructed shall be maintained. Corridor doors in the work area shall not be constructed of hollow core wood and shall not contain louvers.

When the building was constructed under a code that did not require 20-minute smoke and draft-control assemblies, doorway openings shall be protected by doors having a fire-protection rating of not less than 20 minutes or by a minimum 1 3/8 inch thick (34.9 mm) solid-bonded wood core door or an equivalent insulated steel door. In such case, the frames need not have a fire-resistive time period. Doors shall be maintained self-closing with self-latching hardware as required by the Building Code or shall be automatic closing by activation of a smoke detector.

403.2.11.2 All dwelling units, guest rooms or rooming unit corridor doors in work areas in buildings of Use Groups R-1, and I-1 shall be at least 1 3/8 inch solid core wood or approved equal with approved door closers and shall not have any glass panels, other than approved wired glass or other approved glazing material in metal frames.

EXCEPTIONS:

- (1) Corridor doors within a dwelling unit or guest room.
- (2) Existing doors meeting the requirements of the Guidelines of UCBC-2 Fire Ratings of Archaic Materials, Item 3.4 and UCBC Appendix, Section V-Doors, which have a rating of 15 minutes or better shall be accepted as meeting the provisions of this requirement.
- (3) Existing doors in buildings protected throughout with an approved automatic sprinkler system shall be required only to resist smoke; shall not contain louvers; and shall be reasonably tight fitting. Such doors shall be equipped with self-closing devices and latches per the Building Code.
- (4) In group homes with a maximum of 15 occupants, and which are protected with an approved automatic detection system, closing devices may be omitted.

403.2.11.3 Transoms. In any work area, transoms and openings other than doors from corridors to rooms shall be protected as required by the Building Code. When the code under which the building was constructed permitted unprotected transoms or other unprotected openings, other than doors, such transoms or openings shall be covered with a minimum of 3/4 inch thick (19.1 mm) wood structural panel or 1/2 inch thick (12.7 mm) gypsum wallboard or equivalent material on the room side. Openings with fixed wired glass or other approved material set in steel frames or minimum 1/4 inch aluminum frames are permitted in corridor walls. In all buildings of Use Group I-1, and R-1 all transoms in corridor walls of work areas shall be either glazed with 1/4 inch wired glass set in metal frames or other glazing assemblies having a fire-protection rating as required for the door and permanently secured in the closed position or sealed with materials consistent with the corridor construction.

EXCEPTION: Existing corridor walls, ceilings and opening protection not in compliance with the above may be continued when the building is protected with an approved automatic sprinkler system throughout. Such sprinkler system may be supplied from the domestic water-supply system when approved by the building official, provided the system is of adequate pressure, capacity and sizing for the combined domestic and sprinkler requirements.

403.2.11.4 Other corridor openings. In any work area, any other sash, grill or opening in a corridor, and any window in a corridor not opening to the outside air, shall be protected as required by the Building Code with materials consistent with the corridor construction.

403.2.11.5 (Supplemental requirements) The requirements of Sections 403.2.11 shall apply on the entire floor when the work area exceeds 50 percent of the floor area. Corridors within a tenant space that is entirely outside the work area need not comply with this requirement.

403.2.12 Door swing. In the work area and in the egress path from any work area to the exit discharge, all egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel. Doors serving hazardous areas shall swing in the direction of exit travel.

403.2.13 All doors located in any work area which open into an exit stair shall be self-closing or automatic closing by approved listed closing devices.

EXCEPTION: Where the Building Code does not require closing devices.

403.2.14 In any work area, and in the egress path from any work area to the exit discharge, in a building or portions thereof of Use Group A with an occupant load greater than 50, all required exit doors equipped with latching devices shall be equipped with approved panic hardware.

403.2.15 (Supplemental requirements) The requirements of Sections 403.2.12 through 403.2.14 shall apply on the entire floor when the work area exceeds 50 percent of the floor area.

EXCEPTION: Means of egress within a tenant space that is entirely outside the work area need not comply.

403.2.16 Work areas in buildings of Use Group I-3 having remote power unlocking capability for more than 10 locks shall be provided with an emergency power source for such locks. Power shall be arranged to automatically operate upon failure of normal power within 10 seconds and for a duration of not less than one hour.

403.2.17 Dead End Corridors. Existing dead end corridors in any work area shall not exceed 35 feet (10.66 m). Newly constructed dead end corridors shall comply with the Building Code.

EXCEPTIONS:

- (1) Where dead end corridors of greater length are permitted by the Building Code.
- (2) In other than Use Groups A, E, H and I the maximum length of an existing dead end corridor shall be 50 feet (15.24 m) in buildings equipped throughout with an automatic fire alarm system installed in accordance with the Building Code
- (3) In other than Use Groups A, E, H and I the maximum length of an existing dead end corridor shall be 70 feet (21.33 m) in buildings equipped throughout with an automatic sprinkler

- system installed in accordance with the Building Code.
- (4) In other than Use Groups A, E, H and I the maximum length of a newly constructed or extended dead end corridor shall not exceed 50 feet (15.24 m) in buildings equipped throughout with an automatic sprinkler system installed in accordance with the Building Code.

SECTION 404 - INTERIOR FINISH

404.1 When the alteration work in the work area includes no reconfiguration of spaces, the requirements of Sections 404.1.1 and 404.1.2 shall apply in the work area.

404.1.1 Wood paneling and textile wall coverings used as an interior finish shall comply with the flame spread requirements of the Building Code.

404.1.2 Carpeting used as an interior finish material shall comply with the radiant flux requirements of the Building Code.

404.2 When the alteration work in the work area includes any of the work as specified in Section 401.3.3, then the requirements of Sections 404.1.1, 404.1.2 and 404.2.1 shall apply throughout the work area, and supplemental requirements shall apply as specified.

404.2.1 The interior finish of walls and ceilings in any work area shall comply with the requirements of the Building Code. All existing interior finish materials, which do not comply with the requirements of this section, shall be removed or shall be treated with an approved fire-retardant coating in accordance with the manufacturer's instructions to secure compliance with the requirements of this section.

404.2.2 (Supplemental requirements)

404.2.2.1 Where the work area on any floor exceeds 50 percent of that floor area, the requirements of Section 404.2.1 shall apply to the interior finish in exits and corridors serving the work area on the entire floor.

EXCEPTION: Interior finish within a tenant space that is entirely outside the work area need not comply.

404.2.2.2 In a building with work areas involving over 50 percent of the aggregate floor area within the building, the requirements for interior finishes in exits shall apply from the floor of the highest work area to the floor of exit discharge, and to all intermediate floors.

SECTION 405 - SHAFT ENCLOSURES

405.1 In any work area, newly constructed vertical openings connecting two or more floors shall comply with the requirements of the Building Code.

405.2 When the alteration work in the work area includes any of the work specified in Section 401.3.3, then the requirements of Section 405.2.1 shall apply throughout the work area, and supplemental requirements shall apply as specified.

405.2.1 In any work area, all existing interior vertical openings connecting two or more floors shall be enclosed with approved assemblies having a fire-resistance rating of not less than one hour with approved opening protection.

EXCEPTIONS:

- (1) Where vertical opening enclosures is not required by the Building Code.
- (2) Interior vertical openings other than stairways may be blocked at the floor and ceiling of the work area by installation of not less than 2 inches (50.8 mm) of solid wood or equivalent construction.
- (3) In Use Groups A, B and M, a minimum 30-minute enclosure shall be provided to protect all vertical openings not exceeding three stories.
- (4) In Use Group A, a shaft enclosure shall not be required for the following conditions:
 - (4.1) Where connecting the main floor and mezzanines; or
 - (4.2) Where all the following conditions are met;
 - (4.2.1) The communicating area has a low hazard occupancy, or has a moderate hazard occupancy, which is protected throughout by an automatic sprinkler system; and
 - (4.2.2) The lowest or next lowest level is a street floor; and
 - (4.2.3) The entire area is open and unobstructed in a manner such that it may be assumed that a fire in any part of the interconnected spaces will be readily obvious to all of the occupants; and

(4.2.4) Exit capacity is sufficient to provide egress simultaneously for all the occupants of all levels by considering all areas to be a single floor area for the determination of required exit capacity; and

(4.2.5) Each floor level, considered separately, has at least one-half of its individual required exit capacity provided by an exit or exits leading directly out of that level without having to traverse another communicating floor level or be exposed to the smoke or fire spreading from another communicating floor level.

- (5) In Use Group B, the enclosure shall not be required in a building not exceeding 3,000 square feet (278.7 m²) per floor and 3 stories in height, or when the building is protected throughout by an approved automatic fire sprinkler system.
- (6) In Use Group E, the enclosure shall not be required for vertical openings not exceeding three stories when the building is protected throughout by an approved automatic fire sprinkler system.
- (7) In Use Group F, the enclosure shall not be required for vertical openings not exceeding three stories:
 - (7.1) In special purpose occupancies when necessary for manufacturing operations and direct access is provided to at least one protected stairway; or
 - (7.2) In buildings that are protected throughout by an approved automatic sprinkler system.
- (8) In Use Group H, the enclosure shall not be required for vertical openings not exceeding three stories when necessary for manufacturing operations and every floor level has direct access to at least two remote enclosed stairways or other approved exits.
- (9) In Use Group M, the enclosure shall not be required when:
 - (9.1) Openings connect only two floor levels, such as between the street floor and mezzanine or second floor; or
 - (9.2) Occupancies are protected throughout by an approved automatic sprinkler system.
- (10) In Use Group R-1, the enclosure shall not be required for vertical openings not exceeding three stories for the following

conditions;

(10.1) In buildings that are protected throughout by an approved automatic sprinkler system; or

(10.2) In buildings with less than 25 guests in which all of the following conditions are met:

(10.2.1) Every sleeping room is provided with an approved window having a sill height not greater than 44 inches (1118 mm), above the floor.

(10.2.2) Every sleeping room above the second floor is provided with direct access to a fire escape or other approved second exit;

(10.2.3) Any exit access corridor exceeding eight feet in length which serves two means of egress, at least one of which is an unprotected vertical opening, shall be separated from the vertical opening by a one-hour fire barrier; and

(10.2.4) The building is protected throughout by an automatic fire alarm system, installed and supervised in accordance with the Building Code.

405.2.2 (Supplemental requirements).

405.2.2.1 Where the repair and alteration work area on any floor exceeds 50 percent of that floor area; Section 405.2.1 shall apply throughout the floor.

405.2.2.2 Where the repair and alteration work area on any floor exceeds 50 percent of that floor area, stairways that are part of the means of egress serving the work area shall be enclosed with smoke-tight enclosures on all floors below the highest work area floor.

EXCEPTION: Where the Building Code does not require stairway enclosure.

405.2.2.3 In a building with work areas involving over 50 percent of the aggregate floor area within the building stairways that are part of the means of egress shall be enclosed in accordance with Section 405.2.1 on the

highest work area floor and on all floors below it.

SECTION 406 - FIRE SEPARATION AND SMOKE BARRIERS

406.1 When the alteration work in the work area includes any of the work specified in Section 401.3.3, then the requirements of Sections 406.2 and 406.3 shall apply as specified.

406.2 Use Group I-2.

406.2.1 Where the work area is on a story used for sleeping purposes for more than 30 patients, the story shall be divided into not less than two compartments by smoke barrier walls complying with the technical requirements of Section 406.2.2. Each compartment shall not exceed 22,500 square feet (2090.2 m²) and the travel distance from any point to reach a means of egress door in the required smoke barrier shall not exceed 250 feet (60.96 m).

EXCEPTION: Where neither the length nor width of the smoke compartment exceeds 150 feet (45.79 m), the travel distance to reach the smoke barrier door shall not be limited.

406.2.2 The smoke barriers specified in Section 406.2.1 shall be constructed in accordance with the following provisions:

- (1) Smoke barriers shall have a fire-resistance rating of not less than 5/8 inch thick Type X gypsum wallboard or other one-half hour assembly and shall form an effective membrane continuous from outside wall to outside wall and from floor slab to floor or roof deck above, including continuity through all concealed spaces, such as those found above suspended ceilings, and including interstitial structural and mechanical spaces. Transfer grilles, whether equipped with fusible link-operated dampers or not, shall not be used in these partitions.
- (2) Smoke barriers are not required in small confined spaces when such spaces are designed and constructed with ceilings that provide resistance to the passage of fire and smoke equivalent to that provided by smoke barriers.
- (3) Doors in smoke barriers shall have a fire-protection rating of not less than 20 minutes when tested in accordance with ASTM E152 without the hose stream and labeled by an approved agency, or shall be 1 3/4-inch solid bonded wood core doors. Newly installed double egress corridor doors shall have approved vision panels in accordance with the Building Code. The doors shall close the

openings with only the clearance necessary for proper operation under self-closing or automatic closing and shall be without undercuts, louvers or grilles. Rabbets or astragals are required at the meeting edges of newly installed double egress doors, and stops are required on the head and jambs of all doors in smoke barriers. Positive latching devices are not required on double egress corridor doors, and center mullions are prohibited.

- (4) Protection at the meeting edges of doors and stops at the head and sides of door frames shall not be required in buildings equipped with an approved engineered smoke control system. The engineered smoke control system shall respond automatically, preventing the transfer of smoke across the barrier.
- (5) Doors in smoke barriers shall be self-closing or shall be provided with approved door hold-open devices of the fail-safe type, which shall release the doors causing them to close upon the actuation of smoke detectors as well as upon the application of a maximum manual pull of 50 pounds (22.7 kg) against the hold-open device.
- (6) An approved damper designed to resist the passage of smoke shall be provided at each point a duct penetrates a smoke barrier. The damper shall close upon detection of smoke by an approved smoke detector located within the duct.
- (7) In lieu of an approved smoke detector located within the duct, ducts which penetrate smoke barriers above doors are permitted to have the approved damper arranged to close upon detection of smoke on either side of the smoke barrier door opening.
- (8) Dampers are not required in the following situations;
 - (8.1) Where not required by the Building Code.
 - (8.2) In buildings equipped with an approved engineered smoke control system.
 - (8.3) Where the openings in ducts are limited to a single smoke compartment and the ducts are of steel construction.
 - (8.4) In fully ducted systems where both sides of the smoke barrier are protected with an automatic sprinkler system.

406.3 Use Groups R-1 and R-3.

406.3.1 Where the work area is in Use Groups R-1 and R-3, walls separating the dwelling units, which are not continuous from the foundation to the underside of the roof sheathing, shall be constructed to provide a continuous fire separation using construction material consistent with the existing wall or complying with the requirements for new structures. All work shall be

performed on the side of the wall of the dwelling unit that is part of the work area.

EXCEPTION: Walls are not required to be continuous through concealed floor spaces.

SECTION 407 - FIRE SUPPRESSION SYSTEMS

407.1 When the alteration work in the work area includes any of the work specified in Section 401.3.3, then the requirements of this Section shall apply throughout the work area, and supplemental requirements shall apply as specified.

407.2 All work areas in any building or portion thereof that is required to have a fire-extinguishing system in accordance with the Building Code shall be provided with an automatic fire-suppression system.

EXCEPTION: In other than high-rise structures, where an automatic water supply for sprinkler protection is not available at that floor level, the building and fire official shall be permitted to accept alternative protection.

407.3 (Supplemental requirements).

407.3.1 Where the work area on any floor exceeds 50 percent of that floor area, Section 407.2 shall apply to the entire floor.

EXCEPTION: In other than high-rise structures, where an automatic water supply for sprinkler protection is not available at that floor level, the building and fire official shall be permitted to accept alternative protection.

407.3.2 In a building with work areas involving over 50 percent of the aggregate building area, Section 407.2 shall apply to the highest floor containing a work area and all floors below.

407.4 Mixed Use. In building containing mixed uses, one or more of which requires automatic suppression in accordance with Sections 407.2 or 407.3, suppression will not be required throughout the building, provided that the uses requiring suppression are separated from those not requiring suppression by fire-resistive construction having a minimum two-hour rating for Use Group H, and a minimum one-hour rating for all use groups other than Use Group H.

407.5 Supervision. Fire suppression systems required by the Section shall be supervised by one of the following methods:

- (1) Approved central station system in accordance with NFPA 72;
- (2) Approved proprietary system in accordance with NFPA 72;
- (3) Approved remote station system of the jurisdiction in accordance with NFPA 72; or
- (4) Approved local alarm service, which will cause the sounding of an alarm in accordance with NFPA 72.

EXCEPTIONS:

- (1) Underground gate valve with roadway boxes;
- (2) Limited area sprinkler systems.

407.6 Standpipes. Any work areas in a building that is required to be provided with a standpipe system by the Building Code shall be provided with standpipes up to and including the highest work area floor. The standpipes shall be located and installed in accordance with the Building and Fire Code.

SECTION 408 - FIRE ALARMS

408.1 When the alteration work in the work area includes any of the work specified in Section 401.3.3, then the requirements of this Section shall apply throughout the work area, and supplemental requirements shall apply as specified.

408.2 All work areas in any building or portion thereof that is required to have a fire-alarm system in accordance with the Building Code and Fire Code shall be provided with a fire alarm system.

408.3 Smoke Detectors.

408.3.1 In Use Groups R-1, individual guestrooms and individual dwelling units in any work area shall be provided with smoke detectors complying with the Building Code.

408.3.2 Where the work area is in Use Groups R-3, smoke detectors shall be provided as required by the Building Code.

EXCEPTIONS:

- (1) Interconnection of smoke detectors shall not be required.
- (2) Battery-powered single station smoke detectors listed in accordance with UL 217 shall be permitted outside the work area.

408.4 Manual Fire Alarm Systems.

408.4.1 Where the work area on any floor exceeds 50 percent of that floor area and the work area is in a building that is required to have a manual fire alarm system in accordance with the Building Code, a manual fire alarm system shall be provided on the floor. Alarm-indicating appliances shall be provided on the floor and shall be automatically activated as required by the Building Code for all new and existing initiating devices.

408.4.2 Where the work area involves over 50 percent of the aggregate building area and the work area is in a building that is required to have a manual fire alarm system in accordance with the Building Code, a manual fire alarm system shall be provided throughout the building in accordance with the Building Code.

408.5 Automatic Fire Detection Systems.

408.5.1 Where the work area is in a building that is required to have an automatic fire detection system in accordance with the Building Code, an automatic fire detection system shall be installed in the work area. Existing alarm-indicating appliances shall be automatically activated throughout the building. Where the building is not equipped with a fire alarm system, alarm-indicating appliances within the work area shall be provided and automatically activated.

EXCEPTION: Where selective notification is permitted, alarm-indicating appliances shall be automatically activated in the areas selected.

408.5.2 Where the work area on any floor exceeds 50 percent of that floor area and the work area is in a building that is required to have an automatic fire detection system in accordance with the Building Code, an automatic fire detection system shall be installed throughout the floor. Alarm-indicating appliances shall be automatically activated throughout the building.

EXCEPTIONS:

- (1) Where selective notification is permitted, alarm-indicating appliances shall be automatically activated in the areas selected.
- (2) Where the building is not equipped with a fire alarm system, alarm indicating appliances on the floor shall be provided and automatically activated.

408.5.3 Where the work area involves over 50 percent of the aggregate building area and the building is required to have an automatic fire detection system in accordance with the Building Code, an automatic fire detection system shall be provided throughout the building in accordance with the Building Code.

SECTION 409 - RESERVED

SECTION 410 - BOILER/FURNACE EQUIPMENT ROOMS

410.1 When the alteration work in the work area includes any of the work specified in Section 401.3.3, then the requirements of this section shall apply as specified.

410.2 Heating Equipment Room Occupancy Separation. In Groups A, B, E, F, I, M, R Division 1; and S Occupancies, rooms containing a boiler, central heating plant or hot-water supply boiler shall be separated from the rest of the building by not less than a one-hour occupancy separation.

EXCEPTIONS:

- (13) In Groups A, B, E, F, M and S Occupancies, boilers, central heating plants or hot-water supply boilers where the largest piece of fuel equipment does not exceed 400,000 Btu per hour (117.2 kW) input.
- (14) In Group R, Division 1 Occupancies, a separation need not be provided for such rooms with equipment serving only one dwelling unit.
- (15) Furnace rooms protected with automatic sprinkler protection.

410.3 Emergency controls shall be provided in all structures classified as day nurseries, children's shelter facilities, residential child care facilities and similar facilities with children below the age of 2 1/2 years, and which may be classified as Use Group I Occupancy and in group homes, teaching family homes, supervised transitional living homes which may be classified as Group R, shall be in accordance with the following:

- (1) Emergency shutoff switches for furnaces and boilers in basements must be at the top of the stairs leading to the basement; and
- (2) Emergency shutoff switches for furnaces and boilers in other enclosed rooms must be located outside of the room.

EXCEPTION: Where the only entrance to an equipment room

containing a boiler is located on an exterior wall or in a public area, the emergency shutoff switch may be located inside the equipment room near the exiting door.

SECTION 411 - STRUCTURAL REQUIREMENTS

411.1 The requirements of this Section shall apply in any alteration work area.

411.2 The minimum design loads for the structure shall be the loads applicable at the time the building was constructed, provided that no dangerous condition is created. Structural elements which are uncovered during the course of the modification and which are found to be unsound or dangerous, shall comply with applicable requirements of the Building Code.

Wood framing is permitted to use the design stresses specified in the Building Code under which the building was constructed or other stress criteria approved by the building official.

SECTION 412 - OTHER SAFETY FEATURES

412.1 Electrical. The electrical service, branch circuits, switches, receptacles, fixtures and all other electrical wiring fixture coverings and supports in every building or structure shall be in good repair. Broken, loose, frayed, inoperative, defective or missing devices shall be repaired or replaced. All unsafe conditions shall be corrected.

412.2 Electrical Equipment and Wiring.

412.2.1 The requirements of this subsection apply in any alteration work area.

412.2.2 All newly-installed electrical equipment and wiring relating to work done in any work area shall comply with the materials and methods requirements of the Electrical Code. Other existing wiring does not have to be changed if it met the Code at the time of installation and has been maintained in a safe manner.

EXCEPTION: Electrical equipment and wiring in newly installed partitions and ceilings shall comply with all applicable requirements of the Electrical Code.

412.2.3 Existing wiring in all work areas in Use Groups A, E, H and I shall be upgraded to meet the materials and methods requirements of the Electrical Code.

412.2.4 Service equipment and/or feeders in Use Group R-3. Service to

existing dwelling units in any work area shall be a minimum of 100 amperes, three-wire capacity, and service equipment shall be dead front, having no live parts exposed whereby accidental contact could be made. Type "S" fuses shall be installed when fused equipment is used.

EXCEPTION: Existing service equipment of 60 ampere three-wire capacity, and feeders of 30 ampere or larger, two- or three-wire capacity, shall be accepted if adequate for the electrical load being served.

412.2.5 In Use Group R-3, when the work area includes any of the following areas within a dwelling unit, the following requirements shall apply:

412.2.5.1 All enclosed areas, other than closets, kitchens, basements, garages, hallways, laundry areas and bathrooms, shall have a minimum of three duplex receptacle outlets or two duplex receptacle outlets and one ceiling or wall type lighting outlet.

412.2.5.2 Kitchen areas shall have a minimum of two duplex receptacle outlets, each on a separate circuit, and a switch controlled hard-wired lighting outlet.

412.2.5.3 Laundry areas shall have a minimum of one duplex receptacle outlet located near the laundry equipment and installed on an independent circuit.

412.2.5.4 Ground fault circuit protection interruption shall be provided on newly installed 125 volts, 15 and 20 ampere receptacle outlets as required by the Electrical Code.

412.2.5.5 At least one switch-controlled lighting outlet shall be provided in every bathroom, hallway, and stairway, attached garage and detached garage with electric power, and to illuminate outdoor entrances and exits.

412.2.5.6 At least one switch-controlled lighting outlet shall be provided in utility rooms and basements where these spaces are used for storage or contain equipment requiring service.

412.2.5.7 Clearance for electrical service equipment shall be provided in accordance with the Electrical Code.

412.3 Plumbing. Leaking drain or supply lines shall be repaired or replaced. All unsafe conditions shall be corrected. Any cross-connections or siphonage between fixtures shall be corrected.

When the alteration work in the work area includes any of the work

specified in Section 401.3.2, and the work area is more than 50 percent of the gross floor area as defined in the Building Code, and the occupant load will be increased by at least 20 percent as a result of the alteration, plumbing fixtures shall be provided based on the increased occupant load in the work area in quantities and locations specified in the Plumbing Code based on the increased occupant load.

412.4 Mechanical. Mechanical systems shall have any unsafe conditions corrected. The requirements of this subsection shall apply when the alteration work in the work area includes any of the work specified in Section 401.3.2.

412.4.1 All altered spaces intended for occupancy and all spaces converted to habitable or occupiable space in any work area shall be provided with either natural or mechanical ventilation.

412.4.1.1 Natural ventilation shall comply with the requirements of the Building Code.

412.4.1.2 Existing and newly-installed mechanical ventilation systems shall comply with the requirements of the Mechanical Code.

412.4.1.3 In mechanically ventilated spaces, existing mechanical ventilation systems that are altered, reconfigured or extended shall provide not less than 5 cubic feet per minute (cfm) per person of outdoor air and not less than 15 cfm of ventilation air per person; or not less than the amount of ventilation air determined by the Indoor Air Quality Procedure of ASHRAE 62-89.

412.4.1.4 All newly introduced devices, equipment or operations that produce airborne particulate matter, odors, fumes, vapor, combustion products, gaseous contaminants, pathogenic and allergenic organisms, and microbial contaminants in such quantities as to adversely affect or impair health, or cause discomfort to occupants, shall be provided with local exhaust terminating to the exterior of the building.

SECTION 413 - INTERIOR SPACE DIMENSIONS

413.1 In Groups R-1 and R-3, when habitable spaces as defined in the Building Code are created in previously unoccupied space, other than a kitchen, they shall not be less than 7 feet in any plan dimension.

413.2 In Groups R-1 and R-3, when habitable spaces as defined in the Building Code are created in previously unoccupied space, they shall have a ceiling height of not less than 7 feet.

EXCEPTIONS:

Beams, girders, ducts or pipes spaced not less than 4 feet on center and projecting not more than 6 inches below the required ceiling height.

For rooms with a sloped ceiling, the prescribed ceiling height is required for at least 35 square feet of the floor area of the room. Any portion of the room measuring less than 5 feet from the finished floor to the finished ceiling shall not be considered usable floor area and shall not be included in any computation of the minimum area thereof.

413.3 In Group R-3, when habitable spaces as defined in the Building Code are created in previously unoccupied space, other than a kitchen, they shall have a net floor area of not less than 70 square feet.

SECTION 414 - COMMERCIAL KITCHENS

414.1 Where the alteration work area includes a commercial kitchen and the modification includes reconfiguration or extension of cooking equipment, or the installation of additional cooking equipment, existing grease ducts, exhaust equipment, and kitchen hoods and suppression systems shall be brought into compliance with all the requirements in the Mechanical Code and Fire Code.

- A. **Appendix Chapter 1, SEISMIC STRENGTHENING PROVISIONS FOR UNREINFORCED MASONRY BEARING WALL BUILDINGS, SCOPE**, Section A102 is hereby amended by adding the following section to read as follows:
- B. **A102.3** Seismic Zone Map. Figure 16-2, Seismic Zone Map of the United States, Chapter 16, Volume 2, of the 1997 Uniform Building Code is hereby amended to show the Emporia Area as being in Seismic Zone Number 1.
- E. Appendix Chapter 3, **ACCESSIBILITY** is hereby amended in its entirety and to read as follows:

Appendix Chapter 3, ACCESSIBILITY

SECTION A301 - SCOPE

The design and construction of accessible building elements shall be in accordance with the American with Disabilities Act (ADA), Accessibility Guidelines for

Buildings and Facilities (ADAAG).

2. Deletions. The 1997 Uniform Code for Building Conservation is hereby amended by omitting and deleting the following provisions:
 - a. **Appendix, Chapter 2, LIFE-SAFETY REQUIREMENTS FOR EXISTING HIGH-RISE BUILDINGS.**
 - b. **UCBC - 4 ELECTRICAL GUIDELINE**
- 3.6 **SECOND SERVICE ENTRANCE AND DISCONNECT**