

ORDINANCE NO. 23-3437

AN ORDINANCE AMENDING CHAPTER 2, ARTICLES 2 AND 3 OF THE CITY CODE OF THE CITY OF ABILENE, KANSAS TO ADOPT THE STANDARD CODES KNOWN AS THE 2018 INTERNATIONAL BUILDING CODE, THE 2018 INTERNATIONAL RESIDENTIAL CODE, THE 2018 INTERNATIONAL EXISTING BUILDING CODE, THE 2018 INTERNATIONAL PLUMBING CODE, THE 2018 INTERNATIONAL MECHANICAL CODE, THE 2018 INTERNATIONAL FUEL GAS CODE, 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE, 2017 NATIONAL ELECTRICAL CODE, AND THE 2018 INTERNATIONAL FIRE CODE, WITH CERTAIN OMISSIONS, CHANGES, AND ADDITIONS THERETO, AND TO ESTABLISH THE PROCEDURES FOR APPEALING DECISIONS OF THE BUILDING OFFICIAL UNDER SUCH ADOPTED CODES.

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

SECTION 1. Section 2-201 of the City Code of the City of Abilene, Kansas is hereby amended to read as follows:

2-201. Standard building codes incorporated by reference. The following standard codes are hereby adopted and incorporated by reference, except as amended in this division:

- (a) The International Building Code, 2018 Edition, promulgated and published by the International Code Council, except as amended in section 2-201-1, and excluding all of its appendices.
- (b) The International Residential Code, 2018 Edition, promulgated and published by the International Code Council, except as amended in section 2-201-2, and excluding all of its appendices.
- (c) The International Existing Building Code, 2018 Edition, promulgated and published by the International Code Council, except as amended in section 2-201-3, and excluding all of its appendices.
- (d) The International Plumbing Code, 2018 Edition, promulgated and published by the International Code Council, except as amended in section 2-201-4, and excluding all of its appendices.
- (e) The International Mechanical Code, 2018 Edition, promulgated and published by the International Code Council, except as amended in section 2-201-5, and excluding all of its appendices.
- (f) The International Fuel Gas Code, 2018 Edition, promulgated and published by the International Code Council, except as amended in section 2-201-6, and excluding all of its appendices.

- (g) The International Property Maintenance Code, 2018 Edition, promulgated and published by the International Code Council, except as amended in section 2-201-7, including Appendix A, but not any other of its appendices.
- (h) The National Electric Code – NFPA 70, 2017 Edition, promulgated and published by the National Fire Protection Association, except as amended in section 2-201-8.

SECTION 2. New Section 2-201-1 of the City Code of the City of Abilene, Kansas is hereby established to read as follows:

2-201-1. Amendments to the International Building Code.

The International Building Code, adopted by Section 2-201, is hereby changed, altered, modified or otherwise amended as follows:

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

Section 101.1 Title. These regulations shall be known as the Building Code of the City of Abilene, Kansas, hereinafter known as “this code”.

- (2) Section 105.2 of the International Building Code is hereby changed to read as follows:

Section 105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authority for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

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

11. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
12. Swings and other playground equipment.
13. Window awnings supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support.
14. Non-fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.
15. Changes of occupancy to an equal or lesser hazard category as denoted in both Table 912.4 and Table 912.5 of the 2009 International Existing Building Code where no other work requiring a permit is being done.

- (3) Section 109.2 of the International Building Code is hereby changed to read as follows:

Section 109.2 Schedule of Fees. On buildings or structures requiring a permit other than those owned by the city, a fee for each permit shall be paid as required, in accordance with the comprehensive fee schedule. Each inspection which is not deemed ready for inspection at the scheduled time shall be considered a failed inspection and subject to re-inspection. The re-inspection fee shall be paid within 10 calendar days of the date of the inspection causing the fee, and prior to a certificate of occupancy being issued for that project. Subsequent inspections for that permitted project shall not be conducted until all past due re-inspection fees have been paid. The Building Official shall have the authority to waive re-inspection fees as deemed necessary.

- (4) Section 109.3 of the International Building Code is hereby changed to read as follows:

Section 109.3 Building Permit Valuations. The determination of value or valuation under any of the provisions of this code shall be made by the building official. The valuation shall be calculated by using the most recent version of Valuation Data Table as published by the International Code Council. The amount to be used for determining the building permit fee shall be the total value of all construction work for which the permit is issued including all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment. No fee, other than that set forth above, shall be charged for new construction; although this does not preclude the building official from charging separate fees for sewer and water connections and sign installations. The governing body shall have the right to waive fees as it deems necessary.

- (5) Section 109.4 of the International Building Code is hereby changed to read as follows:

Section 109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee equal to the permit fee in addition to the required permit fees at the discretion of the Building Official.

- (6) Section 113 of the International Building Code is hereby changed to read as follows:

Section 113. Board of appeals. Appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code shall be heard and decided by the building standards board.

- (7) Section 406.3.2.1 of the International Building Code is hereby changed to read as follows:

Section 406.3.2.1 Dwelling unit separation. Separations shall comply with the following:

1. The private garage shall be separated from the dwelling unit and its attic by means of gypsum board, not less than ½ inch (12.7 mm) in thickness, applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms by not less than ⅝ inch (15.9 mm) type X gypsum board and ½ inch (12.7 mm) gypsum board applied to structures supporting the separation from habitable rooms above the garage. Door openings between a private garage and the dwelling unit shall be equipped with either solid wood doors or solid or honeycomb core steel doors not less than 1⅜ inches (34.9 mm) in thickness, or in compliance with section 716.5.3 with a fire protection rating of not less than 20 minutes. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted.

- (8) Section 903.4.2 of the International Building Code is hereby changed to read as follows:

Section 903.4.2 Alarms. Approved audible/visual devices shall be connected to every automatic sprinkler system. Such sprinkler water-flow devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building directly above the fire department connection or an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

- (9) Section 1010.1.9.4 of the International Building Code is hereby changed to read as follows:

Section 1010.1.9.4 Locks and latches. Locks and latches shall be permitted to prevent the operation of doors where any of the following exists:

1. Places of detention or restraint.
2. In buildings in occupancy Group A having an occupant load of 300 or less, Group B, F, M and S, and in places of religious worship, the main exterior door or doors is permitted to be equipped with thumb turn operated locking devices from the egress side provided:

- 2.1. A readily visible durable sign is posted on the egress side on or adjacent to the door stating: THIS DOOR TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED. This sign shall be in letters one inch high on a contrasting background.
- 2.2. Doors other than those regulated by Exception 2 in Group B, F, M and S, and in places of religious worship, having an occupant load of 500 or less, the secondary exterior door or doors is permitted to be equipped with thumb turn operated locking devices from the egress side.
- 2.3. Doors serving rooms or spaces accessory to group A occupancies not in the means of egress for the group A occupancy, are permitted to be equipped with thumb turn operated locking devices from the egress side.
- 2.4. The use of key operated or thumb turn locking devices is revocable by the building official for due cause.
3. Where egress doors are used in pairs, approved automatic flush bolts shall be permitted to be used, provided that the door leaf having the automatic flush bolts has no doorknob or surface mounted hardware. The unlatching of any leaf shall not require more than one operation.
4. Doors from individual dwelling units or sleeping units of Group R occupancies having an occupant load of 10 or less are permitted to be equipped with a night latch, dead bolt or security chain, provided such devices are openable from the inside without the use of a key or tool.
5. Fire doors after the minimum elevated temperature has disabled the unlatching mechanism in accordance with listed fire door test procedures.
6. Doors serving roofs not intended to be occupied shall be permitted to be locked preventing entry to the building from the roof.

(10) Section 1011.12 of the International Building Code is hereby changed to read as follows:

Section 1011.12 Stairway to roof. In buildings four or more stories above grade plane, one stairway shall extend to the roof surface, unless the roof has a slope steeper than four units vertical in twelve units horizontal (33 percent slope) or unless deemed not necessary by the building official. In buildings without an occupied roof, access to the roof from the top story shall be permitted to be by an alternating tread device.

(11) Section 1015.4 of the International Building Code is hereby changed to read as follows:

Section 1015.4. Opening limitations. Required guards shall not have openings that allow passage of a sphere 4½ inches (114 mm) in diameter from the walking surface to the required height.

Exceptions:

1. The triangular openings at the open side of a stair, formed by the riser, tread and bottom rail shall not allow passage of a sphere 6 inches (152 mm) in diameter.
2. At elevated walking surfaces for access to and use of electrical, mechanical and plumbing systems or equipment, guards shall not have openings that allow passage of a sphere 21 inches (533 mm) in diameter.
3. In areas that are not open to the public within occupancies in Group I-3, F, H or S and for alternating read devices and ships ladders, guards shall not have openings that allow passage of a sphere 21 inches (533 mm) in diameter.
4. In assembly seating areas, guards required at the end of aisles in accordance with Section 1029.17.4 shall not have openings that allow passage of a sphere 4½ inches (114 mm) in diameter up to a height of 26 inches (660 mm). From a height of 26 inches (660 mm) to 42 inches (1,067 mm) above the adjacent walking surfaces, guards shall not have openings that allow passage of a sphere 8 inches (203 mm) in diameter.

(12) Section 1015.8 of the International Building Code is hereby changed to read as follows:

Section 1015.8 Window openings. In occupancy groups R-2 and R-3, one and two family and multiple family dwellings, where the opening of the sill portion of an operable window is located more than 72 inches (1829 mm) above the finished grade or other surface below, the lowest part of the clear opening of the window shall be at a height not less than 18 inches (457.2 mm) above the finished floor surface of the room in which the window is located. Operable sections of windows located lower than 18 inches (457.2 mm) shall be limited to a 4-inch (101.6 mm) opening or be supplied with approved guards when more than 72 inches (1829 mm) above the finished grade or surface below.

(13) Section 1030.1 of the International Building Code is hereby changed to read as follows:

Section 1030.1 General. In addition to the means of egress required by this chapter, provisions shall be made for emergency escape and rescue in group R as applicable in Section 101.2 and Group I-1 occupancies. Basements and sleeping rooms below the fourth story shall have at least one exterior emergency escape and rescue opening in accordance with this section. Such openings shall open directly into a public street, public alley, yard or court.

Exception:

In other than Group R-3 occupancies, buildings equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2 may have the required above grade egress windows fixed in a closed position as long as the required ventilation is maintained.

- (14) Section 1030.2 of the International Building Code is hereby changed to read as follows:

Section 1030.2 Minimum size. Emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet.

- (15) Chapter 11 of the International Building Code is hereby deleted.

- (16) Section 2701.1 of the International Building Code is hereby changed to read as follows:

Section 2701.1 Scope. This chapter governs the electrical components, equipment and systems used in buildings and structures covered by this code. Electrical components, equipment and systems shall be designed and constructed in accordance with the provisions of the National Electrical Code as adopted in Section 2-201.

- (17) Section 2702.1.3 of the International Building Code is hereby changed to read as follows:

Section 2702.1.3 Installation. Emergency and standby power systems shall be installed in accordance with this code, the National Electrical Code, NFPA 110 and NFPA 111.

- (18) Section 2902.1 of the International Building Code is hereby changed to read as follows:

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

SECTION 3. New Section 2-201-2 of the City Code of the City of Abilene, Kansas is hereby established to read as follows:

2-201-2. Amendments to the International Residential Code.

The International Residential Code, adopted by Section 2-201, is hereby changed, altered, modified or otherwise amended as follows:

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

Section R101.1 Title. These regulations shall be known as the Residential Code for one- and two-family dwellings of the City of Abilene, Kansas, and hereinafter known as “this code”.

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

Section R105.2 Work exempt from permit. Permits shall not be required for the following. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of this code or any other law or ordinances of this jurisdiction.

Building:

1. One story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet.
2. Detached pergolas and other detached structures which do not exceed 400 square feet, are entirely open and do not have solid roofs.
3. Fences not over 7 feet high.
4. Retaining walls that are not over 7 feet in height measured from grade on the low end to the top of the wall, unless supporting a surcharge.
5. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
6. Sidewalks and driveways.
7. Porches, decks and similar uses that are not more than 30 inches from floor to grade at any point and are not roofed or enclosed.
8. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.
9. Swings and other playground equipment.
10. Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.

Electrical:

Repairs and Maintenance:

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

Gas:

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical:

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

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

Section R107.3 Temporary power. The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the National Electrical Code as adopted in Section 2-201.

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

Section R108.2 Schedule of Permit Fees. On buildings or structures requiring a permit, a fee for each permit shall be paid as required, in accordance with the comprehensive fee schedule.

For each re-inspection beyond the first re-inspection, fee shall be determined by the comprehensive fee schedule.

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

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

Section R108.3 Building Permit Valuations. The determination of value or valuation under any of the provisions of this code shall be made by the building official. The valuation shall be calculated by using the most recent version of Valuation Data Table as published by the International Code Council. The amount to be used for determining the building permit fee shall be the total value

of all construction work for which the permit is issued including all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment. No fee, other than that set forth above, shall be charged for new construction; although this does not preclude the building official from charging separate fees for sewer and water connections and sign installations. The governing body shall have the right to waive fees as it deems necessary.

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

Section R108.6 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee equal to the permit fee in addition to the required permit fees at the discretion of the Building Official.

- (7) Section R112 of the International Residential Code is hereby changed to read as follows:

Section R112. Board of appeals. Appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code shall be heard and decided by the building standards board.

- (8) Section R302.5.1 of the International Residential Code is hereby changed to read as follows:

Section R302.5.1 Opening Protection. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 1 $\frac{3}{8}$ inches (35mm) in thickness, solid or honeycomb core steel doors not less than 1 $\frac{3}{8}$ inches (35mm) thick, or 20 minute fire rated doors.

- (9) Section R303.1 of the International Residential Code is hereby changed to read as follows:

Section R303.1 Habitable Rooms. All habitable rooms shall have an aggregate glazing area of not less than 8 percent of the floor area of such rooms. Natural ventilation shall be through windows, doors, louvers or other approved openings to the outdoor air. Such openings shall be provided with ready access or shall otherwise be readily controllable by the building occupants. The minimum openable area to the outdoors shall be 4 percent of the floor area being ventilated.

Exceptions:

1. Where not required by section R310 and where supply and return air is provided to the room, glazed openings need not be provided for ventilation.

2. Artificial light may be substituted for glazed openings at a rate of 6 foot candles (65 lux) over the entire room at a height of 30 inches (762 mm) above the floor where such openings are not required by section R310.

(10) Section R303.4 of the International Residential Code is hereby deleted.

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

Section R310.1 Emergency escape and rescue opening required. Basements, habitable attics and every sleeping room shall have not less than one operable emergency escape and rescue opening. Where basements contain one or more sleeping rooms, an emergency escape and rescue opening shall be required in each sleeping room. Emergency escape and rescue openings shall open directly into a public way, or to a yard or court that opens into a public way.

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

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

Section R310.2.1 Minimum opening area. All emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet. The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside. The net clear height opening shall be not less than 24 inches and the net clear width shall be not less than 20 inches.

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

Section R310.2.3 Window wells. The minimum horizontal area of the window well shall be 9 square feet, with a minimum horizontal projection and width of 36 inches. The area of the window well shall allow the emergency escape and rescue opening to be fully opened. Guards or covers shall be provided to safeguard against falls into the window well.

Exception:

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

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

Section R311.7.5.1 Risers. The maximum riser height shall be 8 inches (203 mm). The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not

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

Exception:

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

- (15) Section R312.1.3 of the International Residential Code is hereby changed to read as follows:

Section R312.1.3 Guard opening limitations. Open guardrails shall have intermediate rails or an ornamental pattern such that a sphere 4½ inches (102 mm) in diameter cannot pass through.

Exceptions:

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

- (16) Section R312.2.1 of the International Residential Code is hereby changed to read as follows:

Section 312.2.1 Window Sills. In dwelling units, where the opening of an operable window is located more than 72 inches (1829 mm) above the finished grade or surface below, the lowest part of the clear opening of the window shall be a minimum of 18 inches (457 mm) above the finished floor of the room in which the window is located. Operable sections of windows shall not permit openings that allow passage of a 4-inch diameter (102 mm) sphere where such openings are located within 18 inches (457 mm) of the finished floor unless such windows are provided with approved guards.

- (17) Section R313 of the International Residential Code is hereby deleted.

- (18) Section R507.9.2 of the International Residential Code is hereby deleted.

- (19) Chapter 11 of the International Residential Code is hereby deleted.

- (20) Section M1503.6 of the International Residential Code is hereby changed to read as follows:

Section M1503.6 Makeup Air Required. Where one or more gas, liquid or solid fuel burning appliance that is neither direct vent nor uses a mechanical draft venting system is located within a dwelling unit's air barrier, exhaust hood systems capable of exhausting in excess of 400 cubic feet per minute shall be provided with makeup air at a rate approximately equal to the difference between the maximum exhaust rate and 400 cubic feet per minute. Such makeup air systems shall be equipped with a means of closure and shall automatically be controlled to start and operate simultaneously with the exhaust system.

- (21) Section P2603.5.1 of the International Residential Code is hereby changed to read as follows:

Section P2603.5.1 Sewer Depth. Building sewers shall be a minimum of 34 inches below grade unless insulated.

- (22) Section E3601.6.2 of the International Residential Code is hereby changed to read as follows:

Section E3601.6.2 Service disconnect location. The service disconnecting means shall be installed on the outside of a building or structure at a readily accessible location nearest the service location. Each occupant shall have access to the disconnect serving the dwelling unit in which they reside.

- (23) New Section E3703.2.A of the International Residential Code is hereby added to read as follows:

Section E3703.2.A Receptacles. All receptacles located in one and two family dwellings and their attached and detached garages, and their storage buildings shall be connected with wire size of 12 AWG or larger.

- (24) Section E3901.11 of the International Residential Code is hereby deleted.

- (25) Section E3902.2 of the International Residential Code is hereby changed to read as follows:

Section E3902.2 Garage and Accessory Building Receptacles. All 125 volt, single phase, 15 or 20 ampere receptacles installed in garages and grade level portions of unfinished accessory buildings used for storage or work areas shall have ground fault circuit interrupter protection for personnel.

Exception: Receptacles that are not readily accessible.

- (26) Section E3902.16 of the International Residential Code is hereby changed to read as follows:

Section E3902.16 Arc Fault Circuit Interrupter Protection. All branch circuits that supply 120 volt, single phase, 15 and 20 ampere receptacle outlets in

bedrooms shall be protected by a combination type arc fault circuit interrupter installed to provide protection of the entire branch circuit.

- (27) Section E3902.17 of the International Residential Code is hereby deleted.
- (28) Notwithstanding any provision of this code to the contrary, the city shall not require the installation and maintenance of residential fire sprinkler systems in single-family dwellings, dwellings of 2 units or less, or manufactured homes.

SECTION 4. New Section 2-201-3 of the City Code of the City of Abilene, Kansas is hereby established to read as follows:

2-201-3. Amendments to the International Existing Building Code.

The International Existing Building Code, adopted by Section 2-201, is hereby changed, altered, modified and otherwise amended as follows:

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

Section 101.1 Title. These regulations shall be known as the Existing Building Code of the City of Abilene, Kansas, herein after known as “this code”.

- (2) Section 108.2 of the International Existing Building Code is hereby changed to read as follows:

Section 108.2 Schedule of Permit Fees. On buildings or structures requiring a permit, a fee for each permit shall be paid as required, in accordance with the comprehensive fee schedule.

For each re-inspection beyond the first re-inspection shall be determined by the comprehensive fee schedule.

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

- (3) Section 108.3 of the International Existing Building Code is hereby changed to read as follows:

Section 108.3 Building Permit Valuations. The determination of value or valuation under any of the provisions of this code shall be made by the Building Official. The valuation shall be calculated by using the most recent version of Valuation Data Table as published in the International Code Council Building Safety Journal Magazine. The amount to be used for determining the building permit fee shall be

the total value of all construction work for which the permit is issued including all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment. No fee, other than that set forth above, shall be charged for new construction; although this does not preclude the building official from charging separate fees for sewer and water connections and sign installations.

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

- (4) Section 108.4 of the International Existing Building Code is hereby changed to read as follows:

Section 108.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee equal to the permit fee in addition to the required permit fees.

- (5) Section 112 of the International Existing Building Code is hereby changed to read as follows:

Section 112. Board of appeals. Appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code shall be heard and decided by the building standards board.

- (6) Section 505.2 of the International Existing Building Code is hereby deleted.

- (7) Section 702.4 of the International Existing Building Code is hereby deleted.

- (8) Section 807.1 of the International Existing Building Code is hereby changed to read as follows:

Section 807.1 New installations. All newly installed electrical equipment and wiring relating to work done in any work area shall comply with the materials and methods requirements of Chapter 4.

Exception:

Electrical equipment and wiring in newly installed partitions and ceilings shall comply with all applicable requirements of the National Electrical Code as adopted in Section 2-201.

- (9) Section 807.3.4 of the International Existing Building Code is hereby changed to read as follows:

Section 807.3.4 Ground Fault Circuit Interruption. Newly installed receptacle outlets shall be provided with ground fault circuit interruption as required by the National Electrical Code as adopted in Section 2-201.

- (10) Section 807.3.7 of the International Existing Building Code is hereby changed to read as follows:

Section 807.3.7 Clearance for equipment. Clearance for electrical service equipment shall be provided in accordance with the National Electrical Code as adopted in Section 2-201.

- (11) Section 1007.1 of the International Existing Building Code is hereby changed to read as follows:

Section 1007.1 Special occupancies. Where the occupancy of an existing building or part of an existing building is changed to one of the following special occupancies as described in the National Electrical Code, the electrical wiring and equipment of the building or portion thereof that contains the proposed occupancy shall comply with the applicable requirements of the National Electrical Code as adopted in Section 2-201 whether or not a change of occupancy group is involved:

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

- (12) Section 1007.2 of the International Existing Building Code is hereby changed to read as follows:

Section 1007.2 Unsafe conditions. Where the occupancy of an existing building or part of an existing building is changed, all unsafe conditions shall be corrected without requiring that all parts of the electrical system be brought up to the current edition of the National Electrical Code as adopted in Section 2-201.

- (13) Section 1007.3 of the International Existing Building Code is hereby changed to read as follows:

Section 1007.3 Service upgrade. Where the occupancy of an existing building or part of an existing building is changed, electrical service shall be upgraded to meet the requirements of the National Electrical Code as adopted in Section 2-201, for the new occupancy.

- (14) Section 1007.4 of the International Existing Building Code is hereby changed to read as follows:

Section 1007.4 Number of electrical outlets. Where the occupancy of an existing building or part of an existing building is changed, the number of electrical outlets shall comply with the National Electrical Code as adopted in Section 2-201, for the new occupancy.

- (15) Sections 105.1.1 and 105.1.2 of the International Existing Building Code are hereby deleted.

SECTION 5. New Section 2-201-4 of the City Code of the City of Abilene, Kansas is hereby established to read as follows:

2-201-4. Amendments to the International Plumbing Code.

The International Plumbing Code, adopted by Section 2-201, is hereby changed, altered, modified or otherwise amended as follows:

- (1) Section 101.1 of the International Plumbing Code is hereby changed to read as follows:

Section 101.1 Title. These regulations shall be known as the Plumbing Code of the City of Abilene, Kansas, and hereinafter referred to as “this code.”

- (2) Section 106.6.2 of the International Plumbing Code is hereby changed to read as follows:

Section 106.6.2 Fee schedule. The fees for all plumbing work requiring permit shall be in accordance with the comprehensive fee schedule.

For each re-inspection beyond the first re-inspection fee shall be in accordance with the comprehensive fee schedule.

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

- (3) Section 106.6.3 of the International Plumbing Code is hereby changed to read as follows:

Section 106.6.3 Fee refunds. The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than 100% of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

- (4) Section 108.4 of the International Plumbing Code is hereby changed to read as follows:

Section 108.4 Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred (\$500) dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

- (5) Section 108.5 of the International Plumbing Code is hereby changed to read as follows:

Section 108.5 Stop work orders. Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than one (\$1) dollars or more than five hundred (\$500) dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment.

- (6) Section 109 of the International Plumbing Code is hereby changed to read as follows:

Section 109. Board of appeals. Appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code shall be heard and decided by the building standards board.

- (7) Section 305.4.1 of the International Plumbing Code is hereby changed to read as follows:

Section 305.4.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be a minimum of 34 inches below finished grade at the point

of septic tank connection. Building sewers shall be a minimum of 34 inches below grade.

- (8) Section 306.5 of the International Plumbing Code is hereby added to read as follows:

Section 306.5 Excavation in public way. No person shall excavate or cause excavation to be made in any street, alley, or public highway in the City of Abilene, Kansas without first obtaining authorization therefore from the city engineer. After inspection, all trenches or excavations located in the traveled way of streets, alleys, or public reservations shall be backfilled according to “City of Abilene Standard Specifications” available at the city engineer's office.

- (9) Section 306.6 of the International Plumbing Code is hereby added to read as follows:

Section 306.6 Protection. All excavation of public grounds shall be protected at all times by approved barricades, warning devices and signing. All protective and warning devices shall meet city specifications and the “Manual on Uniform Traffic Control Devices.”

- (10) Section 403.1 of the International Plumbing Code is hereby changed to read as follows:

Section 403.1 Minimum number of fixtures. Plumbing fixtures shall be provided in the minimum numbers as shown in Table 403.1 based on the actual use of the building or space. Uses not shown in Table 403.1 shall be considered individually by the code official. The number of occupants for purposes of section 403 shall be determined by the International Building Code or may be determined by the code official for specific occupancies. Individual fixtures may be waived by the code official when specific conditions warrant.

- (11) Section 502.1 of the International Plumbing Code is hereby changed to read as follows:

Section 502.1 General. Water heaters shall be installed in accordance with the manufacturer's installation instructions. Oil fired water heaters shall conform to the requirements of this code and the International Mechanical Code adopted in Section 2-201. Electric water heaters shall conform to the requirements of this code and the provisions of the National Electrical Code as adopted in Section 2-201. Gas fired water heaters shall conform to the requirements of the International Fuel Gas Code as adopted in Section 2-201.

- (12) Section 701.8 of the International Plumbing Code is hereby added to read as follows:

Section 701.8 Prohibited connection. No roof drains, surface water, subsurface drainage including interior and exterior foundation drains, or sump pumps, shall be connected to the sanitary sewer system.

(13) Section 701.9 of the International Plumbing Code is hereby added to read as follows:

Section 701.9 Connection to public sewer. No house, building, or premises shall be connected to the public sewer without permit issued by the administrative authority. All work of laying pipe shall be done by a licensed drainlayer or licensed plumber, in either case, licensed by the City of Abilene, Kansas. All connections to the public sewers shall be made through approved methods and materials only.

(14) Section 903.1 of the International Plumbing Code is hereby changed to read as follows:

Section 903.1 Roof extension. All open vent pipes that extend through a roof shall be terminated at least 12 inches above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet (2,134 mm) above the roof.

SECTION 6. New Section 2-201-5 of the City Code of the City of Abilene, Kansas is hereby established to read as follows:

2-201-5. Amendments to the International Mechanical Code.

The International Mechanical Code, adopted by Section 2-201, is hereby changed, altered, modified and otherwise amended as follows:

(1) Section 101.1 of the International Mechanical Code is hereby amended to read as follows:

Section 101.1 Title. These regulations shall be known as the Mechanical Code of City of Abilene, Kansas, hereinafter referred to as “this code.”

(2) Section 106.5.2 of the International Mechanical Code is hereby amended to read as follows:

Section 106.5.2 Fee schedule. The fees for mechanical work shall be determined per the comprehensive fee schedule.

For each re-inspection beyond the first re-inspection shall be determined per the comprehensive fee schedule.

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

- (3) That Section 106.5.3 of the International Mechanical Code is hereby amended to read as follows:

Section 106.5.3 Fee refunds. The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than 100% of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 100% of the plan review fee paid where an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

- (4) Section 108.4 of the International Mechanical Code is hereby amended to read as follows:

Section 108.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directive or the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$500 or by imprisonment not exceeding 180 days, or by both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

- (5) Section 108.5 of the International Mechanical Code is hereby amended to read as follows:

Section 108.5 Stop work orders. Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$1 or more than \$500.

- (6) Section 109 of said International Mechanical Code is hereby changed to read as follows:

Section 109. Board of appeals. Appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code shall be heard and decided by the building standards board.

- (7) Section 301.10 of the International Mechanical Code is hereby changed to read as follows:

Section 301.10 Electrical. Electrical wiring, controls and connections to equipment and appliances regulated by this code shall be in accordance with the National Electrical Code as adopted in Section 2-201.

- (8) Section 505.4 of the International Mechanical code is hereby changed to read as follows:

Section 505.4 Makeup air required. Exhaust hood systems capable of exhausting in excess of 400 cubic feet per minute shall be provided with makeup air at a rate approximately equal to the difference between the exhaust air rate and 400 cubic feet per minute where other systems exist that may be affected by the exhaust hood system. Such makeup air systems shall be equipped with a means of closure and shall be automatically controlled to start and operate simultaneously with the exhaust system.

SECTION 7. New Section 2-201-6 of the City Code of the City of Abilene, Kansas is hereby established to read as follows:

2-201-6. Amendments to the International Fuel Gas Code.

The International Fuel Gas Code, adopted by Section 2-201, is hereby changed, altered, modified and otherwise amended as follows:

- (1) Section 101.1 of the International Fuel Gas Code is hereby changed to read as follows:

Section 101.1 Title. These regulations shall be known as the International Fuel Gas Code, of the City of Abilene, Kansas, hereinafter referred to as the International Fuel Gas Code or “this code.”

- (2) Section 106.6.2 of the International Fuel Gas Code is hereby changed to read as follows:

Section 106.6.2 Schedule of Fees. On buildings or structures requiring a permit other than those owned by the city, a fee for each permit shall be paid as required, in accordance with the comprehensive fee schedule. Each inspection which is not deemed ready for inspection at the scheduled time shall be considered a failed inspection and subject to re-inspection. The re-inspection fee shall be paid within 10 calendar days of the date of the inspection causing the fee, and prior to a certificate of occupancy being issued for that project. Subsequent inspections for

that permitted project shall not be conducted until all past due re-inspection fees have been paid. The Building Official shall have the authority to waive re-inspection fees as deemed necessary.

- (3) Section 106.6.3 of the International Fuel Gas Code is hereby changed to read as follows:

Section 106.6.3 Fee refunds. The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than 100% of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

- (4) Section 108.4 of the International Fuel Gas Code is hereby changed to read as follows:

Section 108.4 Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred (\$500) dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

- (5) Section 109 of the International Fuel Gas Code is hereby changed to read as follows:

Section 109. Board of appeals. Appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code shall be heard and decided by the building standards board.

SECTION 8. New Section 2-201-7 of the City Code of the City of Abilene, Kansas is hereby established to read as follows:

2-201-7. Amendments to the International Property Maintenance Code.

The International Property Maintenance Code, adopted by Section 2-201, is hereby changed, altered, modified and otherwise amended as follows:

- (1) Section 101.1 of the International Property Maintenance Code is hereby changed to read as follows:

Section 101.1 Title. These regulations shall be known as the International Property Maintenance Code, of the City of Abilene, Kansas, hereinafter referred to as the International Property Maintenance Code or “this code.”

- (2) Section 102.3 of the International Property Maintenance Code is hereby changed to read as follows:

Section 102.3 Application of other codes. Repairs, alterations, additions to a structure, or changes of occupancy, shall be done in accordance with the International Building, Residential, Plumbing, Mechanical, Fuel Gas, Existing Building or National Electrical Codes as applicable and as adopted by the City of Abilene, Kansas.

- (3) Section 103.5 of the International Property Maintenance Code is hereby deleted.

- (4) Section 106.4 of the International Property Maintenance Code is hereby changed to read as follows:

Section 106.4 Penalty. Any person, firm, or corporation who shall violate any provision of this code shall, upon conviction thereof, be subject to a fine of not more than five hundred dollars (\$500.00) or imprisonment for a term not to exceed six months, or by both fine and imprisonment, at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

- (5) Section 109.1 of the International Property Maintenance Code is hereby changed to read as follows:

Section 109.1 Imminent danger. When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure that endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials including major sewage backups, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: “This Structure Is Unsafe And Its Occupancy Has Been Prohibited By The Code Official.” It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

- (6) Section 111 of the International Property Maintenance Code is hereby changed to read follows:

Section 111. Appeals and variances. Appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code shall be heard and decided by the building standards board.

In addition to any other authority granted to the board, said board may grant to the owners of the real property, variances from the obligation to comply with the minimum standards set forth within this code. Requests for variances and proceedings thereon shall be conducted in the same manner as appeals. The board shall not grant a variance as authorized by this Section unless it shall make specific written findings of fact that:

- a. The strict enforcement of the minimum standards would result in unreasonable or unnecessary hardship upon the owner;
- b. The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
- c. The variance desired will not adversely affect the public health, safety, morals, order, convenience, property or general welfare; and
- d. Granting the variance desired will not be opposed to the general spirit and intent of the code.

- (7) Section 112.4 of the International Property Maintenance Code is hereby changed to read as follows:

Section 112.4 Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not more than five hundred dollars (\$500.00) or imprisonment for a term not to exceed one hundred eighty (180) days, or by both fine and imprisonment, at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

- (8) Section 202 of the International Property Maintenance Code is hereby changed to add the following definition:

Family: Either (a) an individual or two (2) or more persons related by blood, marriage, or adoption, or under foster care established by governmental action, living together as a single housekeeping unit; or (b) a group of not more than four (4) persons some of which are not related by blood, marriage or adoption, living together as a single housekeeping unit. There shall be a rebuttable presumption that (5) or more people living together as a single housekeeping unit are not a family.

- (9) Section 202 of the International Property Maintenance Code is hereby changed to amend the following definition:

Dwelling Unit: A single unit providing complete, independent living facilities for one (1) family, including permanent provisions for living, sleeping, eating, cooking and sanitation.

- (10) Section 302.4 of the International Property Maintenance Code is hereby deleted.
- (11) Section 302.8 of the International Property Maintenance Code is hereby deleted.
- (12) Section 304.14 of the International Property Maintenance Code is hereby changed to read as follows:

Section 304.14 Insect Screens. During the period from April 1 to December 1, every door, window and other outside opening used or required for ventilation purposes serving any building containing habitable rooms, food preparation areas, food service areas, or any areas where products used in food for human consumption are processed, manufactured, packaged, or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch.

- (13) Section 304.18.1 of the International Property Maintenance Code is hereby changed to read as follows:

Section 304.18.1 Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with section 702.3.

- (14) Section 402.1 of the International Property Maintenance Code is hereby changed to read as follows:

Section 402.1 Habitable Spaces. Every habitable space shall have at least one (1) window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable space shall be five (5) square feet, except when artificial light and ventilation may be provided in accordance with the provisions of the building or residential code. Whenever walls or other portions of a structure face a window of any room and such obstructions are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

- (15) Section 402.2 of the International Property Maintenance Code is hereby changed to read as follows:

Section 402.2 Common halls and stairways. Every common hall and stairway, other than in one and two-family dwellings, shall be capable of being lighted at all times with at least a 60-watt standard incandescent light bulb or equivalent (sufficient

natural light shall serve as an equivalent) for each 200 square feet (19 square meters) of floor area, provided that the spacing between lights shall not be greater than 30 feet (9,144 mm). Every exterior stairway shall be illuminated with a minimum of one foot candle (11 lux) at floors, landings, and treads.

- (16) Section 404.2 of the International Property Maintenance Code is hereby changed to read as follows:

Section 404.2 Minimum room widths. A habitable room, other than a kitchen, shall not be less than 7 feet (2,133mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 2 feet (762mm) between counter fronts and appliances or counter fronts and walls.

- (17) Section 404.3 of the International Property Maintenance Code is hereby changed to read as follows:

Section 404.3 Minimum Ceiling Heights. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. Beams, girders or similar obstructions spaced not less than 4 feet on center and projecting not more than 6 inches below the required ceiling height.
2. Basement rooms having a ceiling height of not less than 6 feet 8 inches with not less than 6 feet 4 inches of clear height under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet over not less than one third of the minimum required floor area. In calculating the floor area of such rooms, only those portions of the floor area with a ceiling height of at least 5 feet or more shall be included.

- (18) Section 404.4.1 of the International Property Maintenance Code is hereby changed to read as follows:

Section 404.4.1 Room Area. Every habitable room shall contain at least 70 square feet.

- (19) Section 404.5 of the International Property Maintenance Code is hereby changed to read as follows:

Section 404.5 Overcrowding. The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the code official, endanger the life, health, safety or welfare of the occupants.

- (20) Sections 404.5.1 and 404.5.2 of the International Property Maintenance Code are hereby deleted.

- (21) Section 506.3 of the International Property Maintenance Code is hereby deleted.
- (22) Section 602.3 of the International Property Maintenance Code is hereby changed to read as follows:

Section 602.3 Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guest room on terms, either express or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from October 1 to May 15 to maintain a room temperature of not less than 65 degrees Fahrenheit (18 degrees Celsius) in all habitable rooms, bathrooms and toilet rooms during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than 60 degrees Fahrenheit (16 degrees Celsius) during other hours. The temperature shall be measured at a point 3 feet (914mm) above the floor and 3 feet (914mm) from the exterior walls.

- (23) Section 602.4 of the International Property Maintenance Code is hereby changed to read as follows:

Section 602.4 Occupiable work spaces. Every enclosed occupied work space shall be supplied with sufficient heat during the period from October 1 to May 15 to maintain a temperature of not less than 65 degrees Fahrenheit (18 degrees Celsius) during all working hours. The temperature shall be measured at a point 3 feet (914 mm) above the floor and 3 feet (914 mm) from the exterior walls.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

- (24) Section 604.2 of the International Property Maintenance Code is hereby changed to read as follows:

Section 604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the National Electrical Code as adopted in Section 2-201. Dwelling units shall be served by a three wire, 120/240 volt, single phase electrical service having a rating of not less than 60 amperes.

- (25) Section 702.4 of the International Property Maintenance Code is hereby changed to read as follows:

Section 702.4 Emergency escape openings. Every sleeping room located in a basement in an occupancy in Use Group I-1 or R shall have at least one openable window or exterior door approved for emergency egress or rescue; or shall have access to not less than two approved independent exits.

Exception:

Buildings equipped throughout with an automatic fire suppression system may have fixed windows in accordance with the International Building Code as adopted by the City of Abilene.

An approved emergency escape or rescue window shall have a minimum clear opening width and height of 18 inches, a minimum total clear openable area of 4 square feet, and a maximum sill height above floor level of 48 inches. Permanently installed step(s) may be used to attain maximum sill height. Such step(s) must have a minimum tread of 12 inches and a maximum riser height of 16 inches. Emergency escape or rescue windows wells shall be a minimum of 24 inches measured from the exterior wall of the structure to the inside of the well and shall be at least as wide as the window.

- (26) Section 703.3 of the International Property Maintenance Code is hereby changed to read as follows:

Section 703.3 Maintenance. The required fire-resistance rating of fire-resistance rated construction, including walls, firestops, shaft enclosures, partitions, smoke barriers, floors, fire-resistive coatings, and spray applied fire-resistant materials applied to structural members and joint systems, shall be maintained.

- (27) Section 704.2.1.3 of the International Property Maintenance Code is hereby changed to read as follows:

Section 704.2.1.3 Installation near cooking appliances and bathrooms. Newly installed or battery powered replacement smoke detectors shall not be installed within 20 feet of a cooking appliance or within 3 feet of the opening of a bathroom that contains a tub or shower unless either would prevent placement of a smoke alarm required by this code.

- (28) Section 704.6.1.4 of the International Property Maintenance Code is hereby deleted.

SECTION 9. New Section 2-201-8 of the City Code of the City of Abilene, Kansas is hereby established to read as follows:

2-201-8. Amendments to the National Electric Code.

The National Electrical Code, adopted by Section 2-201 is hereby changed, altered, modified and otherwise amended as follows:

- (1) Article 210.12 of the National Electrical Code is hereby changed to read as follows:

Article 210.12 Arc Fault Circuit Interrupter Protection.

- a. *Definition.* An arc-fault circuit interrupter is a device intended to provide protection from the effects of arc faults by recognizing characteristics unique to arcing and by functioning to de-energize the circuit when an arc fault is detected.

- b. *Dwelling Unit Bedrooms, Sleeping Rooms, Guest Rooms And Dormitories.* All branch circuits that supply 125 volt, single phase, 15 and 20 ampere receptacle outlets installed in dwelling unit bedrooms, sleeping rooms, guest rooms and dormitories shall be protected by an arc-fault circuit interrupter(s) of the combination type.

- (2) Article 300.5(C) of the National Electrical Code is hereby amended to read as follows:

Article 300.5(C) Underground Cables Under Buildings. Underground cable installed under a building shall be in a raceway.

- (3) Article 334.10 of the National Electrical Code is hereby amended to read as follows:

Article 334.10 Uses Permitted. Type NM, Type NMC, and Type NMS cables shall be permitted to be used in the following, except as prohibited in 334.12:

- 1. One- and two-family dwellings and their attached or detached garages, and their storage buildings.
- 2. Multi-family dwellings permitted to be of Type III, IV and V construction.
 - A) Type NM. Type NM cable shall be permitted as follows:
 - (1) For both exposed and concealed work in normally dry locations except as prohibited in section 334.10(3).
 - (2) To be installed or fished in air voids in masonry block or tile walls.
 - B) Type NMC. Type NMC cable shall be permitted as follows:
 - (1) For both exposed or concealed work in dry, moist, damp or corrosive locations, except as prohibited by 334.10(3).
 - (2) In outside and inside walls of masonry block or tile.
 - (3) In a shallow chase in masonry, concrete or adobe protected against nails or screws by a steel plate at least 1/16inch thick and covered with plaster, adobe or similar finish.
 - C) Type NMS. Type NMS cable shall be permitted as follows:
 - (1) For both exposed and concealed work in normally dry locations except as prohibited by 334.10(3).
 - (2) To be installed or fished in air voids in masonry block or tile walls.

- (4) Article 334.12 of the National Electrical Code is hereby amended to read as follows:

Article 334.12 Uses Not Permitted.

- A) Types NM, NMC and NMS. Types NM, NMC and NMS cables shall not be permitted as follows:
 - (1) In any structure not specifically permitted in 334.10(1)
 - (2) As service entrance cable
 - (3) In hoistways or on elevators or escalators
 - (4) Embedded in poured concrete or aggregate
- B) Types NM and NMS. Type NM and NMS cables shall not be used under the following conditions or in the following locations:

- (1) Where exposed to corrosive fumes or vapors.
 - (2) Where embedded in masonry, concrete, adobe, fill or plaster.
 - (3) In a shallow chase in masonry, concrete, or adobe and covered with plaster, adobe or similar finish.
 - (4) Where exposed or subject to excessive moisture or dampness.
- (5) Article 334.104 of the National Electrical Code is hereby amended to read as follows:
- Article 334.104 Conductors.* The 600-volt insulated conductors shall be sizes 14 AWG through 2 AWG copper conductors or sizes 12 AWG through 2 AWG aluminum or copper-clad aluminum conductors. The communications conductors shall comply with Part V of Article 800. All receptacles installed in uses permitted in Article 334.10 shall be connected with wire size of 12 AWG or larger.
- (6) Articles 406.4(D)(4), 406.4(D)(5) and 406.4(D)(6) of the National Electrical Code are hereby deleted.
 - (7) *Board of appeals.* Notwithstanding any provisions of this code to the contrary, appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code shall be heard and decided by the building standards board.

SECTION 10. Existing Section 2-202 of the City Code of the City of Abilene, Kansas is hereby amended to read as follows:

2-202. Appeals.

- (a) The building standards board shall serve as a board of appeals to hear any appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of the codes in this chapter.
- (b) Any appeal to be heard by the board must be filed within ten (10) calendar days from the date of the code official's decision prompting the appeal. Such appeal must be filed in the city clerk's office on a form provided by the city clerk. The appeal shall be heard by the board not more than twenty-one (21) calendar days after such appeal is filed in the city clerk's office.
- (c) An application for appeal shall be based on a claim that the true intent of the applicable code or the rules legally adopted there under have been incorrectly interpreted, the provisions of the applicable code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of any codes duly adopted or amended by this chapter.
- (d) All decisions and findings of the board shall be rendered in writing to the building official with a duplicate copy being furnished to the other affected parties.

- (e) If any party remains aggrieved after any decision of the board, the aggrieved party may appeal the matter to the governing body within seven days of the date of the decision.
- (f) A member of the board shall not participate in any hearings or vote on any matter in which that member has a direct or indirect financial interest, or is engaged as a contractor, or is engaged in the preparation of plans and specifications, or in which that member has any personal interest.
- (g) The secretary of the board shall keep a record of each meeting so that the record shows clearly the basis for each decision made by the board.

SECTION 11. Section 2-301 of the City Code of the City of Abilene, Kansas is hereby amended to read as follows:

2-301. Standard code incorporated by reference. The standard code known as the International Fire Code, 2018 Edition, promulgated and published by the International Code Council, is hereby incorporated by reference herein and made a part of this article, except as amended in section 2-301-1, including Appendices C, D, and I, but not any other of its appendices.

SECTION 12. New Section 2-301-1 of the City Code of the City of Abilene, Kansas is hereby established to read as follows:

2-301-1. Amendments to the International Fire Code.

The International Fire Code, adopted by Section 2-301, is hereby changed, altered, modified or otherwise amended as follows:

- (1) Section 101.1 of the International Fire Code shall read as follows:

Section 101.1 Title. These regulations shall be known as the Fire Code of the City of Abilene, hereinafter known as “this code.”

- (2) Section 109 of the International Fire Code is hereby deleted.
- (3) Section 110.4 of the International Fire Code is hereby deleted.
- (4) Section 112.4 of the International Fire Code is hereby changed to read as follows:

Section 112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to the penalties outlined in Section 2-304.

- (5) Section 403.5 of the International Fire Code is hereby changed to read as follows:

Section 403.5 Group E Occupancies. An approved fire safety and evacuation plan in accordance with Section 404 shall be prepared and maintained for Group E occupancies and for buildings containing both Group E and an atrium. Group E occupancies shall comply with Sections 403.5.1 through 403.5.3 and Kansas State Fire Marshal Administrative Regulations.

- (6) Section 405.2 of the International Fire Code is hereby changed to read as follows:

Section 405.2 Frequency. Required emergency evacuation drills shall be held at the intervals specified in Table 405.2 or more frequently where necessary to familiarize all occupants with drill procedures.

Exception:

Fire and Evacuation drills shall be conducted in Group E public and private schools and educational institutions, except community college, colleges and universities, as required by the Kansas Office of the State Fire Marshal.

- (7) Section 903.4.2 of the International Fire Code is hereby changed to read as follows:

Section 903.4.2 Alarms. Approved audible/visual devices shall be connected to every automatic sprinkler system. Such sprinkler water-flow devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building directly above the fire department connection or an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

- (8) Section 904.12.5.3 of the International Fire Code is hereby changed to read as follows:

Section 904.12.5.3 Fusible link and sprinkler head replacement. Fusible links and automatic sprinkler heads shall be replaced at least annually, and other protection devices shall be serviced or replaced in accordance with the manufacturer's instructions. Replaced links and heads shall be left on site with the required service tag for verification by the fire code official.

Exception: Frangible bulbs are not required to be replaced annually.

- (9) Section 1010.1.9.4 of the International Fire Code is hereby changed to read as follows:

Section 1010.1.9.4 Locks and latches. Locks and latches shall be permitted to prevent the operation of doors where any of the following exists:

1. Places of detention or restraint.

2. In buildings in occupancy Group A having an occupant load of 300 or less, Group B, F, M and S, and in places of religious worship, the main exterior door or doors is permitted to be equipped with thumb turn operated locking devices from the egress side provided:
 - 2.1. A readily visible durable sign is posted on the egress side on or adjacent to the door stating: THIS DOOR TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED. This sign shall be in letters one inch high on a contrasting background.
 - 2.2. Doors other than those regulated by Exception 2 in Group B, F, M and S, and in places of religious worship, having an occupant load of 500 or less, the secondary exterior door or doors is permitted to be equipped with thumb turn operated locking devices from the egress side.
 - 2.3. Doors serving rooms or spaces Accessory to Group A occupancies not in the means of egress for the Group A occupancy, are permitted to be equipped with thumb turn operated locking devices from the egress side.
 - 2.4. The use of the key-operated or thumb turn locking device is revocable by the fire code official for due cause.
3. Where egress doors are used in pairs, approved automatic flush bolts shall be permitted to be used, provided that the door leaf having the automatic flush bolts has no doorknob or surface mounted hardware. The unlatching of any leaf shall not require more than one operation.
4. Doors from individual dwelling units or sleeping units of Group R occupancies having an occupant load of 10 or less are permitted to be equipped with a night latch, dead bolt or security chain, provided such devices are openable from the inside without the use of a key or tool.
5. Fire doors after the minimum elevated temperature has disabled the unlatching mechanism in accordance with listed fire door test procedures.
6. Doors serving roofs not intended to be occupied shall be permitted to be locked, preventing entry to the building from the roof.

(10) Section 1011.12 of the International Fire Code is hereby changed to read as follows:

Section 1011.12 Stairway to roof. In buildings four or more stories above grade plane, one stairway shall extend to the roof surface, unless the roof has a slope steeper than four units vertical in twelve units horizontal (33 percent slope) or unless deemed not necessary by the building official. In buildings without an occupied roof, access to the roof from the top story shall be permitted to be by an alternating tread device.

(11) Section 1015.4 of the International Fire Code is hereby changed to read as follows:

Section 1015.4. Opening limitations. Required guards shall not have openings that allow passage of a sphere 4 ½ inches (114 mm) in diameter from the walking surface to the required height.

Exceptions:

1. The triangular openings at the open side of a stair, formed by the riser, tread and bottom rail shall not allow passage of a sphere 6 inches (152 mm) in diameter.
2. At elevated walking surfaces for access to and use of electrical, mechanical and plumbing systems or equipment, guards shall not have openings that allow passage of a sphere 21 inches (533 mm) in diameter.
3. In areas that are not open to the public within occupancies in Group I-3, F, H or S and for alternating read devices and ships ladders, guards shall not have openings that allow passage of a sphere 21 inches (533 mm) in diameter.
4. In assembly seating areas, guards required at the end of aisles in accordance with Section 1029.17.4 shall not have openings that allow passage of a sphere 4½ inches (114 mm) in diameter up to a height of 26 inches (660 mm). From a height of 26 inches (660 mm) to 42 inches (1,067 mm) above the adjacent walking surfaces, guards shall not have openings that allow passage of a sphere 8 inches (203 mm) in diameter.

(12) Section 1030.1, Exemption 1, of the International Fire Code is hereby deleted.

(13) Section 1103.5.1 of the International Fire Code is hereby deleted.

SECTION 13. Existing Sections 2-201, 2-202, and 2-301 are hereby repealed.

SECTION 14. Notwithstanding any other provision of this ordinance or the Abilene Code to the contrary, no person shall be punished by a fine or imprisonment in municipal court for violating a provision of this ordinance or the standard codes adopted herein unless such violation is a willful violation. A person commits a willful violation when such person intentionally acts, or intentionally fails to act, to cause a desired act that violates this ordinance or the standard codes adopted herein after such person has received actual written notice of the violation from the building official and the violation persists after the person has been afforded a reasonable amount of time to cure the violation, which shall not be less than 30 days. This Section 14 shall automatically sunset and be of no further force or effect on October 1, 2024.

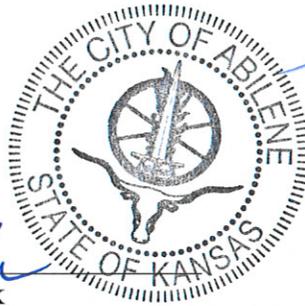
SECTION 15. This ordinance shall be in full force and effect from and after January 1, 2024, following its adoption and publication once in the official city newspaper by the following summary:

Ordinance No. 23-3437 Summary

On October 9, 2023, the City Commission passed Ordinance No. 23-3437. The ordinance amends Chapter II, Article 2 of the City Code of the City of Abilene, Kansas by amending Section 2-201 to adopt the standard codes known as the 2018 International Building Code, the 2018 International Residential Code, the 2018 International Existing Building Code, the 2018 International Plumbing Code, the 2018 International Mechanical Code, the 2018 International Fuel Gas Code, the 2018 International Property Maintenance Code and the 2017 National Electrical Code with certain

ommissions, changes, and additions thereto, as described in new Sections 2-201-1, 2-201-2, 2-201-3, 2-201-4, 2-201-5, 2-201-6, 2-201-7, 2-201-8; and amending Section 2-202 to address the procedures for appeals of orders, decisions or determinations made by the building official. The ordinance also amends Chapter II, Article 3 by amending Section 2-301 to adopt the standard code known as the 2018 International Fire Code, with certain omissions, changes, and additions, thereto, as described in new Section 2-301-1. The ordinance shall be in full force and effect from and after January 1, 2024. A complete copy of the ordinance is available online at www.abilenecityhall.com or in the office of the City Clerk, 419 N. Broadway Street in Abilene, Kansas, free of charge. This summary is certified by the City's legal counsel.

APPROVED AND PASSED by the Governing Body of the City of Abilene, Kansas, this 23rd day of October, 2023.




Trevor D. Witt, Mayor

Attest:

Shayla L. Mohr, City Clerk

The publication summary set forth above is certified this 23rd day of October, 2023.


Aaron O. Martin, Legal Counsel