

City Council Committee Meeting Notice

CITY COUNCIL
City Hall, 215 SE 7th Street, Suite 255
Topeka, KS 66603-3914
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Fax: (785) 368-3958
www.topeka.org

Committee: Policy & Finance

Meeting Date: October 27, 2023

Time: 1:00pm

Location: Classroom A; Law Enforcement Center 320 S. Kansas Ave
(Virtual attendance option available)

Agenda:

- 1) Call to order
- 2) Approve June 1, 2023 Minutes
- 3) 2024 Legislative Agenda
- 4) Vacant Property Registration
- 5) Ordinance: Merchant or Private Security Guard Uniform
- 6) Ordinance: Common Consumption
- 7) Ordinance: 2021 International Residential Code
- 8) Other Items
- 9) Adjourn

STAFF REQUESTED: Richard U. Nienstedt, Interim City Manager
Amanda Stanley, City Attorney
John Schardine, Property Maintenance Director
Alan Stahl, Fire Marshal
Rhiannon Friedman, Interim Planning Director
Richard Faulkner, Division Director Devlpt. Services

COMMITTEE MEMBERS: Spencer Duncan (Chair) – District 8
Christina Valdivia-Alcalá – District 2
Hannah Naeger – District 6

*** Please call the Council Office by 5:00pm on the date prior to the meeting to request Zoom link. ***

2024 Statement of Municipal Policy

State



THE
LEAGUE
OF KANSAS MUNICIPALITIES



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GOVERNING BODY



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J. Michael Wilkes
City Manager, Olathe



Vice President

Roy Cessna
Commissioner, Garden City

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Executive Director

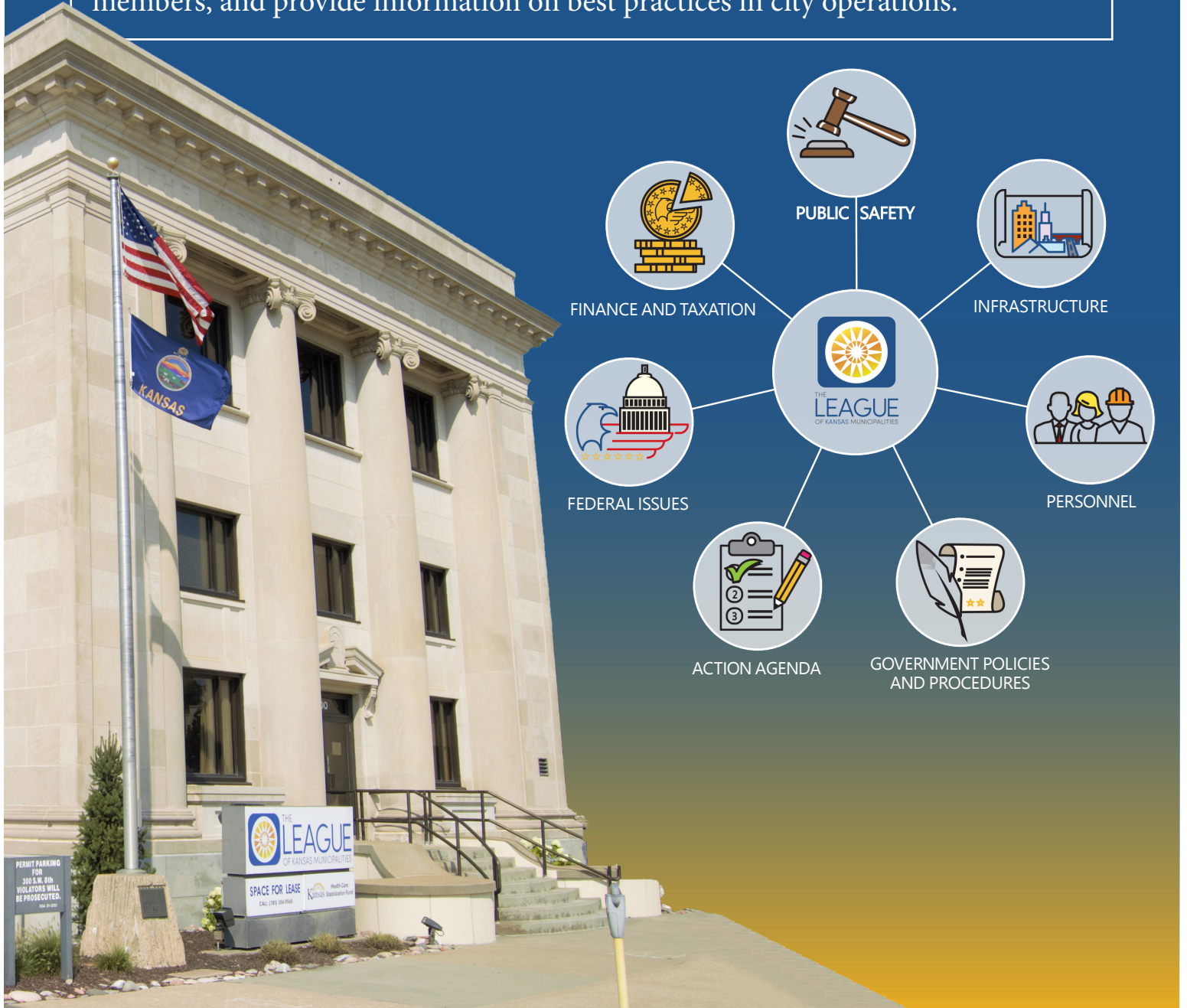
Nathan Eberline



ABOUT THE LEAGUE

SUPPORTING KANSAS CITIES

The League of Kansas Municipalities is a membership association that advocates on behalf of cities, offers training and guidance to city appointed and elected officials, and has a clear purpose of strengthening Kansas communities. Since 1910, the League has been a resource for cities across Kansas and has acted as a body to share ideas, facilitate communication between members, and provide information on best practices in city operations.





LEGISLATIVE PRIORITIES

The prosperity of Kansas is dependent upon the prosperity of its cities. More than 84% of Kansans live in an incorporated city. To promote healthy and sustainable communities, the elected and appointed city officials of Kansas establish the following as 2024 legislative priorities:

HOME RULE. Consistent with the Home Rule Amendment of the Kansas Constitution approved by voters, we support local elected officials making decisions for their communities, particularly tax and revenue decisions.

GOVERNMENT COMPETITION. Local governments should retain local control over the services they provide to residents and businesses. Free markets are the best vehicle for allocating goods and services. However, there are circumstances where the free market does not efficiently allocate goods and services, creates externalities that endanger public safety and welfare, or simply does not provide a service. In these instances, it falls to local government to respond to the needs of the people. In addition, local governments provide services for the sole benefit of their residents and should continue to receive tax benefits to provide those services at a low cost.

CITY ELECTIONS. We oppose any actions by the state government to impose partisan elections on cities. All cities have the authority to make this decision for their community, and each city, in consultation with its citizens, should make that determination.

SALES TAX & EXEMPTIONS. Cities should continue to retain voter-approved local sales tax allocations. The Legislature is granted authority to make decisions relating to statewide sales tax. Local voters vote on and are granted authority to make decisions regarding local sales taxes. Any sales tax exemptions considered by the Legislature should only apply to the state portion of sales tax and not eliminate voter-approved local sales taxes.

MENTAL HEALTH. We support allocating additional resources for mental health programs. Funds should be allocated for community mental health centers and additional bed space for patients with mental health issues.

HOUSING. A lack of quality housing across the state creates an impediment to growth and economic development. The League supports programs that encourage access to quality housing.

SALES TAX REVENUE IN STAR BOND DISTRICTS. The reduction and elimination of the state food sales tax threatens the viability of existing STAR Bond project districts that include groceries by eliminating a source of revenue pledged to repay the bonds. We support the creation of a long-term funding mechanism to ensure state reimbursement of lost funds caused by reduction and elimination of the state share of food sales tax in impacted STAR Bond districts.

WATER. Access to water is paramount for the growth and viability of communities. Government at all levels should pursue the conservation, protection, and development of current and future water supplies to ensure access to clean, safe, and affordable water for all Kansans. We support state action, in consultation with municipal providers, to address surface and groundwater resources.

LAVTR. The state legislature, as required by statutes, should fund the Local Ad Valorem Tax Reduction (LAVTR) program.

AMBULANCE ATTENDANTS. We support allowing non-certified attendants to drive ambulances for inter-facility patient transfers with one attendant providing patient care. These staff should be trained to operate emergency vehicles. We continue to support the use of certified attendants for emergency situations.



FINANCE & TAXATION

Each city is unique in services provided and ability to pay for such services; maximum flexibility should be granted to local governing bodies to determine the amount and source of funding for city services. The League supports the long-established policies of balancing revenue from income, sales, and property taxes to assure the fiscal ability of the state and local governments to provide services citizens need.

TAX POLICY & SPENDING. Local spending and taxing decisions are best left to local officials representing the citizens that elected them. We oppose state-imposed limits on the taxing and spending authority of cities. Changes to tax policies should not be undertaken without a full understanding of the overall impact on all taxpayers, taxing entities, and the sources and amounts of revenues generated or eliminated by such policy changes.

PROPERTY TAXES. All property taxing authorities, including cities, counties, the state, school districts, special districts, and community colleges should be transparent, and abide by the same limitations, restrictions, and requirements. Any additional transparency measures should not be burdensome or costly. We encourage the state and local governments to make government more efficient and recognize the need to work together on innovative approaches to reduce property taxes.

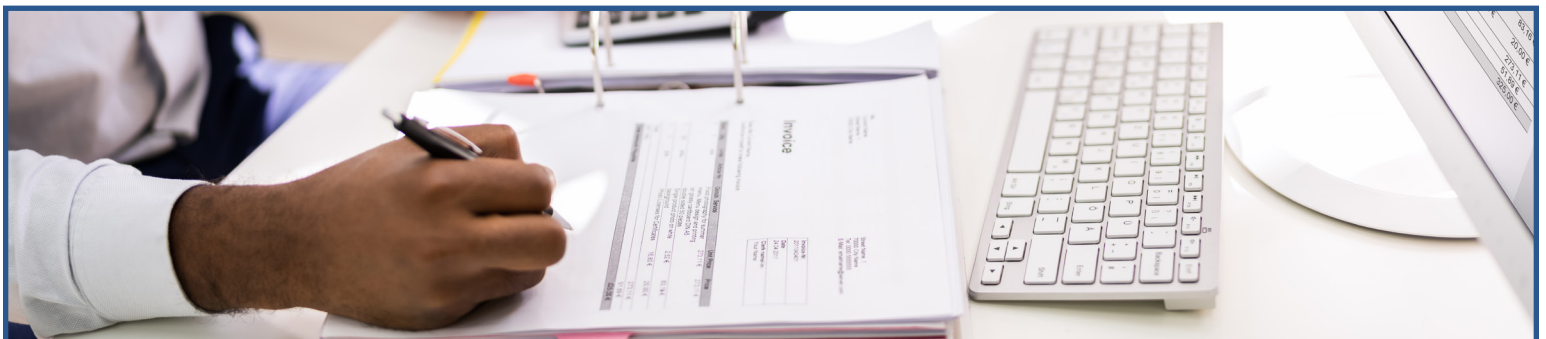
PROPERTY TAX EXEMPTIONS. We encourage the legislature to resist any proposal to further exempt any specific property classification from taxation, including industry-specific exemptions. We support the current statutory definition of machinery and equipment, and the exemption should not be expanded. The Legislature should review existing exemptions to determine if they should continue or be repealed.

SALES TAX & EXEMPTIONS. Cities should continue to be able to determine voter-approved local sales tax allocations. The Legislature is granted authority to make decisions relating to statewide sales tax. Local voters vote on and are granted authority to make decisions regarding local sales taxes. Any sales tax exemptions considered by the Legislature should only apply to the state portion of sales tax and not eliminate voter-approved local sales taxes.

PROPERTY VALUATION. We support appraisals based on fair-market value as historically used in Kansas. We oppose caps in property valuations and limitations on valuation methods that shift the property tax burden, benefiting one category of property to the detriment of all others, as unconstitutional and inequitable.

LAVTR. The state legislature, as required by statutes, should fund the Local Ad Valorem Tax Reduction (LAVTR) program.

COUNTYWIDE SALES AND USE TAXES. Since 1977, Kansas has successfully used a city-county revenue sharing formula for the benefit of all. The existing formula benefits city and county taxpayers and ensures there is a fair method to distribute funds generated primarily in cities and approved by voters. The Legislature should fund existing city and county revenue sharing programs as required by statutes.



SALES TAX REVENUE IN STAR BOND DISTRICTS.

The reduction and elimination of the state food sales tax threatens the viability of existing STAR Bond project districts that include groceries by eliminating a source of revenue pledged to repay the bonds. We support the creation of a long-term funding mechanism to ensure state reimbursement of lost funds caused by reduction and elimination of the state share of food sales tax in impacted STAR Bond districts.

REVENUES & SPENDING. We oppose any law requiring a city to spend a certain threshold to receive and maintain state dollars. All spending decisions should remain at the local level. Cities should be authorized to approve alternative revenue sources to maintain appropriate levels of funding for the health, safety, and welfare of citizens. Cities should be allowed to set financial policies in-line with bond rating requirements and other generally accepted best practices for municipal management.

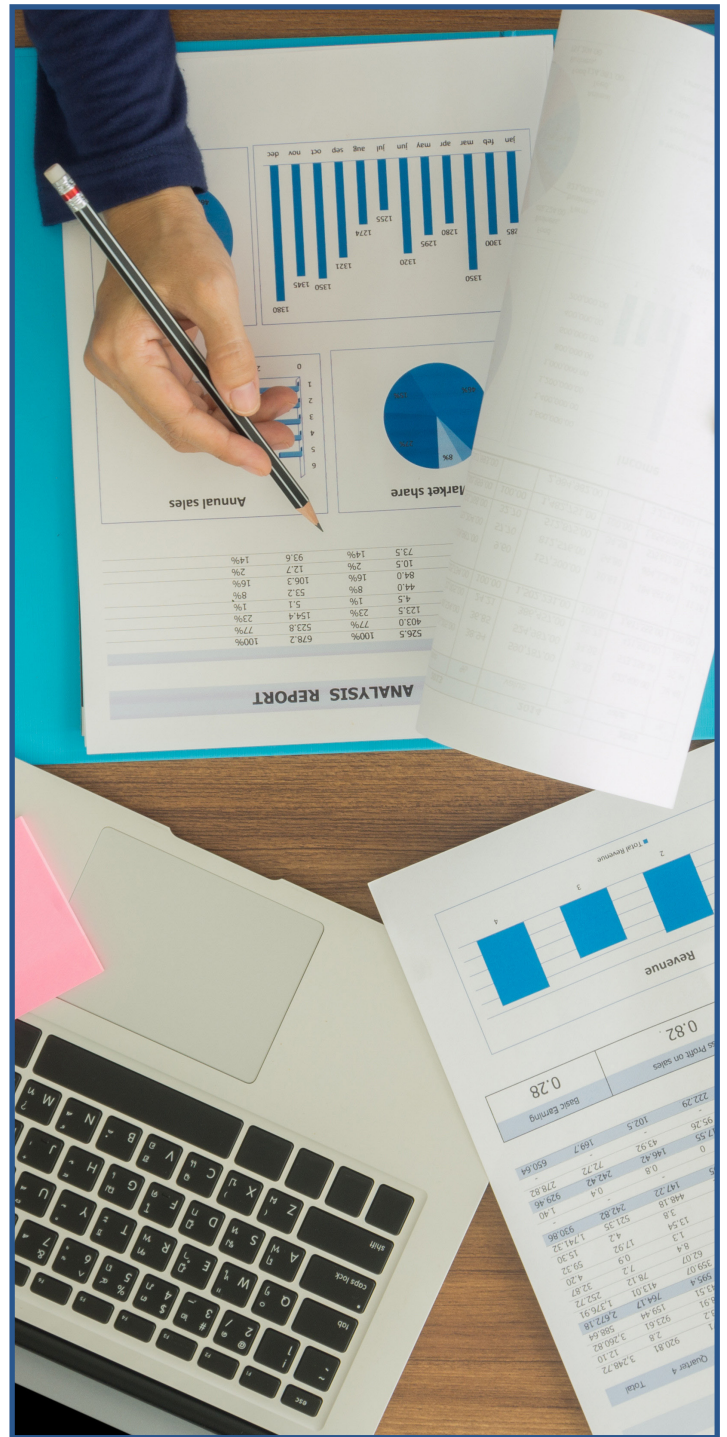
BUDGET TIMELINE. The current statutory framework for adoption of municipal budgets makes it difficult for cities to develop budgets that must be presented to governing bodies five months before the start of a fiscal year. We support legislation to allow the adoption of City budgets by November 30.

EMS/HOSPITAL FUNDING. We support expansion of Medicaid to allow hospitals and emergency medical services (EMS) access to federal funding, helping cities maintain and provide critical services for citizens. Absent Medicaid expansion, additional state funding needs to be made available to rural hospitals to retain businesses and employees and sustain the health and lives of Kansans.

UNFUNDED MANDATES & LOAN PROGRAMS.

We oppose unfunded mandates. If the state or federal governments seek to promote particular policy objectives, such mandates must be accompanied by an appropriate level of funding. We support changes to allow local governments to participate directly in federal loan programs.

LOCAL AUTHORITY. We support cities' ability to impose and collect taxes and fees on telecommunications providers. All cities should have the same banking and investment authority the state grants itself. We support Kansas statutes being modernized to reflect revenue neutral rate requirements when determining a public library's eligibility for state funding.





PUBLIC SAFETY

Cities play a critical role in the protection of the health and safety of citizens. Government at all levels should cooperate in the development of health and safety programs.

ASSET FORFEITURE. All assets forfeited, or proceeds of the sale of the same, should remain with the local government that seizes the property.

MUNICIPAL COURT. All assessed court funds under a municipal court order, other than restitution collected and payable to a third party and state assessments paid under K.S.A. 12-4117, should be retained by the local municipality. We support municipalities' ability to set appropriate fines and fees.

EMERGENCY 911 SERVICES. Cities and counties should maintain local control of the 911 system. The 911 tax should continue to include wireline and wireless communications. We support legislation providing flexibility for local governments to utilize these funds to provide emergency services. 911 funds should not be diverted by the legislature for other uses.

EMERGENCY MANAGEMENT. Implementation strategies must promote cooperative efforts between federal, state, and local governments. Changes to the Emergency Management Act should consider the role of a city in responding to disasters.

MEDICAL CHARGES. The first person responsible for payment of medical costs should be the individual in custody. Clarification is needed that the entity charging for a crime is responsible in the event those costs cannot be recovered. We support the pooling of resources between state and local law enforcement agencies.

LAW ENFORCEMENT DISCRETION. We support local governments' discretion in establishing law enforcement vehicle pursuit policies and the ability of law enforcement officers to use discretion in determining when to make an arrest.

SERVICE ANIMAL FRAUD. We support strengthening and redefining the crime of service animal fraud to disincentivize individuals from asserting an animal is a service animal to avoid vicious animals, exotic, livestock, or breed-specific ordinances.

ALCOHOL & CMB REGULATION. We support the authority of cities to license and regulate alcoholic liquor and cereal malt beverage retailers and establishments.

MEDICAL MARIJUANA. Medical marijuana should be subject to existing state and local sales tax and cities should be able to levy their own excise fees and receive a portion of any state funds to offset the impact of medical marijuana. Cities should have the ability to opt-in to allowing dispensaries in their city. Kansas should only allow the cultivation and processing of medical marijuana and THC in licensed facilities and not allow residential grow operations.

HOMELAND SECURITY. Local first responders are the front-line defense in the prevention and response to terrorism and security risks. Local governments should be granted maximum flexibility over implementation of monies and strategies regarding homeland security.

CYBERSECURITY. We encourage the State to provide collaborative discussions, training programs, and feasibility studies for the impact of cyber-attacks on cities. Cities will use information provided by the state to determine best practices and policies for municipal implementation.

AMBULANCE ATTENDANTS. We support allowing non-certified attendants to drive ambulances for inter-facility patient transfers with one attendant providing patient care. These staff should be trained to operate emergency vehicles. We continue to support the use of certified attendants for emergency situations.

MENTAL HEALTH. We support allocating additional resources for mental health programs. Funds should be allocated for community mental health centers and additional bed space for patients with mental health issues.

MEDICAL WORKFORCE INITIATIVE. Hospitals and Health Care Facilities are facing an alarming shortage of licensed medical and clinical staff who specialize in the medical and mental health treatment of individuals. We support additional state resources being put toward programs to recruit and retain Health Care Professionals. We support the development of a behavioral health tech certificate program at community or technical colleges. We also support the establishment of a rural psychiatric residency program.



INFRASTRUCTURE

Cities construct, manage, operate, and maintain numerous infrastructure components that provide a high quality of life. Infrastructure involving transportation, municipal utilities, energy services, and water and environmental structures are dependent on the ability of local officials to self-determine what's appropriate for their communities. This relies on cooperation from state government and full funding as required by law under statutory programs from the state and federal governments.

TRANSPORTATION

CONNECTING LINKS. The State should maintain KDOT's funding for connecting link programs at a minimum of the FY 2020 level for cities to provide for the maintenance of state highways within city limits. We support full funding of the City Connecting Link Improvement Program (CCLIP).

CITY-COUNTY HIGHWAY FUND. The City-County Highway Fund should be fully funded and not diverted for other purposes. Such funding should include the transfer of fees from the registration of out-of-state commercial vehicles, as directed by K.S.A. 9-3425i. Proceeds from increases to the motor fuel tax rates should be allocated in accordance with current statutory provisions.

COMPREHENSIVE TRANSPORTATION PROGRAM. We support a comprehensive transportation system that is safe, efficient, and accessible. The state should fully fund the Eisenhower Legacy Transportation Program (IKE) and cooperate with local governments to maintain and improve the state's transportation infrastructure. We support continued development of multimodal transportation networks and local transportation districts that enable cities to develop transportation initiatives to advance these objectives.

MODERN TRANSPORTATION DEVELOPMENT. We support a modern and sustainable transportation system that meets the needs of all Kansans. The state should invest in expanding electric charging station infrastructure, enhancing airport facilities and services, developing recreational trails, and improving passenger and freight rail service. We also support changes to state law that make it easier and more affordable to develop these projects.

ELECTRIC CHARGING STATIONS. Any fees or taxes imposed on charging stations remitted to the state should be put into the Special Highway Fund, not the general fund.

UNIFORM TRAFFIC CODE. We support a comprehensive review and recodification of the Uniform Traffic Code.

MATCHING FUNDS. We support allocating surplus state fund revenues to cities to maximize federal discretionary grant funds.

UTILITIES

BROADBAND. Access to reliable broadband service is essential to the economic health of cities. We support establishment of Broadband grants to facilitate expansion. Guidance for the grant program and broadband-related statutes must recognize the important role local governments play in such expansion and not remove planning and right of way authority from local governments.

SERVICE TERRITORY. Municipalities must retain authority to purchase, construct, or extend infrastructure necessary to supply cities and their inhabitants with public utilities, including electric services. Cities should have the freedom and flexibility to grow and expand service territories.

MUNICIPAL OPERATION. We support the ability of cities to operate municipal gas, water, electric, sewer, telecommunications, broadband, solid waste, stormwater or other utility services. We further support the ability of cities to set and control the rates for locally owned and operated utilities.

RIGHT OF FIRST REFUSAL. We support municipal utilities having the ability to invest in new electric/transmission projects to provide reliable, affordable service to customers. We oppose efforts prohibiting competition for transmission projects.

FRANCHISE AUTHORITY. We oppose any legislation restricting the current franchise authority for cities, including limits on franchise fees.

MANDATES. Any mandates passed down to cities by the state or federal government on utility services should not be imposed without a cost-benefit analysis and accompanied by appropriate funding. Regulations should be reasonable in overall scope and timing of implementation.

RIGHT-OF-WAY. Cities must maintain the ability to regulate public right-of-way and recover reasonable compensation for use of the right-of-way. Kansas policy should not be dictated by federal mandates. We oppose efforts to codify at the state level federal directives limiting cities' powers.

ENERGY

ELECTRIC UTILITY DEREGULATION. Community-owned and operated municipal electric utilities make long-term power supply decisions and investments to benefit the overall community. We support continued local control over power supply decisions.

STATEWIDE ENERGY POLICY. We support development of a coordinated and comprehensive Energy Plan. Further, we support creative and cooperative implementation of renewable energy and energy efficient technologies that are environmentally sustainable and economically successful. We support public and private incentives to encourage energy efficiency and renewable energy.

BUILDING CODES. Cities should continue to be allowed to shape local codes to incentivize net zero or net-zero ready building requirements.

PROPANE. We support cities' authority to protect public safety by regulating the capacity of propane units/facilities for residential or commercial purposes.

WATER AND ENVIRONMENT

WATER QUALITY. We support a clean and safe public water supply and the protection of public health and aquatic life. We endorse regional and cooperative solutions to water quality challenges that address point and non-point source pollution while balancing municipal cost concerns.

WATER QUANTITY. We support efforts to extend the life of reservoirs and expand reservoir storage for use by municipal water suppliers. We support immediate state action, in consultation with municipal providers, to address surface and groundwater resources while respecting priority of water rights. Water rights management tools that have been developed in recent years should be modified or expanded so they provide the same type of flexibility and authority to any water rights holder regardless of class.



PUBLIC WATER SUPPLY SUPERVISION PROGRAM. We support changes to the statutory language increasing the funding stability for the Kansas Department of Health and Environment's Public Water Supply Supervision program. These changes must balance municipal concerns while recognizing the state has a responsibility to contribute to these public health matters.

WATER PLANNING. We support increased municipal representation on the Kansas Water Authority; broad-based revenue sources and distribution for the state Water Plan Fund; and a re-evaluation of the process for adopting the annual state Water Plan Fund budget.

INFRASTRUCTURE FUNDING. We support increased federal and state funding to assist local communities with water, wastewater, stormwater, levee and dam infrastructure and associated security needs. We call for loan terms of up to 40 years when the usable lifespan of an improvement will exceed the term of the loan.

STORMWATER MANAGEMENT. We endorse regional and cooperative solutions to stormwater quality and quantity challenges that address point and non-point source pollution. We further endorse state measures to incentivize and enable investment in green infrastructure to support sustainable communities.

SOLID WASTE. Home rule powers of cities to dispose of and manage municipal solid waste should not be restricted. This includes recycling, electronic waste and composting programs.

HAZARDOUS WASTE. We support a comprehensive state and local cooperative approach to provide assistance in identifying hazardous waste and to develop programs to monitor and dispose of such waste. Appropriate education and training should be provided prior to implementation of such programs.

CLEAN AIR. We support a state-developed air quality plan that protects the health and safety of Kansans while balancing municipal cost concerns.

WATER AND WASTEWATER CERTIFICATION. We support improved certification programs that align necessary skillsets for real-world water and wastewater system operation with the content of the corresponding exams. We support review of water and wastewater certification to ensure validity and reliability. We encourage contracting and collaboration to help utilities acquire the knowledge, skills, abilities, and certifications needed to effectively serve rate payers.





HUMAN RESOURCES

City employees are the foundation of city government. City governing bodies must have authority to develop local personnel policies to attract and maintain a high-quality workforce.

WORKERS' COMPENSATION. We support reasonable and just benefits for employees injured within the course and scope of their public employment, and effective enforcement of the Workers' Compensation Act.

KPERS & KP&F. We support full funding of the Kansas Public Employees Retirement System (KPERS) and Kansas Police & Fire (KP&F) retirement systems and honoring all commitments made by KPERS and KP&F. The local KPERS system should remain separate from the state and school retirement system. Changes to the KPERS system should support a city's ability to hire and retain qualified public employees, including any undue burden on hiring KPERS retirees, or reduce benefits promised to employees.

PUBLIC EMPLOYER-EMPLOYEE RELATIONS ACT (PEERA)/COLLECTIVE BARGAINING. We oppose any federal or state mandate requiring collective bargaining at the local level.

MANDATES. We oppose state and federal mandates involving public personnel. We oppose federal and state mandates requiring or prohibiting the payment of prevailing wages.

WEAPONS AND FIREARMS. We support the ability of local governments to set policies regarding the carrying of weapons and firearms by municipal employees while engaged in their work.

HEALTH CARE & OTHER BENEFITS. We support cooperation and study of ways to relieve the financial burden of securing employee health care coverage, including the continued option for cities to participate in the state health care program.

UNEMPLOYMENT. We support reasonable and just benefits for employees who are qualified individuals under the Kansas Employment Security Law. We oppose the finding that volunteers, who are paid a nominal stipend, are considered qualified individuals. We support legislation to define "volunteer" in Kansas employment law that is consistent with federal law.





GOVERNMENT POLICIES & PROCEDURES

Abiding by constitutional Home Rule, there is a need to ensure local governments maintain autonomy and the authority of self-governance to create a safe and sustainable quality of life for residents.

HOME RULE. Consistent with the Home Rule Amendment of the Kansas Constitution approved by voters, we support local elected city officials making decisions for their communities, particularly tax and revenue decisions.

GOVERNMENT COMPETITION. Local governments should retain local control over the services they provide to their residents and businesses. Free markets are the best vehicle for allocating goods and services. However, there are circumstances where the free market does not efficiently allocate goods and services, creates externalities that endanger public safety and welfare, or simply does not provide a service. In these instances, it falls to local government to respond to the needs of the people to provide the good or service. In addition, local governments provide services for the sole benefit of their residents and should continue to receive tax benefits to provide those services at a low cost.

PROTECTION OF THE FIRST AMENDMENT. The right of the people through democratically elected and appointed officials to petition and speak to government officials shall not be abridged. We support cities' First Amendment right of freedom of association to work together to accomplish common goals.

POLICE POWERS. We support the authority of cities to regulate to protect the health, safety, and welfare of the public.

NON-DISCRIMINATION. We oppose discrimination against any person by reason of their race, color, religion, sex (including pregnancy, gender identity, or sexual orientation), age, national origin, ancestry, disability, military/veteran status, or genetic information.

CITY ELECTIONS. We oppose any actions by the state government to impose partisan elections on cities. All cities have the authority to make this decision for their community, and each city, in consultation with its citizens, should make that determination.

FILING FOR OFFICE. To encourage a higher number of candidates to file for office, we support the filing location for city elections being available in the city clerk's office. The state should evaluate remote filing options.

FILLING OF VACANCIES. Vacancy filling should remain the responsibility of local governing bodies made up of duly elected officials.

ANNEXATION. We support local jurisdictions' ability to make their own decisions regarding orderly growth through annexation.

SIGN REGULATION. We support the authority of local government to regulate signs in compliance with federal law.

PUBLIC PROPERTY & RIGHTS-OF-WAY. We support the right of cities to control and manage public property and rights-of-way and to impose franchise or use fees on entities that utilize rights-of-way.

EMINENT DOMAIN. We support flexibility for local governments to use eminent domain for economic development purposes, including blight remediation, without seeking legislative approval.

GOVERNMENTAL IMMUNITY. We support continued immunity for cities from tort liability and legislation strengthening the Kansas Torts Claims Act.

INTERLOCAL COOPERATION. We support the principle of voluntary cooperation among all levels of government.

CITY/COUNTY CONSOLIDATION. We support processes for local consolidation without undue statutory barriers. Voters should be allowed to determine whether consolidation with another unit of government occurs.

PRIVATE CEMETERY LIABILITY. We support removing the requirement for cities to care for and maintain formerly private cemeteries that have been dissolved.

COMMUNITY DEVELOPMENT

HOUSING. The League supports programs that encourage access to quality housing, including but not limited to, the Housing Investor Tax Credit Act, the Kansas Affordable Housing Tax Credit Act, the Kansas Rural Home Loan Guarantee Act, guaranteeing appraisals in rural counties, the Historic Kansas Act, and the Kansas Rural Housing Incentive District Act.

RURAL HOUSING INCENTIVE LOAN FUND. We support the creation of a State low interest revolving loan fund to finance development in Reinvestment Housing Incentive Districts.

ABANDONED AND BLIGHTED HOUSING. We support streamlining and expediting the process for local governments, neighborhood organizations and private businesses to deal with the blight of abandoned, nuisance, foreclosed housing, and commercial structures to protect the rights and property values of surrounding property owners. Cities should continue to retain the ability to manage vacant property registry programs to counter blight.

HOUSING-RENTAL INSPECTIONS. We support giving cities authority to require inspections of rental housing for the safety of tenants and to protect the rights and property values of surrounding property owners.

REVITALIZATION TOOLS. We support continued use of the Neighborhood Revitalization Act, Downtown Redevelopment Act, Transportation Development District Act and Community Improvement District Act to promote local neighborhood development.

ECONOMIC DEVELOPMENT PARTNERSHIPS.

State and regional partnerships are vital to the sustained growth of the state and should be supported by policy and with adequate funding.

TAX ABATEMENTS. We support the authority of cities to offer tax abatements to encourage business investment in communities.

TAX INCREMENT FINANCING (TIF). We support the continued use of TIF to promote economic development. TIF laws should allow maximum flexibility for efficient use by communities.

STAR BONDS. We support the ability of cities to utilize STAR bonds to promote economic development in communities.

LAND USE AND ZONING. We support the ability of local officials to make land use and zoning decisions within their community, including decisions about location, placement, size, appearance, and siting of transmission and receiving facilities and any other communications facilities.

BUILDING CODES. We oppose any measures to preempt local building codes.

TOURISM. We support cooperative ventures between state and local government to promote tourism as an industry vital to growth and development.

TAX CREDITS. We support the continued availability of tax credits as a tool for economic development.

TRANSPARENCY IN GOVERNMENT

OPEN MEETINGS. All levels of government should be subject to the same open meetings requirements. These laws should not be unduly burdensome.

OPEN RECORDS. All levels of government should be subject to the same open records requirements. State laws governing open records should balance the public's right of access, with the necessity of protecting the privacy of individual citizens, and the ability of public agencies to conduct essential business functions. We support a city's ability to recoup reasonable costs associated with requests.

INTERGOVERNMENTAL DIALOGUE. We support current law regarding the use of state and local public moneys to provide information and advocate on behalf of our cities and citizens. Any reporting system should not increase the administrative burden on local governments.

BODY CAMERAS. We support the ability of local governments to determine when and how body cameras will be used by law enforcement officers, including the regulations concerning public access to those recordings, balancing the needs of law enforcement and the individuals whose images are captured in the recordings.



Relationships Are the Cornerstone of Effective Advocacy

1

Make Contact Before Legislative Session

- Eggs & Issues, town halls, etc.
- Communicate the city's agenda and priorities.
- Invite them to a League Legislative Dinner.

2

Follow the Legislative Session

- *League News*
- List serves
- News media
- www.lkm.org

3

Participate in Local Government Day January 24, 2024

- Make appointments to visit with your legislators in the morning.
- Invite them to the League reception.

4

Make Contact During Legislative Session

- Watch for alerts about key bills/issues.
- Follow the issue, not the bill number.
- Be specific; give your city's unique insight into the legislation.
- Don't waste time and political capital on meaningless bills that have no chance of becoming law.

5

Make Contact Following the Legislative Session

- Thank your legislator for their hard work.
- Be honest and express concern when bills negatively affect your city.



- Know your legislators on a first-name basis



- Always be respectful and avoid personal attacks



- Ask your legislator how he or she prefers to be contacted (email, phone, texts, etc.)



- Share your contact information



- Follow legislators' communications



- Sign up for emailed newsletters



- Follow legislators' social media accounts



- Send legislators your newsletter/updates

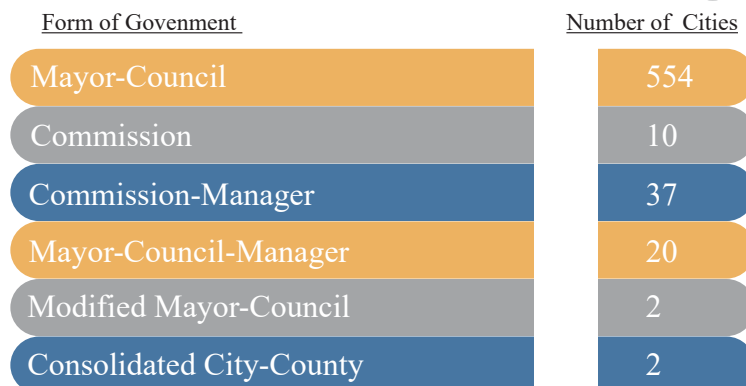
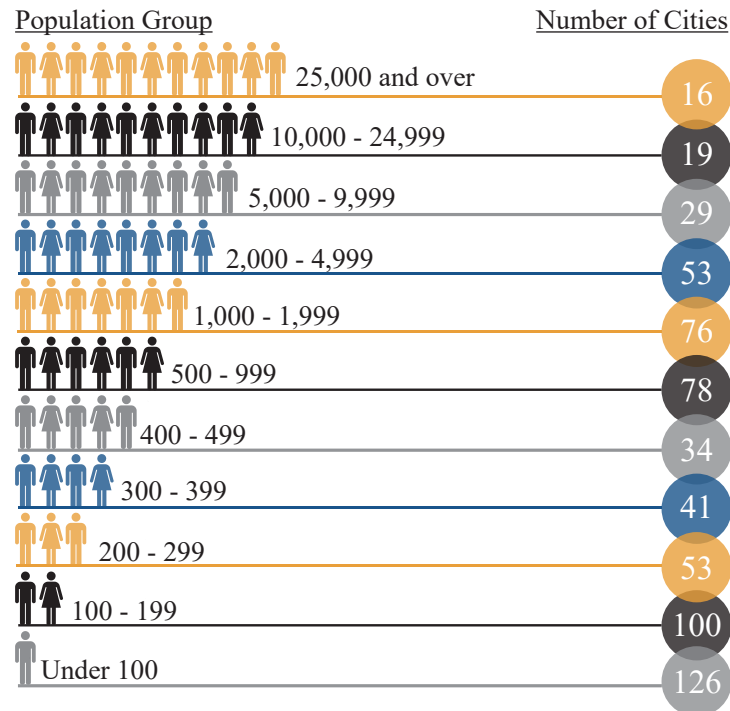
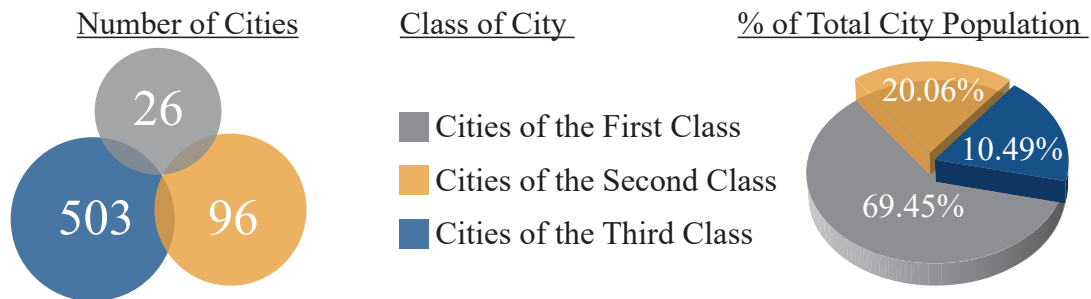
CITY FACTS

Total Number of Incorporated Cities = 625

Total Population of the State = 2,937,150

Total City Population = 2,443,840

83.20% of the state's population resides in an incorporated city.





LEAGUE LEGISLATIVE STAFF



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POLICY DEVELOPMENT

This *Statement of Municipal Policy* was developed by city officials through the League's policy committees. There are three policy committees that are focused in specific areas: Finance & Taxation, Public Officers & Employees, and Utilities & Environment. The fourth committee, the Legislative Policy Committee, reviews the entire *Statement* and the recommendations of the three specific committees. The *Statement* is then submitted to the Governing Body and is ultimately adopted by the Convention of Voting Delegates at the League's Annual Conference. For more information about the League policy committees or process, check out the League website at www.lkm.org or contact us at (785) 354-9565.

THE LEAGUE ADVOCATES FOR CITIES

The League advocates on our members' behalf to sponsor and encourage beneficial legislation for cities and oppose legislation that would be detrimental to our members' interest.



THE LEAGUE OFFERS GUIDANCE

Member cities can contact the League with a legal inquiry or question. Additionally, we provide sample ordinances and guidance on legislation and rulemaking from both the state and federal level.

COMMUNICATIONS & OUTREACH

Since 1914, the League has published the *Kansas Government Journal*, a publication for city, county and state government officials that is printed six times a year. The League publishes a weekly e-newsletter, researches municipal issues affecting Kansas communities and develops programs for cities to use to engage their residents and reinforce the importance of civic engagement.



MUNICIPAL TRAINING & EDUCATION

The League offers members a variety of education and training opportunities throughout the year. Our annual conference brings together leaders in municipal government to offer innovative ideas for cities. Throughout the year, the League works with professionals in the field to train, inspire and solve problems facing municipal leaders at all levels. The League offers over 30 manuals and publications on municipal issues ranging from finance and budgeting, personnel, planning, economic development, open meetings and open records to traffic ordinances.

CONTRACT SERVICES

The League offers members a competitive rate to have the League engage in contract services, which include codification services, executive personnel search program (LEAPS) and personnel policies.





THE
LEAGUE
OF KANSAS MUNICIPALITIES

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TO: Councilmember Spencer Duncan
Policy and Finance Committee

CC: Richard Nienstedt, Interim City Manager
Amanda Stanley, City Attorney

FROM: Whitney Damron, City of Topeka Lobbyist

RE: 2024 Legislative Issues

DATE: Prepared for 10/27/23 P&F Committee Meeting

Shawnee County Delegation Meeting.

Senator Brenda Dietrich, chair of Shawnee County legislative delegation has scheduled a meeting for Wednesday November 29 beginning at 9:00 a.m. in room 144-South for interested parties to outline their 2024 legislative priorities. The COT is scheduled to present its agenda to the Delegation at 9:30 a.m. The meeting is expected to be livestreamed on the State's website.

Municipal Issues for 2024.

- **Taxes.** The Kansas Association of Counties has made requesting for reinstitution of funding of the Local Ad Valorem Reduction Fund its highest priority. Although state funding of LAVTR remains in the statute book, funding has been ignored by the Legislature for nearly 20 years through budget provisos that negate the statute. House and Senate leaders have been quoted in the media as opposed to LAVTR funding and suggest a preference for a reduction in the statewide mill levy used to fund schools (20 mills) and infrastructure (1.5 mills). It is anticipated that other property tax relief measures will be revisited, including assistance for seniors. We can also expect to see Republicans work again to pass a single income tax rate, among any number of other tax-related matters lost to the Governor's veto pen earlier this year.

- **Public/Private Competition.** We can expect to see further efforts to pass some kind of legislation that provides tax relief to certain businesses that “compete” against public programs. In 2023, the three beneficiaries of the vetoed bill were health clubs, restaurants, and childcare. Of note, the members of the Special Committee on Assessment and Taxation were made aware of the fact that “the City of Topeka bought a hotel” so we can expect to see that used as another example of unfair competition between public and private entities.
- **Homelessness.** In 2023 the House created a committee on Welfare Reform chaired by Representative Francis Averkamp, R-St. Mary’s. The committee held a hearing on a controversial bill aimed at curbing homelessness, but the bill was not advanced out of committee. In a related matter, a Special Committee on Homelessness was created during the interim and the committee will meet for one day (November 9) to discuss this issue. Last month Interim City Manager Nienstedt, City Attorney Stanley and I met with Chairman Averkamp to discuss efforts underway by the COT to address homelessness and Amanda has connected the Chair with a national expert on the subject for his hearing. Chairman Averkamp indicated his priorities are public safety and protection of businesses.

Other Major Issues for 2024.

- **Foster Care.** The State continues to have serious challenges in handling foster care programs as the Governing Body is well aware. Republicans suggest the State needs an Independent Child Advocate’s Office. It remains to be seen whether the Governor and Republicans can agree on how best to improve the State’s foster care program.
- **Medicaid Expansion/Contract RFP.** The Governor has again challenged the Legislature to pass Medicaid Expansion in order to provide health care coverage to 200,000 Kansans. It is doubtful the Legislature will accommodate that request. Also, during 2024 the State will consider applicants to handle the State’s Medicaid program through an RFP process with new managers taking over January 1, 2025, under three-year agreements.
- **Miscellaneous Issues for 2024:**
 - Childcare Regulations.
 - Economic Development Programs/STAR Bonds.
 - Election Laws.
 - Energy/Electric Rates/Eminent Domain.

Closing Notes.

The State has a significant budget surplus. Republicans failed to override Governor Kelly on several tax packages last year and the parties of interest for each of those tax policy pieces will be back again seeking passage in one form or another. It was suggested earlier this year the Governor might try and trade Medicaid expansion for some kind of tax package, but both sides – Republicans and the Governor’s office said no trade. 2024 is an election year for all House and Senate seats so it is doubtful Republicans can afford to adjourn for a second straight year without meaningful tax relief when the State has so much in unencumbered balances.

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NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS, that the following is hereby adopted as the City of Topeka's legislative agenda for the 2023 legislative session:

Tax/Spending Lid.

(2) Business Competition. We strongly oppose any state-imposed limits on the taxing and spending authority of cities and legislation that seek to exempt/waive property taxes for some businesses at the expense of the tax base as a whole on the basis of competition.

(4) Unfunded Mandates. If the state or federal governments seek to promote particular policy objectives, such mandates should be accompanied by an appropriate level of funding.

27 **Public Safety.**

28 (1) Common Consumption. The city's governing body is tasked with providing public
29 safety for its citizens. As such, it is in the best position to determine if a public
30 street or roadway that lies within a common consumption area under K.S.A. 41-
31 2659 needs to be closed to motorized traffic. We support legislation to turn this
32 decision over to local governing bodies.

33 (2) Abandoned Housing. We support legislation that would give cities additional
34 tools to deal with vacant and abandoned housing.

35 (3) Mental Health. We support allocating additional resources for mental health
36 programs. Funds should be allocated for community mental health centers and
37 additional bed space for patients with mental health issues.

38 (4) Driver's License. We support the elimination of mandatory jail time for driving on
39 a suspended license as sensible step to increasing the number of citizens
40 achieving the goal of correcting the violations which lead to the suspended license
41 and reinstating their licenses to a valid status.

42 **Community Development**

43 (1) Docking Building. We support the renovation of the Docking State Office
44 Building and the City of Topeka seeks to work with the State to preserve items
45 of historic value, to the extent possible.

46 (2) Kansas Department of Health & Environment (KDHE) Lab. We support locating
47 of the KDHE Lab within City limits.

48 (3) Menninger Property. We support efforts to secure state funding for projects to
49 redevelop Menninger Hill.

(4) Broadband. The State should support efforts that invest in broadband as an essential utility for the success of the community.

(5) ARPA/IIJA. The City should seek opportunities for program and project funding through the American Rescue Plan Act (ARPA) and the Federal Infrastructure Investment and Jobs Act (IIJA).

League of Kansas Municipalities. We support the League of Kansas Municipalities 2023 Statement of Municipal Policy to the extent the Policy is consistent with the City's priorities and agenda, including opposing legislation limiting the City's Home Rule authority.

ADOPTED and APPROVED by the Governing Body on November 1, 2022.

CITY OF TOPEKA, KANSAS

Michael Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Interim City Manager Richard U. Nienstedt, concerning Vacant Property Registration, amending Chapter 8.65 of the Topeka Municipal Code and repealing original sections.

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

Section 1. That section 8.65.010, Purpose and intent, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Purpose and intent.

It is the purpose and intent of the Governing Body to establish a process to address the deterioration, crime, and decline in value of properties located in neighborhoods caused by vacant properties ~~with mortgages in foreclosure~~ and to identify, regulate, limit and reduce the number of these properties. The Governing Body finds that occupied structures are generally better maintained when compared to vacant structures. Chronically vacant ~~and unutilized structures or structures owned by individuals who are economically strained and unable to meet their mortgage obligations~~ are often not properly ~~or diligently~~ maintained, which contributes to blight, fires, trespassers, lower property values, and has a negative impact on the ~~residential areas where they are located~~ neighborhood. It is the Governing Body's further intent to establish a registration program as a mechanism to help protect neighborhoods from becoming blighted through the lack of adequate maintenance of properties that are ~~in foreclosure or are~~ chronically vacant ~~and unutilized~~.

Section 2. That section 8.65.020, Definitions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

28 **Definitions.**

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

32 ~~“Default” shall mean that the mortgagor has not complied with the terms of the~~
33 ~~mortgage on the property, or the promissory note, or other evidence of the debt,~~
34 ~~referred to in the mortgage.~~

35 “Director” shall mean the Chief of Police or designee.

36 “Enforcement officer” shall mean any law enforcement officer, building official,
37 zoning inspector, code enforcement officer, fire inspector, building inspector, or other
38 person authorized by the City to enforce any applicable ordinance.

39 ~~“Foreclosure” or “foreclosure action” shall mean the legal process by which a~~
40 ~~mortgagee, or other lien holder, terminates or attempts to terminate a property owner’s~~
41 ~~equitable right of redemption to obtain legal and equitable title to the real property~~
42 ~~pledged as security for a debt or the real property subject to the lien. The legal process~~
43 ~~is not concluded until the property obtained by the mortgagee, lien holder, or designee,~~
44 ~~by certificate of title, or any other means, is sold to a bona fide purchaser in an arm’s~~
45 ~~length transaction to satisfy the debt or lien.~~

46 “Governmental entities” shall mean any Federal agency, city, county, school
47 district or other taxing subdivision.

48 ~~“Mortgagee” shall mean the creditor, including but not limited to trustees;~~
49 ~~mortgage servicing companies; lenders in a mortgage agreement; any agent, servant,~~
50 ~~or employee of the creditor; any successor in interest; or any assignee of the creditor’s~~

51 ~~rights, interests or obligations under the mortgage agreement; or any other person or~~
52 ~~entity with the legal right to foreclose on the real property, excluding governmental~~
53 ~~entities.~~

54 “Owner” shall mean every person; or entity; ~~or mortgagee~~, who alone or severally
55 with others has legal ~~or equitable~~ title to any real property; ~~has legal care, charge, or~~
56 ~~control of any such property; is in possession or control of any such property; and/or is~~
57 ~~vested with possession or control of any such property, excluding governmental entities.~~
58 ~~A property manager shall not be considered the owner.~~ In the absence of substantial
59 evidence to the contrary, records of the Shawnee County Clerk’s Office,
60 ~~Registrar~~Register of Deeds, certified copies of court records or judgments of any court,
61 ~~copies of lease agreements, contracts for deed, mortgages, tax records, rental~~
62 ~~agreements and other financial documents related to the property shall be conclusive~~
63 ~~evidence of the ownership of the property.~~

64 “Property manager” shall mean any party designated by the owner as
65 responsible for inspecting, maintaining and securing the property as required in this
66 chapter.

67 “Real property” shall mean any residential or commercial land and/or buildings,
68 ~~leasehold improvements and anything affixed to the land, or portion thereof identified by~~
69 a property parcel identification number, located in the City limits.

70 “~~Registrable property~~” shall mean:

71 ~~(1) Any real property located in the City, whether vacant or occupied, that meets~~
72 ~~any of the following conditions:~~

73 ~~(i) The property is the subject of a foreclosure action filed by the mortgagee;~~

74 ~~(ii) A judgment of foreclosure has been entered;~~
75 ~~(iii) A foreclosure sale has occurred and title transferred to the beneficiary of a~~
76 ~~mortgagee; or~~
77 ~~(iv) The property has been transferred to a mortgagee under a deed in lieu of~~
78 ~~foreclosure/sale.~~

79 ~~The designation of a property as “registrable” shall remain in place until such~~
80 ~~time as the property is sold to a bona fide purchaser in an arm’s length transaction or~~
81 ~~the foreclosure action has been dismissed and any default on the mortgage has been~~
82 ~~cured.~~

83 ~~(2) Any property that is vacant for more than 180 days.~~

84 “Registry” shall mean a ~~web-based electronic database of searchable real~~
85 ~~property records, used by the City to allow mortgagees and owners the opportunity to~~
86 ~~register vacant properties and pay applicable fees as required in this chapter.~~

87 “Renovation activities” shall mean actions that demonstrate that property is being
88 repaired, remodeled, or rehabilitated. Such activities shall include, but not be limited to,
89 painting, roofing, wallpapering, tiling, carpeting, installing cabinets/counter tops,
90 installing heating/cooling systems, and repairs to any part of the structure including, but
91 not limited to, the foundation, windows, doors, siding, and porches.

92 ~~“Semiannual registration” shall mean six months from the date of the first action~~
93 ~~that requires registration, as determined by the Director, and every subsequent six~~
94 ~~months. The date of the initial registration may be different than the date of the first~~
95 ~~action that required registration.~~

96 “Utility” shall mean any utility and/or service that is essential for a building to be
97 habitable and/or perform a service necessary to comply with all City ordinances. This
98 includes, but is not limited to, electrical, gas, water, and sewer.

99 “Vacant” shall mean any building or structure intended for residential or
100 commercial use which does not appear to be occupied or in use by the owner or tenant
101 on a permanent, nontransient basis. Evidence that a property is vacant shall include any
102 condition that on its own, or combined with other conditions present, would lead a
103 reasonable person to believe that the property has not been occupied or in use for at
104 least 180 days. Such conditions may include, but are not limited to: overgrown and/or
105 dead vegetation; past due utility notices and/or disconnected utilities; accumulation of
106 trash, junk or debris; abandoned vehicles, auto parts and/or materials; the absence of
107 furnishings and/or personal items consistent with habitation or occupancy; the presence
108 of an unsanitary, stagnant swimming pool; the accumulation of newspapers, circulars,
109 flyers and/or mail; statements by neighbors, passers-by, delivery agents or government
110 agents; and/or the presence of boards over doors, windows or other openings.

111 Section 3. That section 8.65.030, Establishment of a registry, of The Code of
112 the City of Topeka, Kansas, is hereby amended to read as follows:

113 **Establishment of a registry.**

114 The Director shall establish a registry cataloging each ~~registrable~~ vacant property
115 ~~containing the information required by~~ pursuant to this chapter.

116 Section 4. That section 8.65.040, Registration of property subject to mortgage
117 foreclosure, of The Code of the City of Topeka, Kansas, is hereby repealed.

118 ~~**Registration of property subject to mortgage foreclosure.**~~

~~(a) Within 10 days of the date that the property becomes registrable, the mortgagee shall:~~

~~(1) Register the real property and indicate whether the property is vacant; and~~

~~(2) If the property is vacant, the mortgagee shall designate in writing a property manager to inspect, maintain and secure the real property. A separate registration will be required for each registrable property.~~

~~(b) Initial registration pursuant to this section shall contain at a minimum the name of the mortgagee, the mailing address of the mortgagee, email address, telephone number and name of the property manager and the manager's mailing address, email address, and telephone number.~~

~~(c) At the time of initial registration each registrant shall pay a nonrefundable semiannual registration fee to be determined by the Director, with the approval of the City Manager, in an amount not to exceed \$500.00 for each registrable property. Subsequent semiannual registrations of registrable properties and fees in that amount shall be due within 10 days of the expiration of the previous registration.~~

~~(d) If the mortgage and/or servicing on a property is sold or transferred, the new mortgagee is subject to all the terms of this chapter. Within 10 days of the transfer, the new mortgagee shall register the property or update the existing registration. The previous mortgagee(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that mortgagee's involvement with the property.~~

~~(e) If the mortgagee sells or transfers the registrable property in a non-arm's-length transaction to a related entity or person, the transferee is subject to all the terms~~

of this chapter. Within 10 days of the transfer, the transferee shall register the property or update the existing registration. Any and all previous unpaid fees, fines, and penalties, regardless of who the mortgagee was at the time registration was required, including but not limited to unregistered periods during the foreclosure process, are the responsibility of the transferee and are due and payable with the updated registration. The previous mortgagee will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that mortgagee's involvement with the property.

(f) Properties subject to this section shall remain subject to the semiannual registration requirement, the security, and maintenance standards of this section as long as the property remains registrable.

(g) Failure of the mortgagee and/or owner to properly register, pay the registration fees, or to modify the registration to reflect a change of circumstances as required by this chapter is a violation of this chapter and shall be subject to a civil penalty of not to exceed \$250.00 for each violation. Each property shall constitute a separate offense. A citation may be issued every 30 days by the Director until a registration statement, payment of the registration fees, amendment, or other statement required by this chapter is filed.

(h) If the civil penalties are not paid within 30 days from the payment date or, if appealed pursuant to Chapter 2.45 TMC, 30 days from the final decision of the Hearing Officer, the obligation shall constitute a lien upon the real property and shall be assessed as a special assessment against the property that is the subject of the requirement. The City Clerk shall certify the unpaid portion of the penalty to the County

165 ~~Clerk who shall collect the assessment at the same time as ad valorem property taxes.~~

166 Section 5. That section 8.65.050, Registration of vacant property, of The Code
167 of the City of Topeka, Kansas, is hereby amended to read as follows:

168 **Registration of vacant property.**

169 (a) (1) Any owner of vacant property located within the City shall register
170 the real property within 10 days after the property becomes vacant, or within 10 days
171 after assuming ownership of the property, whichever is later.

172 (2) An owner of vacant property shall not be required to register the
173 real property if the owner is performing renovation activities or has temporarily
174 vacated the property for a period not in excess of 180 days.

175 (b) ~~Initial~~Registration pursuant to this section shall contain at a minimum the
176 name of the owner, the mailing address of the owner, email address, and telephone
177 number of the owner, and, if applicable, the name and telephone number of the property
178 manager and the manager's address, email address, and telephone number.

179 (c) If the owner resides outside a 60-mile radius of the City limits, the owner
180 shall appoint an agent who resides within the City limits. The owner shall provide the
181 agent's full name, property management company name (if applicable), email address
182 (if applicable), telephone number and mailing address.

183 ~~(d) At the time of initial registration each registrant shall pay a nonrefundable~~
184 ~~semiannual registration fee to be determined by the Director, with the approval of the~~
185 ~~City Manager, in an amount not to exceed \$500.00 for each vacant property.~~
186 ~~Subsequent semiannual registrations of vacant properties and fees in that amount are~~
187 ~~due within 10 days of the expiration of the previous registration.~~

(ed) If the property is sold or transferred, the new owner is subject to all the terms of this chapter. Within 10 days of the transfer, the new owner shall register the vacant property or update the existing registration, on a form provided by the Director. ~~The previous owner(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that owner's involvement with the vacant property.~~

~~(fe) Properties subject to this section shall remain subject to the semiannual registration requirement, the security, and maintenance standards of this section as long as the property is vacant. An owner shall notify the Director, on a form provided by the Director, when the property is no longer vacant.~~

~~(g) Properties registered as a result of this section are not required to be registered again under TMC 8.65.040.~~

~~(hf) Failure of the an owner to properly register, pay registration fees, or to modify the registration to reflect a change of circumstances as required by this chapter is a violation of this chapter and shall be subject to a civil penalty of not to exceed \$250.00 for each violation. Each property shall constitute a separate offense. A citation may be issued every 30 days by the Director until a registration statement, payment of registration fees, amendment, or other statement required by this chapter is filed.~~

~~(ig) If the civil penalties are a penalty is not paid within 30 days from the payment date or, if appealed pursuant to Chapter 2.45 TMC, 30 days from the final decision of the Hearing Officer, the obligation may be collected in the same manner as a personal debt of the owner to the City and/or through placement of shall constitute a lien upon the real property and shall be assessed as a special assessment against the property~~

that is the subject of the requirement. The City Clerk shall certify the unpaid portion of the penalty to the County Clerk who shall collect the assessment at the same time as ad valorem property taxes.

Section 6. That section 8.65.060. Maintenance requirements, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Maintenance requirements.

~~Each mortgagee of a registrable property and each~~ owner of a vacant property shall maintain the properties subject to this chapter in accordance with the property maintenance code adopted in TMC 8.60.010 and all other codes adopted by the City.

Section 7. That section 8.65.070, Security requirements, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Security requirements.

(a) Properties ~~subject to this chapter~~ that are vacant shall be maintained by the owner ~~or mortgagee~~ in a secure manner so as not to be accessible to unauthorized persons.

(b) A “secure manner” shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates, and other openings of such size that may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by reglazing of the window.

~~(c) If a property is registrable, a property manager shall be designated by the mortgagee and/or owner to perform the work necessary to bring the property into~~

234 compliance with TMC 8.65.060 and the property manager must perform regular
235 inspections to verify compliance with the requirements of this chapter and any other
236 applicable laws.

237 (d) ~~When a property subject to this chapter becomes vacant, it shall be~~
238 ~~posted with the name and 24-hour contact telephone number of the property manager.~~
239 ~~The property manager shall be available to be contacted by City staff Monday through~~
240 ~~Friday between 9:00 a.m. and 5:00 p.m., legal holidays excepted. The sign, which shall~~
241 ~~be at least three inches by five inches, shall be placed on the front door. The property~~
242 ~~manager shall ensure that the sign is made or covered with weather-resistant materials.~~
243 ~~The sign shall contain the following language with supporting information:~~

244 THIS PROPERTY IS MANAGED BY _____. THE PROPERTY MANAGER CAN
245 BE CONTACTED BY TELEPHONE AT _____ OR BY EMAIL AT _____.

246 (e) ~~Failure of the mortgagee and/or owner to secure a property subject to this~~
247 ~~chapter, and post and maintain the signage noted in this section, is unlawful and~~
248 ~~punishable in accordance with TMC 1.10.070.~~

249 Section 8. That original § 8.65.010, § 8.65.020, § 8.65.030, § 8.65.050, §
250 8.65.060 and § 8.65.070 of The Code of the City of Topeka, Kansas, are hereby
251 specifically repealed.

252 Section 9. This ordinance shall take effect and be in force from and after its
253 passage, approval and publication in the official City newspaper.

254 Section 10. This ordinance shall supersede all ordinances, resolutions or rules,
255 or portions thereof, which are in conflict with the provisions of this ordinance.

256 Section 11. Should any section, clause or phrase of this ordinance be declared

invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the City Council on _____.

CITY OF TOPEKA, KANSAS

Michael A. Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Interim City Manager Richard U. Nienstedt, concerning merchant or private security guard, amending § 5.90.010, § 5.90.020 and § 5.90.150 of the Topeka Municipal Code and repealing original sections.

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

Section 1. That section 5.90.010, Definitions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Definitions.

“Chief of Police” means the Chief of Police of Topeka, Kansas, or his or her designee.

“Conviction” shall mean a finding of guilty of the commission of a criminal offense as specified herein, but shall not include the following:

(1) A charge for which a person has successfully completed a diversion;

(2) A charge that resulted in a deferred judgment for a juvenile under the age of 18; and

(3) A conviction that has been expunged or pardoned pursuant to the law of any applicable jurisdiction.

“Crime of violence” means:

(1) An offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another; or

(2) Any other offense that is a felony or misdemeanor and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

29 “Employee, agent, and guard” means all persons employed by a private security
30 firm in the conduct of business, except employees whose duties are confined entirely to
31 stenographic, clerical or management duties in the business office of the private
32 security firm or other employees not directly engaged in providing protection and
33 preserving the peace.

34 “License” means the license to act as a private security firm or to act as an
35 employee, agent or guard of a private security firm issued by the Chief of Police.

36 “Police Department” means the Topeka, Kansas, Police Department.

37 “Private detective” means any person who engages in detective business as
38 defined by K.S.A. 75-7b01, and amendments thereto.

39 “Private security firm” means any person or company that conducts or is
40 engaged in the business of providing protection and preserving the peace of one or
41 more establishments.

42 “State Agency” means any department, agency or instrumentality of the State of
43 Kansas.

44 Section 2. That section 5.90.020, Uniforms, of The Code of the City of
45 Topeka, Kansas, is hereby amended to read as follows:

46 **Uniforms.**

47 Unless a sworn officer of the Police Department is employed directly as an
48 employee of a State Agency or by a security agency stationed solely at a State Agency,

49 Uniforms, if any, worn by employees, agents or guards of private security firms while
50 employed within the City shall not be the same color nor sufficiently similar in
51 appearance that a reasonable person could confuse them with uniforms worn by

52 officers of the Police Department or any other law enforcement agency authorized by
53 the State of Kansas to operate within the City of Topeka.

54 Section 3. That section 5.90.150, Insurance, of The Code of the City of
55 Topeka, Kansas, is hereby amended to read as follows:

56 **Insurance.**

57 (a) All private security firms other than State Agencies, shall carry insurance
58 for the purpose of indemnifying third persons for bodily injury, in amounts not less than
59 \$200,000 for each bodily injury and \$500,000 aggregate limit; and further, to indemnify
60 third persons for any damage to property as the result of the actions of the private
61 security firm's employee, agent, or guard in an amount of not less than \$100,000 per
62 claimant and \$300,000 aggregate limit. Evidence of such coverage shall be provided to
63 the Chief of Police, and it shall be the private security firm's responsibility to assure that
64 either the private security firm or its insurance carrier has notified the Chief of Police of
65 any lapse or cancellation in coverage within 10 days of notification to the insured.

66 (b) Failure to carry the required insurance or to notify the Chief of Police of
67 any lapse or cancellation of coverage within 10 days of notification to the insured shall
68 be unlawful.

69 Section 4. That original § 5.90.010, § 5.90.020 and § 5.90.150 of The Code of
70 the City of Topeka, Kansas, are hereby specifically repealed.

71 Section 5. This ordinance shall take effect and be in force from and after its
72 passage, approval and publication in the official City newspaper.

73 Section 6. This ordinance shall supersede all ordinances, resolutions or rules,
74 or portions thereof, which are in conflict with the provisions of this ordinance.

Section 7. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the Governing Body on _____.

CITY OF TOPEKA, KANSAS

Michael A. Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk

ORDINANCE NO. _____

AN ORDINANCE introduced by Councilmember Spencer Duncan, concerning common consumption areas, creating Article V in Chapter 9.15 of the Topeka Municipal Code, amending § 9.15.010 and § 12.70.070 and repealing original sections.

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

Section 1. That section 9.15.010, Definitions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Definitions.

Unless otherwise defined in this chapter, the terms used in this chapter shall have the same meaning and definitions as defined in K.S.A. Chapter 41 and amendments thereto. As used in this chapter:

(a) “Beer” means beer as defined by K.S.A. 41-102 and amendments thereto, but containing not more than six percent alcohol by volume.

(b) “Cereal malt beverage” means any fermented but undistilled liquor brewed or made from malt or from a mixture of malt or malt substitute or any flavored malt beverage, as defined in K.S.A. 41-2729 and amendments thereto, but does not include any such liquor which is more than 3.2 percent alcohol by weight.

(c) “Common consumption area” or “CCA” means a defined indoor or outdoor area not otherwise subject to a license issued pursuant to the Kansas Liquor Control Act or the Club and Drinking Establishment Act where the possession and consumption of alcoholic liquor or cereal malt beverage is allowed pursuant to a common consumption area permit issued by the Director.

(d) “Director” means the director of alcoholic beverage control of the Kansas Department of Revenue.

(ee) “Off-premises retailer” means a person who is licensed under the Kansas Cereal Malt Beverage Act and who sells or offers for sale any cereal malt beverage or beer in original and unopened containers that is not for consumption on the premises.

(df) “On-premises retailer” means a person who is licensed under the Kansas Cereal Malt Beverage Act and who sells or offers for sale any cereal malt beverage or beer for consumption on the premises.

Section 2. That the Code of the City of Topeka, Kansas, is hereby amended by adding an article, to be numbered Article V, which said article reads as follows:

Article V. Common Consumption (City as permittee)

Section 3. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 9.15.360, which said section reads as follows:

Common consumption areas established; boundaries.

(a) The governing body hereby establishes the following common consumption areas (“CCA”):

(1) Downtown. The area encompassing SW 4th between SW Jackson and SW Quincy on the north; SW 10th between SW Jackson and SE Quincy on the south; SE Quincy between SE 4th and SW 10th on the east; and SW Jackson between SW 4th and SW 10th on the west.

(2) NOTO. The area encompassing Fairchild Street on the north, Norris Street on the south, Quincy Street on the east and Jackson Street on the west.

(b) Public streets or roadways within a CCA may be blocked from motorized traffic during the hours in which alcoholic liquor or cereal malt beverage is consumed.

51 Section 4. That the Code of the City of Topeka, Kansas, is hereby amended
52 by adding a section, to be numbered 9.15.370, which said section reads as follows:

53 **Hours.**

54 The possession and consumption of alcoholic liquor or cereal malt beverage in
55 each CCA shall be allowed only between the hours of 11 a.m. and 10 p.m. Sunday
56 through Thursday and 11 a.m. to midnight on Friday and Saturday.

57 Section 5. That the Code of the City of Topeka, Kansas, is hereby amended
58 by adding a section, to be numbered 9.15.380, which said section reads as follows:

59 **State permit required.**

60 Possession and consumption of alcoholic liquor or cereal malt beverage is
61 authorized provided that a common consumption permit has been issued to the City by
62 the Director in accordance with K.S.A. 41-2659, as amended.

63 Section 6. That the Code of the City of Topeka, Kansas, is hereby amended
64 by adding a section, to be numbered 9.15.390, which said section reads as follows:

65 **Authorized alcoholic liquor/cereal malt beverage containers.**

66 All alcoholic liquor or cereal malt beverage removed from a premise licensed by
67 the Director shall be served in a container that displays the licensee's name, logo or
68 other identifying mark that is unique to the licensee. No alcoholic beverage removed
69 from a licensed premises shall be in a glass container.

70 Section 7. That the Code of the City of Topeka, Kansas, is hereby amended
71 by adding a section, to be numbered 9.15.400, which said section reads as follows:

72 **Purchases outside of a CCA.**

73 The possession or consumption of alcoholic liquor or cereal malt beverage

74 purchased outside the boundaries of a CCA shall not be permitted inside the
75 boundaries of a CCA.

76 Section 8. That the Code of the City of Topeka, Kansas, is hereby amended
77 by adding a section, to be numbered 9.15.410, which said section reads as follows:

78 **Purchases within a CCA.**

79 No open container of alcoholic liquor or cereal malt beverage purchased within a
80 CCA shall be removed from the boundaries of a CCA.

81 Section 9. That the Code of the City of Topeka, Kansas, is hereby amended
82 by adding a section, to be numbered 9.15.420, which said section reads as follows:

83 **Inappropriate conduct.**

84 Inappropriate conduct shall not be permitted within the boundaries of a CCA. Any
85 person engaging in inappropriate conduct may be subject to removal from the event.
86 Inappropriate conduct includes, but is not limited to, fighting, harassment, destruction of
87 property or committing any violation of City ordinances or state law.

88 Section 10. That the Code of the City of Topeka, Kansas, is hereby amended
89 by adding a section, to be numbered 9.15.430, which said section reads as follows:

90 **Compliance with regulations.**

91 All licensees approved by the Director to participate in the CCA shall at all times
92 comply with all City ordinances, state and federal laws regulating the purchase, sale
93 and consumption of alcoholic liquor and cereal malt beverage.

94 Section 11. That the Code of the City of Topeka, Kansas, is hereby amended
95 by adding a section, to be numbered 9.15.440, which said section reads as follows:
96

97 **Authorization for CCA permit.**

98 The city manager or designee is authorized to take all necessary actions relative
99 to administering a CCA, including but not limited to, enacting regulations and executing
100 all documents required to obtain a CCA permit on behalf of the City.

101 Section 12. That section 12.70.070, Alcohol and cereal malt beverage
102 consumption, of The Code of the City of Topeka, Kansas, is hereby amended to read as
103 follows:

104 **Alcohol and cereal malt beverage consumption.**

105 (a) Each applicant who intends to allow the sale and/or consumption of
106 alcoholic liquor or cereal malt beverages at a special event shall request approval from
107 the Governing Body pursuant to TMC 9.15.020.

108 (b) Subsection (a) shall not apply if the special event occurs within the
109 boundaries of a common consumption area established pursuant to K.S.A. 41-2659.

110 Section 13. That original § 9.15.010 and § 12.70.070 of The Code of the City of
111 Topeka, Kansas, are hereby specifically repealed.

112 Section 14. This ordinance shall take effect and be in force from and after its
113 passage, approval and publication in the official City newspaper.

114 Section 15. This ordinance shall supersede all ordinances, resolutions or rules,
115 or portions thereof, which are in conflict with the provisions of this ordinance.

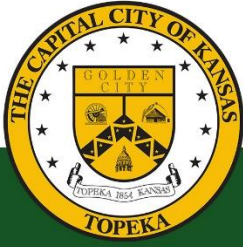
116 Section 16. Should any section, clause or phrase of this ordinance be declared
117 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
118 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.
119

120 PASSED AND APPROVED by the Governing Body on _____.

121
122 CITY OF TOPEKA, KANSAS

123
124
125
126
127 _____
128 Michael A. Padilla, Mayor

129 ATTEST:
130
131
132 _____
133 Brenda Younger, City Clerk



CITY OF TOPEKA

Richard Faulkner
Division Director of Development Services
Holliday Building, 620 SE Madison St., Topeka, KS 66607

rfaulkner@topeka.org
Tel: 785-368-1606
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Date: October 27, 2023

To: Policy and Finance Committee
Spencer Duncan,
Hannah Naeger,
Christina Valdivia-Alcalá

From: Richard Faulkner, Division Director, Development Services

Subject: 2021 International Residential Code

The Board of Building Fire and Appeal (BBFA) is making the recommendation that the city of Topeka adopt the 2021 International Residential Building Code (IRC) published by the International Code Council. This recommendation is based on the review of the code by a subcommittee of the BBFA. Best practice is to have a code that is within 3 to 6 years of the most current code. At the present time City of Topeka is under the 2009 IRC. By adopting this code we will be in line with best practice and also addresses the direction given by the governing body that we adopt the most current codes as possible.

Staff agrees with the recommendation the BBFA is making to adopt the 2021 IRC.



CITY OF
TOPEKA



2021 International Residential Code (IRC) Adoption

Published by the International Code Council (ICC)

Codes Presently Adopted by COT

2

RESIDENTIAL

- **2009 INTERNATIONAL RESIDENTIAL CODE (CH 1-10, APP F)**
- 2009 INTERNATIONAL ENERGY CONSERVATION CODE

COMMERCIAL

- 2021 INTERNATIONAL EXISTING BUILDING CODE (IEBC)
- 2021 INTERNATIONAL ENERGY CONSERVATION CODE (IECC)
- 2021 INTERNATIONAL BUILDING CODE (IBC)
- 2021 INTERNATIONAL FIRE CODE (IFC)
- 2015 LIFE SAFETY CODE (LSC)
- 2010 ADA STANDARDS FOR ACCESSIBLE DESIGN

RESIDENTIAL / COMMERCIAL

- 2018 UNIFORM PLUMBING CODE
- 2023 NATIONAL ELECTRICAL CODE
- 2015 UNIFORM MECHANICAL CODE



- The Governing Body desires to adopt the most up to date construction codes. The 2021 IRC is the most recent versions.
- Before we began our review a member of the ICC provided us with a class on the changes in the code between the 2009 and 2021.
- Updating our codes allows us to have codes that are keeping up with changes in the construction industry
- These codes help us to provide our citizens with safe structures and improve their quality of life



Neighboring Cities

	2012	2015	2018	2021
Manhattan				X
Lawrence			X	
Overland Park			X	
Shawnee			X	
Leavenworth			X	
Olathe			X	
Junction City	X			



- The Board of Building and Fire Appeals (BBFA) subcommittee lead the review process:
 - Angle Sharp, PE; Mike Pressgrove, Contractor; Chuck Dultmeier, Contractor;
- Members of City staff served as liaisons to the board including the Building Official, and the Building Inspectors.
- Recommendation:
 - Adopt 2021 IRC with local amendments



Notable Amendments

- The door coming off the garage going into the residences is required to be self-closing.
- There is now a code specifically for decks.
- Smoke detectors are allowed to be interconnected wirelessly.



(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Interim City Manager Richard U. Nienstedt, concerning adoption of the 2021 International Residential Code, amending and repealing several sections of Chapter 14.55 of the Topeka Municipal Code.

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

Section 1. That section 14.55.010, International Residential Code, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

International Residential Code.

International Residential Code for One- and Two-Family Dwellings, ~~2009~~2021 Edition, hereinafter referred to as the "IRC," as published by the International Code Council, Chapters 1 through 10, ~~and Appendix AF~~ Radon Control Methods with the exclusion of Section AF104 Testing and Appendix AQ Tiny Houses in its entirety, are hereby adopted by reference and incorporated in this chapter except as amended in Article II of this chapter.

Section 2. That section 14.55.020, International Residential Code – One file in the Clerk's office, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

International Residential Code – On file in the Clerk's office.

At least one copy of the IRC as adopted in this chapter shall be on file with the City Clerk to be available for inspection by the public at all reasonable business hours. ~~The Police Department, Municipal Court, and all administrative departments of the~~ Any City department charged with the duty of enforcement of this chapter shall be supplied, at the cost of the City, such number of copies of such code as may be deemed

expedient by the Director of ~~Public Works~~Planning and Development or his or her designee.

Section 3. That section 14.55.030, Adoption of rules and regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Adoption of rules and regulations.

The Director of ~~Public Works~~Planning and Development or his or her designee shall have the authority to promulgate such rules and regulations as are necessary to carry out the purposes of the IRC. Reference may be made to the currently adopted building code for guidance and clarification.

Section 4. That section 14.55.050, Title, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

TitleScope.

Section R101.42, ~~TitleScope~~, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

~~These provisions shall be known as the Residential Code for One- and Two-family Dwellings of the City of Topeka, and shall be cited as such and will be referred to herein as "this code."~~

The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures not more than three stories above grade plane in height.

Exception: The following shall be permitted to be constructed in

52 accordance with this code where provided with an automatic sprinkler system
53 complying with Section NFPA13D:

54 1. Owner-occupied lodging houses with five or fewer guestrooms.

55 2. A care facility with eight or fewer persons receiving custodial care
56 within a dwelling unit.

57 3. A care facility with eight or fewer persons receiving medical care
58 within a dwelling unit

59 4. A care facility for eight or fewer persons receiving care that are
60 within a single-family dwelling.

61 Section 5. That section 14.55.120, Premises identification, of The Code of the
62 City of Topeka, Kansas, is hereby amended to read as follows:

63 **Premises identification.**

64 Section R105.10, Premises identification, is hereby created by the addition of the
65 following provisions:

66 The approved permit number and street address number shall be displayed and
67 be plainly visible and legible from the public street or road fronting the property on which
68 any new building is being constructed. Use or occupancy of the building may be denied
69 for failure to display in accordance with this section.

70 Section 6. That section 14.55.170, Types of inspections, of The Code of the
71 City of Topeka, Kansas, is hereby amended to read as follows:

72 **Types of inspections.**

73 Section R109.1, Types of inspections, including subsections, is hereby deleted in
74 its entirety and the following provisions shall be substituted therefor:

R109.1 Types of inspections. For onsite construction, from time to time the building official, upon notification from the permit holder or his agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent wherein the same fails to comply with this code. Construction or work for which a permit is required shall be subject to inspection by the building official, and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code 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 the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

R109.1.1 Footing and foundation inspections. Inspection of the foundation footings shall be made after poles or piers are set or trenches or basement areas are excavated, and any required forms erected and any required reinforcing steel is in place and supported prior to the placing of concrete. The foundation footing inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment and special requirements for wood foundations. The foundation wall inspection shall be made after the concrete forms are set and any required reinforcing steel is in place and supported.

R109.1.1.1 Wall bracing inspection. Inspection of the required braced wall lines and braced wall panels to verify compliance with applicable bracing requirements of sections R602.10 through R602.12 shall be made after the installation of wall sheathing and prior to installation of any housewrap or exterior wall covering. Required interior braced wall panels, including all required blocking and connections both above and below the panels shall also be in place. Required nailing/patterns for bracing shall be completed and ready for inspection. Rough-in of electrical, mechanical and plumbing systems shall not take place until approval of the wall bracing by the building official. The approved plans showing the location, methods used, minimum lengths, attachment specs, etc. shall be provided on the site for reference by the building official.

R109.1.2 Plumbing, mechanical, gas and electrical systems inspection. Rough inspection of plumbing, mechanical, gas and electrical systems shall be made prior to covering or concealment, before fixtures or appliances are set or installed, and prior to framing inspection.

Exception: Back-filling of ground-source heat pump loop systems tested in accordance with Section ~~M2405.4~~E505.0 Uniform Mechanical Code prior to inspection shall be permitted.

R109.1.3 Floodplain inspections. For construction in areas prone to flooding as established by ~~Table R301.2(1)~~on flood insurance rate map (FIRM) panels referenced on the associated FIRM Index dated September 29, 2011, as

121 amended, and any future revisions thereto, upon placement of the lowest floor,
122 including basement, and prior to further vertical construction, the building official
123 shall require submission of documentation, prepared and sealed by a registered
124 design professional, of the elevation of the lowest floor, including basement,
125 required in Section R322TMC 17.30.190.

126 R109.1.4 Frame and masonry inspection. Inspection of framing and
127 masonry constructions shall be made after the roof, masonry, all framing,
128 firestopping, draftstopping and bracing are in place and after the plumbing,
129 mechanical and electrical rough inspections are approved.

130 R109.1.5 Other inspections. In addition to the called inspections above,
131 the building official may make or require any other inspections to ascertain
132 compliance with this code and other laws enforced by the building official. Before
133 issuing a permit, the building official is authorized to examine or cause to be
134 examined buildings, structures and sites for which an application has been filed.

135 R109.1.5.1 Fire-resistance-rated construction inspection. Where
136 fire-resistance-rated construction is required between dwelling units or due
137 to location on property, the building official shall require an inspection of
138 such construction after all lathing and/or wallboard is in place, but before
139 any plaster is applied, or before wallboard joints and fasteners are taped
140 and finished.

141 R109.1.6 Final inspection. Final inspection shall be made after the
142 permitted work is complete and prior to occupancy.

143 R109.1.7 Insulation inspection. Inspection of all placed insulation in walls,

floors, and ceiling assemblies in accordance with the International Energy Conservation Code, adopted at TMC Chapter 14.90, shall occur after an approved framing inspection.

Section 7. That section 14.55.180, Permit completion, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Permit completion.

Section R110, CERTIFICATE OF OCCUPANCY, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

PERMIT COMPLETION

R110.1 Use and occupancy.

(a) No building or structure shall be used or occupied until all applicable mechanical, plumbing, electrical and building “final inspections” have been completed and passed. It shall be the duty of the permit holder to request all required inspections and to complete the permit by passing the final inspection prior to occupancy or use of the building. No change in the existing occupancy classification of a building or structure or portion thereof shall be made until all required inspections and permits have been completed and approved by the building official. Completion of a permit shall not be construed as an approval of a violation of the provisions of this code or of other ordinances.

(b) Notwithstanding subsection (a) and absent a waiver pursuant to subsection (c), a final inspection shall not be completed and passed unless driveway approaches have been installed and sidewalks constructed along all adjoining rights-of-way of the subject lot or all lots or portions thereof joined to it or are the subject of a contract as

part of a benefit district created pursuant to K.S.A. 12-6a01 et seq. or Title 18 of the Topeka Municipal Code.

(c) The director of public works or designee may waive the requirement in subsection (b) if any of the following conditions applies:

(1) Plats approved prior to January 1, 2001, where more than 50% of the lots have been developed, but less than 50% of the completed homes on that block and side of the street have sidewalks in a subdivision.

(2) The sidewalk is the subject of a waiver granted in conjunction with approval of the subdivision plat.

(3) Unique circumstances exist where the public works director or designee determine that the subject sidewalk link would not be part of a viable sidewalk system in that community or conditions exist whereby construction of the sidewalk is impractical.

(4) The home is located on a corner lot or double-frontage lot and the sidewalk link along one of the lot's two frontages meets one of the waiver criteria in subsection (c).

(5) Weather conditions prevented installation of the driveway approaches or construction of the sidewalks. However, in such event, the property owner shall install driveway approaches and construct sidewalks within 90 days from the date of the final inspection.

R110.2 Change in use. Changes in the character or use of an existing structure shall not be made except as specified in ~~Sections 3406 and 3407 of the International Building Code~~ Chapters 10 and 12 of the International Existing Building Code.

190 R110.3 Temporary occupancy. The building official is authorized to allow use
191 and/or occupancy before the completion of the entire work covered by the permit,
192 provided that such portion or portions shall be occupied safely. The building official may
193 upon the request of the permit holder set a time period during which the temporary use
194 and/or occupancy is valid. The conditions of temporary use and/or occupancy and
195 specified time period shall be in writing. The permit holder is responsible for permit
196 completion per R110.1.

197 R110.4 Revocation. The building official may, in writing, suspend or revoke use
198 and/or occupancy allowed under the provisions of this code, or on the basis of incorrect
199 information supplied, or where it is determined that the building or structure or portion
200 thereof is in violation of any ordinance or regulation or any of the provisions of this code.

201 Section 8. That section 14.55.210, Unlawful continuance, of The Code of the
202 City of Topeka, Kansas, is hereby amended to read as follows:

203 **Unlawful continuanceFailure to comply.**

204 Section R114.24, Unlawful continuanceFailure to comply, is hereby deleted in its
205 entirety and the following provisions shall be substituted therefor:

206 It shall be unlawful for any person to continue to work after having been served
207 with a stop work order, except such work as that person is directed to perform to
208 remove a violation or unsafe condition. Failure to abide by this provision may result in
209 penalties prescribed in TMC 1.10.070.

210 Section 9. That section 14.55.230, IRC Table R301.2(1), of The Code of the
211 City of Topeka, Kansas, is hereby amended to read as follows:

212 **IRC Table R301.2(1).**

213 Table R301.2(1) is hereby deleted in its entirety and the following table shall be
 214 substituted therefor:

215 **IRC TABLE R301.2(1)**
 216 **CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

Ground Snow Load	Wind Design		Seismic Design Category ^f	Subject To Damage From			Winter Design Temp ^e	Ice Barrier Underlayment Required ^h	Flood Hazards ^g	Air Freezing Index ⁱ	Mean Annual Temp ^j
	Speed ^d (mph)	Topographic Effects ^k		Weathering ^a	Frost Line Depth ^b	Termite ^c					
20	90114	NO	BA	Severe	36"	Moderate to Heavy	4	NO	Oct 23, 1971, entry into National Flood Insurance Program. Current maps dated September 29, 2011, entitled "Flood Insurance Rate Map for Shawnee County KS"	1000	54.3

217 For SI: 1 pound per square foot = 0.0479 kN/m², 1 mile = 1.609km/h.
 218 **a** Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural
 219 requirements of this code. The weathering column shall be filled in with the weathering index (i.e., "negligible,"
 220 "moderate" or "severe") for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The
 221 grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.
 222 **b** The frost line depth may require deeper footings than indicated in Figure R403.1(1). The jurisdiction shall fill in the
 223 frost line depth column with the minimum depth of footing below finish grade.
 224 **c** The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has
 225 been a history of local subterranean termite damage.
 226 **d** The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure
 227 R301.2(4)]. Wind exposure category shall be determined on site-specific basis in accordance with Section R301.2.1.4.

e The outdoor design dry-bulb temperature shall be selected from the columns of 97 1/2-percent values for winter from Appendix D of the International Plumbing Code. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official.

f The jurisdiction shall fill in this part of the table with the Seismic Design Category determined from Section R301.2.2.1.

g The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the Flood Insurance Study and (c) the panel numbers and dates of all currently effective FIRMs and FBFMs or other flood hazard map adopted by the authority having jurisdiction, as amended.

h In accordance with Sections R905.2.7.1, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."

i The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99%) value on the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32° Fahrenheit)" at www.ncdc.noaa.gov/fpsf.html.

j The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32° Fahrenheit)" at www.ncdc.noaa.gov/fpsf.html.

k In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

Section 10. That section 14.55.240, Townhouses, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Townhouses.

~~Except for Sections R302.2.1, R302.2.2, R302.2.3 and R302.2.4, Section R302.2, Townhouses, is hereby deleted in its entirety and the following provisions shall be substituted therefor:~~

Each townhouse shall be considered a separate building and shall be separated by fire-resistance-rated wall assemblies meeting the requirements of Section R302.1 for exterior walls.

Exceptions:

1. A common 1-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses where an automatic sprinkler system is installed in accordance with NFPA 13R or NFPA 13, if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common

wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be installed in accordance with the currently adopted edition of the National Electrical Code. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4.

2. A common 2-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be installed in accordance with the currently adopted edition of the National Electrical Code. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4.

Section 11. That section 14.55.250, Structural independence, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Structural independence.

Section R302.2.4~~6~~, Structural independence, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

Each individual townhouse shall be structurally independent.

Exceptions:

1. Foundations supporting exterior walls or common walls.
2. Structural roof and wall sheathing from each unit may fasten to the common wall framing.

285 3. Nonstructural wall and roof coverings.

286 4. Flashing at termination of roof covering over common wall.

287 5. Townhouses separated by a common 2-hour fire-resistance-rated wall,
288 or 1-hour fire-resistance-rated wall when equipped with an automatic sprinkler
289 system as provided in Section R302.2.

290 Section 12. That section 14.55.260, Two family dwellings, of The Code of the
291 City of Topeka, Kansas, is hereby repealed.

292 **~~Two-family dwellings.~~**

293 ~~Except for Section R302.3.1, Section R302.3, Two-family dwellings, is hereby~~
294 ~~deleted in its entirety and the following provisions shall be substituted therefor:~~

295 ~~Dwelling units in two-family dwellings shall be separated from each other by wall~~
296 ~~and/or floor assemblies having not less than a 1-hour fire-resistance rating when tested~~
297 ~~in accordance with ASTM E 119 or UL 263. Fire-resistance-rated floor-ceiling and wall~~
298 ~~assemblies shall extend to and be tight against the exterior wall, and wall assemblies~~
299 ~~shall extend from the foundation to the underside of the roof sheathing.~~

300 ~~Exceptions:~~

301 ~~A fire-resistance rating of 1/2 hour shall be permitted in buildings equipped~~
302 ~~throughout with an automatic sprinkler system installed in accordance with NFPA 13.~~

303 Section 13. That section 14.55.270, Duct penetration, of The Code of the City
304 of Topeka, Kansas, is hereby repealed.

305 **~~Duct penetration.~~**

306 ~~Section R302.5.2, Duct penetration, is hereby deleted in its entirety and the~~
307 ~~following provisions shall be substituted therefor:~~

~~Ducts in the garage and ducts penetrating the walls or ceilings separating the dwelling from the garage shall be constructed of a minimum No. 26 gage (0.48 mm) sheet steel or other approved material and shall have no openings into the garage and shall be protected as required by Section R302.11(4).~~

Section 14. That section 14.55.290, Bathrooms, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Bathrooms.

Section R303.3, Bathrooms, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

Bathrooms, water closet compartments and other similar rooms shall be provided with a mechanical ventilation system. The minimum ventilation rates shall be 50 cubic feet per minute (24 L/s) for intermittent ventilation or 20 cubic feet per minute (10 L/s) for continuous ventilation. Ventilation air from the space shall be exhausted directly to the outside. Exhaust air from bathrooms and toilet rooms shall not be recirculated within a residence or circulated to another dwelling unit and shall be exhausted directly to the outdoors. Exhaust air from bathrooms, toilet rooms and kitchens shall not discharge into an attic, soffit, ridge vent, crawl space or other areas inside the building.

Section 15. That section 14.55.310, Opening location, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Opening locationExterior stairway illumination.

~~Section R303.4, Opening location, is hereby deleted in its entirety.~~

Section R303.8, Exterior stairway illumination, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

Exterior stairways providing access to a basement from the outside grade level shall be provided with an artificial light source located in the immediate vicinity of the bottom landing of the stairway. Artificial light source location requirements for stairways shall comply with currently adopted edition to the National Electrical Code.

Section 16. That section 14.55.320, Outside opening protection, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Outside opening protection.~~

~~Section R303.5, Outside opening protection, is hereby deleted in its entirety.~~

Section 17. That section 14.55.330, Stairway illumination, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Stairway illumination.~~

~~Section R303.6, Stairway illumination, is hereby deleted in its entirety and the following provisions shall be substituted therefor:~~

~~All interior stairways shall be provided with a means to illuminate the stairs, including the landings and treads. Interior stairways shall be provided with an artificial light source located in the immediate vicinity of each landing of the stairway. For interior stairs the artificial light sources shall be capable of illuminating treads and landings to levels not less than 1 foot-candle (11 lux) measured at the center of treads and landings. Exterior stairways providing access to a basement from the outside grade level shall be provided with an artificial light source located in the immediate vicinity of the bottom landing of the stairway. Artificial light source location requirements for stairways shall comply with the currently adopted edition of the National Electrical Code.~~

354 ~~Exception: An artificial light source is not required at the top and bottom landing,~~
355 ~~provided an artificial light source is located directly over each stairway section.~~

356 Section 18. That section 14.55.340, Required glazed openings, of The Code of
357 the City of Topeka, Kansas, is hereby repealed.

358 **~~Required glazed openings.~~**

359 ~~Section R303.7, Required glazed openings, including subsection, is hereby~~
360 ~~deleted in its entirety.~~

361 Section 19. That section 14.55.360, Emergency escape and rescue required, of
362 The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

363 **~~Emergency escape and rescue required~~Private garage fire sprinkler design.**

364 ~~Except for Sections R310.1.1, R310.1.2, R310.1.3 and R310.1.4, Section~~
365 ~~R310.1, Emergency escape and rescue required, is hereby deleted in its entirety and~~
366 ~~the following provisions shall be substituted therefor:~~

367 ~~All new basements, habitable attics and every sleeping room shall have at least~~
368 ~~one operable emergency escape and rescue opening. Where basements contain one or~~
369 ~~more sleeping rooms, emergency egress and rescue openings shall be required in each~~
370 ~~sleeping room. Where emergency escape and rescue openings are provided they shall~~
371 ~~have a sill height of not more than 44 inches (1118 mm) above the floor. Where a door~~
372 ~~opening having a threshold below the adjacent ground elevation serves as an~~
373 ~~emergency escape and rescue opening and is provided with a bulkhead enclosure, the~~
374 ~~bulkhead enclosure shall comply with Section R310.3. The net clear opening~~
375 ~~dimensions required by this section shall be obtained by the normal operation of the~~
376 ~~emergency escape and rescue opening from the inside. Emergency escape and rescue~~

~~openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with Section R310.2. Emergency escape and rescue openings shall open directly into a public way, or to a yard or court that opens to a public way.~~

~~Exception: Basements used only to house mechanical equipment and not exceeding total floor area of 200 square feet (18.58 m²).~~

Section R309.5 Fire sprinklers, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

Private garages protected by fire sprinklers where the garage wall has been designed based on Table R302.1(2), Note a. Sprinklers in garages shall be connected to an automatic sprinkler system. Garage sprinklers shall be residential sprinklers or quick-response sprinklers, designed to provide a density of 0.05 gpm/ft². Garage doors shall not be considered obstructions with respect to sprinkler placement.

Section 20. That section 14.55.370, Riser height, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Riser height.

Section R311.7.~~45~~.1, Riser height, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

The maximum riser height shall be 7 3/4 inches (196 mm); the minimum riser height shall be not less than 4 inches (102 mm). The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

Section 21. That section 14.55.380, Continuity, of The Code of the City of

Topeka, Kansas, is hereby amended to read as follows:

Continuity.

Section R311.7.7-28.4, Continuity, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

Handrails for stairways shall be continuous for the full length of the flight, from a point directly above the top riser of the flight to a point directly above the lowest riser of the flight. Handrail ends shall be returned or shall terminate in newel posts or safety terminals. Handrails adjacent to a wall shall have a space of not less than 1 1/2 inch (38 mm) between the wall and the handrails.

Exceptions:

1. Handrails shall be permitted to be interrupted by a newel post at the turn.
2. The use of a volute, turnout, starting easing or starting newel shall be allowed over the lowest tread.
3. Where walls are non-continuous, alternative non-continuous handrails may be approved by the building official on a case-by-case basis.

Section 22. That section 14.55.410, Carbon monoxide alarms, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Carbon monoxide alarms.~~

~~Section R315, CARBON MONOXIDE ALARMS, is hereby deleted in its entirety and the following provisions shall be substituted therefor:~~

~~CARBON MONOXIDE ALARMS~~

~~R315.1 Carbon monoxide alarms. For new construction, an approved carbon monoxide alarm, capable of detection and alarm, shall be installed outside of each~~

~~separate sleeping area in the immediate vicinity of the bedrooms in dwelling units within which fuel-fired appliances are installed and in dwelling units that have attached garages.~~

~~R315.2 Where required in existing dwellings. Where work requiring a permit occurs, or when one or more sleeping rooms are added or created in existing dwellings that have attached garages or in existing dwellings within which fuel-fired appliances exist, carbon monoxide alarms shall be provided in accordance with Section R315.1.~~

~~Exception:~~

~~Work involving the exterior surfaces of dwellings, such as the replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck, are exempt from the requirements of this section.~~

~~R315.3 Alarm requirements. Every carbon monoxide alarm shall bear the label of a nationally recognized standard testing laboratory, such as Underwriter's Laboratories, indicating that it is appropriate for its intended use. Carbon monoxide alarms shall be installed in accordance with this code and the manufacturer's installation instructions. Combination smoke and carbon monoxide alarms shall be permitted. If the alarm is a combination smoke and carbon monoxide alarm, it shall be located in accordance with the installation requirements for smoke alarms in regards to height, distance from inside corners, etc.~~

~~R315.4 Power source. Carbon monoxide alarms shall receive their primary power from the building wiring when such wiring is served from a commercial source, and when primary power is interrupted, shall receive power from a battery. Wiring shall be permanent and without a disconnecting switch other than those required for~~

overcurrent protection. Where more than one hard-wired carbon monoxide alarm is required to be installed in a dwelling unit the alarms shall be interconnected so the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Carbon monoxide alarms shall be permitted to be battery operated when installed in buildings without commercial power.

2. Interconnection and hard-wiring of carbon monoxide alarms in existing areas shall not be required where the alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for hard wiring and interconnection without the removal of interior finishes.

Section 23. That section 14.55.450, Foundations and stem walls, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Foundations and stemwalls**Continuous footing.**

~~Section R403.1.3.1, Foundations with stemwalls, is hereby deleted in its entirety and the following provisions shall be substituted therefor:~~

~~Foundations with stem walls shall have installed a minimum of one No. 4 bar located in the top 12 inches of the wall and one No. 4 bar located 3 inches (76 mm) to 4 inches (102 mm) from the bottom of the footing. Horizontal bar spacing shall be 24 inches o.c. maximum. Vertical reinforcement shall be No. 4 bars spaced 24 inches o.c. maximum.~~

Section R403.1.2, Continuous footing in Seismic Design Categories D₀, D₁ and D₂, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

Exterior walls of buildings shall be supported by continuous footings.
Other footing materials or systems shall be designed in accordance with accepted engineering practice.

Section 24. That section 14.55.460, Slabs-on-ground with turned-down footings, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

~~Slabs-on-ground with turned-down footings~~ Foundations and stem walls.

Section R403.1.3, Footing and stem wall reinforcing in Seismic Design Categories D₀, D₁ and D₂, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

Foundations with stem walls shall have installed a minimum of one No. 4 bar located in the top 12 inches of the wall and one No. 4 bar located 3 inches (76 mm) to 4 inches (102 mm) from the bottom of the footing. Horizontal bar spacing shall be 24 inches o.c. maximum. Vertical reinforcement shall be No. 4 bars spaced 24 inches on center maximum.

R403.1.3.1, Concrete stem walls with concrete footings. Where a construction joint is created between a concrete footing and a concrete stem wall, not fewer than one No. 4 vertical bar shall be installed at not more than 2 feet (1219 mm) on center. The vertical bar shall have a standard hook and extend to the bottom of the footing and extend not less than 14 inches (357 mm)

492 into the stem wall. Not fewer than one No. 4 horizontal bar shall be installed
493 within 12 inches (305 mm) of the top of the stem wall and one No. 4 horizontal
494 bar shall be located 3 to 4 inches (76 mm to 102 mm) from the bottom of the
495 footing. Horizontal bar spacing shall be 24 inches o.c. maximum. Vertical
496 reinforcement shall be No. 4 bars spaced 24 inches on center maximum.

497 R403.1.3.2, Masonry stem walls with concrete footings. Where a masonry
498 stem wall is supported on a concrete footing, not fewer than one No. 4 vertical
499 bar shall be installed at not more than 4 feet (1219 mm) on center. The vertical
500 bar shall extend to the bottom of the footing and shall have support and cover as
501 specified in Section R403.1.3.5.3 and extend not less than 14 inches (357 mm)
502 into the stem wall. Not fewer than two No. 4 horizontal bar shall be installed
503 within 8 inches (204 mm) of the top of the wall and one No. 4 horizontal bar shall
504 be located 3 to 4 inches (76 mm to 102 mm) from the bottom of the footing.
505 Horizontal bar spacing shall be 48 inches o.c. maximum. Vertical reinforcement
506 shall be No. 4 bars spaced 24 inches on center maximum. Reinforced cells and
507 bond beams shall be solid grouted.

508 Section R403.1.3.23, Slabs-on-ground with turned-down footings,~~is~~
509 ~~hereby deleted in its entirety and the following provisions shall be substituted~~
510 ~~therefor.~~

511 Slabs-on-ground with turned-down footings cast monolithically shall have
512 a minimum of one No. 4 bar at the top and the bottom of the footing. Vertical
513 reinforcement shall be No. 4 bars spaced 24 inches o.c. maximum. Floating
514 footings for detached garages and storage sheds shall have reinforcement

conforming to City of Topeka specifications.

Section 25. That section 14.55.470, Minimum depth, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Minimum depth.

Section R403.1.4, Minimum depth, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

All exterior footings shall be placed not less than 12 inches (305 mm) below undisturbed ground surface and at least 36 inches (305~~915~~ mm) below the final grade. Where applicable, the depth of footings shall also conform to Sections R403.1.4.1 through R403.1.4.2.

Exception: Floating footings for detached garages and storage sheds 24 feet x 24 feet and under when constructed per City of Topeka specifications.

Section 26. That section 14.55.490, Foundation elevation, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Foundation elevation.~~

~~Section 403.1.7.3, Foundation elevation, is hereby deleted in its entirety.~~

Section 27. That section 14.55.500, Foundations on expansive soils, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Foundations on expansive soils.~~

~~Section R403.1.8, Foundations on expansive soil, is hereby deleted in its entirety and the following provisions shall be substituted therefor:~~

~~Foundation and floor slabs for buildings located on expansive soils shall be of engineered design.~~

~~Exception: Slab-on-ground and other foundation systems which have performed adequately in soil conditions similar to those encountered at the building site are permitted subject to the approval of the building official.~~

Section 28. That section 14.55.530, Foundation and retaining walls, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Foundation and retaining walls.

Section R404, FOUNDATION AND RETAINING WALLS, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

FOUNDATION WALLS

R404.1 Concrete foundation walls. Concrete foundation walls that support light-frame walls shall be designed and constructed in accordance with the provisions of this section.

R404.1.1 Walls eight feet in height. Foundation walls eight feet (8') or less in height shall be constructed using the following criteria:

1. Minimum width: Eight inches (8") supporting two (2) floors or less and ten inches (10") supporting three (3) floors.

2. Vertical reinforcing: Number four (#4) bars at twenty-four inches (24 in.) on center placed on the inner third (3rd) of the wall but not closer than one and one half inches (1-1/2") to the edge.

3. Horizontal reinforcing: Number four (#4) bars placed in the following manner:

First (1st) bar, three feet (3') above footing.

Second (2nd) bar, five feet (5') above footing.

561 Third (3rd) and fourth (4th) bars in the upper twelve inches (12") of the
562 wall at least two inches (2") apart with three inches (3") of coverage.

563 R404.1.2 Walls nine feet in height. Foundation walls nine feet (9') in height
564 shall be constructed per City of Topeka design specifications for nine foot walls.
565 Two approved designs are on file at this time. Approved engineered sealed
566 designs are also allowed.

567 R404.1.3 Walls exceeding nine feet in height. Engineered sealed designs
568 are required for all foundation walls exceeding nine feet (9') in height.

569 R404.1.4 Consolidation of Concrete. Consolidation of concrete. Concrete
570 shall be consolidated by suitable means during placement and shall be worked
571 around embedded items and reinforcement and into corners of forms. Where
572 stay-in-place forms are used, concrete shall be consolidated by internal vibration.

573 R404.1.5 Form Materials and form ties. Form materials and form ties.
574 Forms shall be made of wood, steel, aluminum, plastic, a composite of cement
575 and foam insulation, a composite of cement and wood chips, or other approved
576 material suitable for supporting and containing concrete. Forms shall provide
577 sufficient strength to contain concrete during the concrete placement operation.
578 Form ties shall be steel, solid plastic, foam plastic, a composite of cement and
579 wood chips, a composite of cement and foam plastic, or other suitable material capable
580 of resisting the forces created by fluid pressure of fresh concrete.

581 404.1.5.1 Stay-in-place forms. Stay-in-place concrete forms shall comply
582 with this section.

583 1. Surface burning characteristics. The flame-spread index and

smoke-developed index of forming material, other than foam plastic, left exposed on the interior shall comply with Section 302. The surface burning characteristics of foam plastic used in insulating concrete forms shall comply with Section 316.3.

2. Interior covering. Stay-in-place forms constructed of rigid foam plastic shall be protected on the interior of the building as required by Section 316. Where gypsum board is used to protect the foam plastic, it shall be installed with a mechanical fastening system. Use of adhesives in addition to mechanical fasteners is permitted.

3. Exterior wall covering. Stay-in-place forms constructed of rigid foam plastics shall be protected from sunlight and physical damage by the application of an approved exterior wall covering complying with this code. Exterior surfaces of other stay-in-place forming systems shall be protected in accordance with this code.

4. Termite protection. In areas where the probability of termite infestation is "very heavy" as indicated by Table 301.2(1) or Figure 301.2(7), foam plastic insulation shall be permitted below grade on foundation walls in accordance with Section 318.4.

5. Flat ICF wall system forms shall conform to ASTM E2634.

R404.2 General requirements. The following requirements shall be met for all foundation walls:

1. Reinforcing bars to be bent continuous around corners.
2. Lapping of bars shall be a minimum of forty (40) bar diameters and wire tied.

3. Horizontal bars shall be wired in place prior to pouring of concrete.

4. Where unstable soil conditions exist an engineer shall design the footing and foundation based upon a soil report.

5. Concrete and masonry foundation walls shall extend above the finish grade adjacent to the foundation at all points a minimum of four inches (4") where masonry veneer is used and a minimum of eight inches (8") elsewhere.

R404.3 Wood sill plates. Wood sill plates shall be a minimum of 2-inch by 4-inch (51 mm by 102 mm) nominal lumber. Sill plate anchorage shall be in accordance with Sections R403.1.6 and R602.11.

Section 29. That section 14.55.540, Decks, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Decks.~~

~~Except for Section R502.2.2.1, Section R502.2.2, Decks, is hereby deleted in its entirety and the following provisions shall be substituted therefor:~~

~~Where supported by attachment to an exterior wall, decks shall be positively anchored to the primary structure and designed for both vertical and lateral loads as applicable. A structural ledger is required and shall be attached to the structure per R502.2.2.1 with verification by inspection. Such attachment shall not be accomplished by the use of toenails or nails subject to withdrawal. Where positive connection to the primary building structure cannot be verified during inspection, decks shall be self-supporting. For decks with cantilevered framing members, connections to exterior walls or other framing members, shall be designed and constructed to resist uplift resulting from the full live load specified in Table R301.5 acting on the cantilevered portion of the~~

deck.

Section 30. That section 14.55.550, Lateral restraint at supports, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Lateral restraint at supports.~~

~~Except for Section R502.7.1, Section R502.7, Lateral restraint at supports, is hereby deleted in its entirety and the following provisions shall be substituted therefor:~~

~~Joists shall be supported laterally at the ends by full-depth solid blocking not less than 2 inches (51 mm) nominal in thickness; or by attachment to a full-depth header, band or rim joist, or to an adjoining stud or shall be otherwise provided with lateral support to prevent rotation.~~

~~Exceptions:~~

~~1. Trusses, structural composite lumber, structural glued-laminated members and joists shall be supported laterally as required by the manufacturer's recommendations.~~

~~2. In Seismic Design Categories D0, D1 and D2, lateral restraint shall also be provided at each intermediate support.~~

~~3. Solid blocking may be omitted over interior supports when supporting only one floor level and the roof.~~

Section 31. That section 14.55.560, Truss design drawings, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Truss design drawings.~~

~~Section R502.11.4, Truss design drawings, is hereby deleted in its entirety and the following provisions shall be substituted therefor:~~

~~Truss design drawings shall be prepared in compliance with Section R502.11.1.~~

~~The building official may require truss design drawings to be submitted and approved prior to installation. Truss design drawings shall be provided with the shipment of trusses delivered to the job site and shall be made available to the building official at the job site for reference during inspections. Truss design drawings shall include, at a minimum, the information specified below:~~

~~1. Slope or depth, span and spacing.~~

~~2. Location of all joints.~~

~~3. Required bearing widths.~~

~~4. Design loads as applicable:~~

~~4.1. Top chord live load.~~

~~4.2. Top chord dead load.~~

~~4.3. Bottom chord live load.~~

~~4.4. Bottom chord dead load.~~

~~4.5. Concentrated loads and their points of application.~~

~~4.6. Controlling wind and earthquake loads.~~

~~5. Adjustments to lumber and joint connector design values for conditions of use.~~

~~6. Each reaction force and direction.~~

~~7. Joint connector type and description, e.g., size, thickness or gauge, and the dimensioned location of each joint connector except where symmetrically located relative to the joint interface.~~

~~8. Lumber size, species and grade for each member.~~

~~9. Connection requirements for:~~

~~9.1. Truss-to-girder truss;~~

~~9.2. Truss ply-to-ply; and~~
~~9.3. Field splices.~~
~~10. Calculated deflection ratio and/or maximum description for live and total load.~~
~~11. Maximum axial compression forces in the truss members to enable the building designer to design the size, connections and anchorage of the permanent continuous lateral bracing. Forces shall be shown on the truss drawing or on supplemental documents.~~
~~12. Required permanent truss member bracing location.~~

Section 32. That section 14.55.570, Vapor retarder, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Vapor retarder.~~

~~Section R506.2.3, Vapor retarder, is hereby deleted in its entirety and the following provisions shall be substituted therefor:~~

~~A vapor retarder is not mandatory, but when provided under concrete floor slabs, a 6 mil (0.006 inch; 152 mm) polyethylene or approved vapor retarder with joints lapped not less than 6 inches (152 mm) shall be placed between the concrete floor slab and the base course or the prepared subgrade where no base course exists.~~

Section 33. That section 14.55.590, Attic access, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Attic access.

Section R807.1, Attic access, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

Buildings with combustible ceiling or roof construction shall have an attic access

opening to attic areas that exceed 30 square feet (2.8 m2) and have a vertical height of 30 inches (762 mm) or greater. The vertical height shall be measured from the top of the ceiling framing members to the underside of the roof framing members.

The rough-framed opening shall not be less than 22 inches by 24 inches (559 mm by 610 mm) and shall be located in a readily accessible location. When located in a wall, the opening shall be a minimum of 22 inches wide by 30 inches high. When the access is located in a ceiling, minimum unobstructed headroom in the attic space shall be 30 inches (762 mm) at some point above the access measured vertically from the bottom of ceiling framing members. See ~~Section M1305.1.3~~Section 34.1.3 Uniform Mechanical Code for access requirements where mechanical equipment is located in attics.

Section 34. That section 14.55.610, Drip edge, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Drip edge.~~

~~Section R905.2.8.5, Drip edge, is hereby created by the addition of the following provisions:~~

~~Shingle roofs shall be provided with drip edge flashing at eaves and rakes. Eave and rake drip edges shall extend 3/8 inch minimum outside the fascia or a distance specified by the shingle manufacturer's installation instructions, whichever is greater. Drip edge flashing at eaves shall extend back on the roof a minimum of 2 inches and shall be installed under the underlayment. Drip edge flashing at rakes shall extend back on the roof a minimum of 1 1/2 inches and shall be installed over the underlayment. Drip edge flashing shall be mechanically fastened a maximum of 12 inches o.c.~~

Section 35. That section 14.55.640, Appendix F, of The Code of the City of

Topeka, Kansas, is hereby amended to read as follows:

Appendix AF.

~~Appendix F, Radon Control Methods, is hereby deleted in its entirety and the following provisions shall be substituted therefor:~~

~~NEW CONSTRUCTION RADON CONTROL METHODS FOR THE CITY OF TOPEKA~~

~~SECTION AF101. SCOPE~~

~~AF101.1 General. This appendix contains requirements for new construction in jurisdictions where radon-resistant construction is required.~~

~~Inclusion of this appendix by jurisdictions shall be determined through the use of locally available data or determination of Zone 1 designation in Figure AF101.~~

~~SECTION AF102. DEFINITIONS~~

~~AF102.1 General. For the purpose of these requirements, the terms used shall be defined as follows:~~

~~SUB-SLAB DEPRESSURIZATION SYSTEM (Passive). A system designated to achieve lower sub-slab air pressure relative to indoor air pressure by use of a vent pipe routed through the conditioned space of a building and connecting the sub-slab area with outdoor air, thereby relying on the convective flow of air upward in the vent to draw air from beneath the slab.~~

~~SUB-SLAB DEPRESSURIZATION SYSTEM (Active). A system designed to achieve lower sub-slab air pressure relative to indoor air pressure by use of a fan-powered vent drawing air from beneath the slab.~~

~~DRAIN TILE LOOP. A continuous length of drain tile or perforated pipe extending around all or part of the internal or external perimeter of a basement or crawl space footing.~~

~~RADON GAS. A naturally occurring, chemically inert, radioactive gas that is not detectable by human senses. As a gas, it can move readily through particles of soil and rock and can accumulate under the slabs and foundations of homes where it can easily enter into living space through construction cracks and openings.~~

~~SOIL-GAS-RETARDER. A continuous membrane of 6-mil (0.15 mm) polyethylene or other equivalent material used to retard the flow of soil gases into a building.~~

~~SUB-MEMBRANE DEPRESSURIZATION SYSTEM. A system designed to achieve lower-sub-membrane air pressure relative to crawl space air pressure by use of a vent drawing air from beneath the soil-gas-retarder membrane.~~

~~SECTION AF103. REQUIREMENTS~~

~~AF103.1 General. The following construction techniques are intended to resist radon entry and prepare the building for post-construction radon mitigation, if necessary (see Figure AF102). These techniques are required in areas where designated by the jurisdiction.~~

~~AF103.2 Subfloor preparation. A layer of gas-permeable material shall be placed under all concrete slabs and other floor systems that directly contact the ground and are within the walls of the living spaces of the building, to facilitate future installation of a sub-slab depressurization system, if needed. The gas-permeable layer shall consist of one of the following:~~

766 1. ~~A uniform layer of clean aggregate, a minimum of 4 inches (102 mm) thick. The~~
767 ~~aggregate shall consist of material that will pass through a 2-inch (51 mm) sieve and~~
768 ~~be retained by a 1/4-inch (6.4 mm) sieve.~~

769 2. ~~A uniform layer of sand (native or fill), a minimum of 4 inches (102 mm) thick,~~
770 ~~overlain by a layer or strips of geotextile drainage matting designed to allow the~~
771 ~~lateral flow of soil gases.~~

772 3. ~~A uniform layer of sand or native fill a minimum of 4 inches (102 mm) thick, with a~~
773 ~~minimum 2-inch (51 mm) diameter interior perimeter drain tile loop laid~~
774 ~~approximately 12 inches inside the internal perimeter of the foundation footing.~~

775 4. ~~Other materials, systems or floor designs with demonstrated capability to permit~~
776 ~~depressurization across the entire sub-floor area.~~

777 ~~AF103.3 Soil-gas-retarder. It is recommended, but not required, that a minimum 6-~~
778 ~~mil (0.15 mm) [or 3-mil (0.075 mm) cross-laminated] polyethylene or equivalent~~
779 ~~flexible sheeting material shall be placed on top of the gas-permeable layer prior to~~
780 ~~casting the slab or placing the floor assembly to serve as a soil-gas-retarder by~~
781 ~~bridging any cracks that develop in the slab or floor assembly and to prevent~~
782 ~~concrete from entering the void spaces in the aggregate base material. If utilized,~~
783 ~~the sheeting shall cover the entire floor area with separate sections of sheeting~~
784 ~~lapped at least 12 inches (305 mm). The sheeting shall fit closely around the pipe,~~
785 ~~wire or other penetrations of the material. All punctures or tears in the material shall~~
786 ~~be sealed or covered with additional sheeting.~~

787 ~~AF103.4 ENTRY ROUTES. It is recommended, but not required, that potential~~
788 ~~radon entry routes be closed in accordance with Sections AF103.4.1 through~~

~~AF103.4.10. Notwithstanding the foregoing, the covering of sump pits as described in Section AF103.4.4 is required.~~

~~AF103.4.1 Floor openings. Openings around bathtubs, showers, water closets, pipes, wires or other objects that penetrate basement or slab on grade concrete slabs shall be filled with polyurethane caulk or equivalent sealant applied in accordance with the manufacturer's recommendations.~~

~~AF103.4.2 Concrete joints. All control joints, isolation joints, construction joints and any other joints in concrete slabs or between slabs or foundation walls shall be sealed with a caulk or sealant. Gaps and joints shall be cleared of loose material and filled with polyurethane caulk or other elastomeric sealant applied in accordance with the manufacturer's recommendations.~~

~~AF103.4.3 Condensate drains. Condensate drains shall be trapped or routed through nonperforated pipe to daylight.~~

~~AF103.4.4 Sumps. Sump pits open to soil or serving as the termination point for sub-slab or exterior drain tile loops shall be covered with a gasketed or otherwise sealed lid. Sumps used as the suction point in a sub-slab depressurization system shall have a lid designed to accommodate the vent pipe. Sumps used as a floor drain shall have a lid equipped with a trapped inlet.~~

~~AF103.4.5 Foundation walls. Hollow block masonry foundation walls shall be constructed with either a continuous course of solid masonry, one course of masonry grouted solid, or a solid concrete beam at or above finished ground surface to prevent passage of air from the interior of the wall into the living space. Where a brick veneer or other masonry ledge is installed, the course immediately~~

~~below that ledge shall be sealed. Joints, cracks or other openings around all penetrations of both exterior and interior surfaces of masonry block or wood foundation walls below the ground surface shall be filled with polyurethane caulk or equivalent sealant. Penetrations of concrete walls shall be filled.~~

~~AF103.4.6 Dampproofing. The exterior surfaces of portions of concrete and masonry block walls below the ground surface shall be dampproofed in accordance with Section R406 of this code.~~

~~AF103.4.7 Air-handling units. Air-handling units in crawl spaces shall be sealed to prevent air from being drawn into the unit.~~

~~Exception: Units with gasketed seams or units that are otherwise sealed by the manufacturer to prevent leakage.~~

~~AF103.4.8 Ducts. Ductwork passing through a crawl space or beneath a slab shall be of seamless material unless the air-handling system is designed to maintain continuous positive pressure within such ducting. Joints in such ductwork shall be sealed to prevent air leakage.~~

~~AF103.4.9 Crawl space floors. Openings around all penetrations through floors above crawl spaces shall be caulked or otherwise filled to prevent air leakage.~~

~~AF103.4.10 Crawl space access. Access doors and other openings or penetrations between basements and adjoining crawl spaces shall be closed, gasketed or otherwise filled to prevent air leakage.~~

~~AF103.5 Passive sub-membrane depressurization system. In buildings with crawl space foundations, the following components of a passive sub-membrane depressurization system shall be installed during construction.~~

Exception: Buildings in which an approved mechanical crawl space ventilation system or other equivalent system is installed.

AF103.5.1 Ventilation. Crawl spaces shall be provided with vents to the exterior of the building. The minimum net area of ventilation openings shall comply with Section R408.1 of this code.

AF103.5.2 Soil-gas-retarder. The soil in crawl spaces shall be covered with a continuous layer of minimum 6-mil (0.15 mm) polyethylene soil-gas-retarder. The ground cover shall be lapped a minimum of 12 inches (305 mm) at joints and shall extend to all foundation walls enclosing the crawl space area. It is recommended that acoustical sealant, butyl rubber, or butyl acrylic caulks be used to provide adhesion to the polyethylene sheeting. Polyurethane caulk will also provide some adhesion to the polyethylene sheeting. Seams between adjoining sheets of sheeting are usually sealed by applying a continuous bead of sealant between the sheeting in the 12-inch strip where the sheets overlap. Plastic should be secured to the wall at 6 to 12 inches above the crawlspace floor with a 1/2 inch wide bead of acoustical sealant or butyl caulk along the wall. For a more durable connection mechanical fasteners, such as strapping, should be considered, to hold the plastic to the wall.

AF103.5.3 Vent pipe. A plumbing tee (2 inch minimum diameter) or other approved connection shall be inserted horizontally beneath the sheeting and connected to a 3- or 4-inch diameter (76 mm or 102 mm) fitting with a vertical vent pipe installed through the sheeting. The vent pipe shall be extended up through the building floors, terminate at least 12 inches (305 mm) above the roof in a location at least 10 feet (3048 mm) away from any window or other opening into the conditioned spaces

~~of the building that is less than 2 feet (610 mm) below the exhaust point, and 10 feet (3048 mm) away from any window or other opening into the conditioned spaces of the building that is less than 2 feet (610 mm) below the exhaust point, and 10 feet (3048 mm) from any window or other adjoining or adjacent buildings.~~

~~AF103.6 Passive sub-slab depressurization system. In basement or slab-on-grade buildings, the following components of a passive sub-slab depressurization system shall be installed during construction.~~

~~AF103.6.1 Vent pipe. A minimum 3-inch-diameter (76 mm), ABS, PVC or equivalent gas-tight pipe shall be embedded vertically into a "T" fitting (2 inch minimum diameter) or equivalent method to be used to ensure that the pipe opening remains within the sub-slab permeable material. Alternatively, the 3-inch (76 mm) pipe shall be inserted directly into an interior perimeter drain tile loop or through a sealed sump cover where the sump is exposed to the sub-slab aggregate or connected to it through a drainage system.~~

~~The pipe shall be extended up through the building floors, terminate at least 12 inches (305 mm) above the surface of the roof in a location at least 10 feet (3048 mm) away from any window or other opening into the conditioned spaces of the building that is less than 2 feet (610 mm) below the exhaust point, and 10 feet (3048 mm) from any window or other opening in adjoining or adjacent buildings.~~

~~AF103.6.2 Multiple vent pipes. In buildings where interior footings or other barriers separate the sub-slab aggregate or other gas-permeable material, each area shall be fitted with an individual vent pipe. Vent pipes shall connect to a single vent that~~

~~terminates above the roof or each individual vent pipe shall terminate separately above the roof.~~

~~AF103.7 Vent pipe drainage. All components of the radon vent pipe system shall be installed to provide positive drainage to the ground beneath the slab or soil-gas-retarder.~~

~~AF103.8 Vent pipe accessibility. Radon vent pipes shall be accessible for future fan installation through an attic or other area outside the habitable space.~~

~~Exception: The radon vent pipe need not be accessible in an attic space where an approved roof-top electrical supply is provided for future use.~~

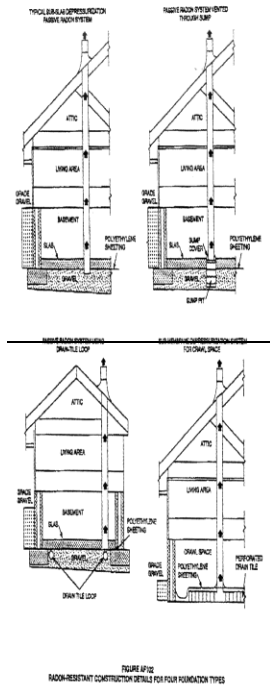
~~AF103.9 Vent pipe identification. All exposed and visible interior radon vent pipes shall be identified with at least one label on each floor and in accessible attics. The label shall read: "Radon Reduction System."~~

~~AF103.10 Combination foundations. Combination basement/crawl space or slab-on-grade/crawl space foundations shall have separate radon vent pipes installed in each type of roof or shall be connected to a single vent that terminates above the roof.~~

~~AF103.11 Building depressurization. Joints in air ducts and plenums in unconditioned spaces shall meet the requirements of Section M1601. Thermal envelope air infiltration requirements shall comply with the energy conservation provisions in Chapter 11. Firestopping shall meet the requirements contained in Section R602.8.~~

~~AF103.12 Power source. To provide for future installation of an active sub-membrane or sub-slab depressurization system, an electrical circuit terminated in~~

~~an approved box shall be installed during construction in the attic or other anticipated locations of vent pipe fans.~~



AF103.4.8, Ducts, is deleted in its entirety and the following provisions shall

Ductwork passing through or beneath a slab shall be of seamless material unless the air-handling system is designed to maintain continuous positive pressure within such ducting Joints in such ductwork shall be sea led to prevent air leakage.

Ductwork located in crawl spaces shall have seams and joints sealed by
closure systems in accordance with Uniform Mechanical Code.

AF103.11, Building depressurization, is deleted in its entirety and the following

provisions shall apply:

Joints in air ducts and plenums in unconditioned spaces shall meet the

917 requirements of Uniform Mechanical Code. Thermal envelope air infiltration
918 requirements shall comply with the energy conservation provisions in Chapter 11.
919 Fireblocking shall meet the requirements contained in Section R302 .11.

920 Section 36. That original § 14.55.010, § 14.55.020, § 14.55.030, § 14.55.050, §
921 14.55.120, § 14.55.170, § 14.55.180, § 14.55.210, § 14.55.230, ,§ 14.55.240, §
922 14.55.250, § 14.55.290, § 14.55.310, § 14.55.360, § 14.55.370, § 14.55.380, §
923 14.55.450, § 14.55.460, § 14.55.470, § 14.55.530, § 14.55.590 and § 14.55.640 of The
924 Code of the City of Topeka, Kansas, are hereby specifically repealed.

925 Section 37. This ordinance shall take effect ninety days after its publication in
926 the official City newspaper.

927 Section 38. This ordinance shall supersede all ordinances, resolutions or rules,
928 or portions thereof, which are in conflict with the provisions of this ordinance.

929 Section 39. Should any section, clause or phrase of this ordinance be declared
930 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
931 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

932 PASSED AND APPROVED by the Governing Body on _____.

933 CITY OF TOPEKA, KANSAS
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939 _____
Michael A. Padilla, Mayor

940 ATTEST:

941
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944 _____
945 Brenda Younger, City Clerk