

Section 76. Residential Code. Adoption of the International Residential Code.

(Corresponding with Section 8-203 of the Manhattan City Code) There is hereby incorporated by reference, for the purpose of establishing rules and regulations for construction, alteration, addition, demolition, equipment, use and occupancy, location and maintenance of buildings and structures within that portion of Pottawatomie County subject to these regulations, that certain standard residential code known as the International Residential Code, 2018 Edition, including Appendices A, B, C, E, F, G, H, J, M, N, O, P, Q, R and S as being recommended by the International Code Council, 500 New Jersey Avenue, NW 6th Floor, Washington, DC, 20001, save and except such articles, sections, parts or portions thereof as hereinafter omitted, deleted, modified or changed. No fewer than one (1) copy of such publication shall be marked or stamped "Official Copy as adopted by Resolution No. _____, and shall be attached to a copy of this Resolution and filed with the county clerk and open for inspection and available to the public at all reasonable hours. All administrative departments of the county charged with enforcement of this code shall be supplied, at the cost of the county, such number of official copies, similarly marked, as may be deemed expedient.

Section 77. Residential Code. Amendments. (Corresponding with Section 8-204 of the Manhattan City Code) The International Residential Code, adopted this Resolution, is hereby changed, altered, modified or otherwise amended as follows:

(A) Section R101.1 of the International Residential Code is hereby changed to read as follows: *Section R101.1 Title.* These regulations shall be known as the Residential Code for one- and two-family dwellings of that portion of Pottawatomie County subject to these regulations, and hereinafter known as "this code".

(B) Section R105.2 of the International Residential Code is hereby changed to read as follows: *Section R105.2 Work exempt from permit.* Permits shall not be required for the following. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of this code or any other law or Resolutions of this jurisdiction.

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

9. Swings and other playground equipment.
10. Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.

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

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

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

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

(C) Section R107.3 of the International Residential Code is hereby changed to read as follows: *Section R107.3 Temporary power.* The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the National Electrical Code as adopted by this Resolution.

(D) Section R108.2 of the International Residential Code is hereby changed to read as follows: *Section R108.2 Schedule of Permit Fees.* On buildings or structures requiring a permit, a fee for each permit shall be paid as required, in accordance with the following schedule:

Valuation	Fee
\$1—\$500	\$19.00
\$501—\$2,000	\$19.00 for the first \$500 plus \$2.47 for each additional \$100 or fraction thereof, up to and including \$2,000
\$2,001—\$25,000	\$56.09 for the first \$2,000 plus \$11.34 for each additional \$1,000 or fraction thereof up to and including \$25,000

Valuation	Fee
\$25,001—\$50,000	\$317.31 for the first \$25,000 plus \$8.18 for each additional \$1,000 or fraction thereof, up to and including \$50,000
\$50,001—\$100,000	\$521.43 for the first \$50,000 plus \$5.67 for each additional \$1,000 or fraction thereof, up to and including \$100,000
\$100,001—\$500,000	\$804.93 for the first \$100,000 plus \$4.53 for each additional \$1,000 or fraction thereof, up to and including \$500,000
\$500,001—\$1,000,000	\$2,619.33 for the first \$500,000 plus \$3.84 for each additional \$1,000 or fraction thereof, up to and including \$1,000,000
\$1,000,000 and up	\$4,543.08 for the first \$1,000,000 plus \$2.95 for each additional \$1,000 or fraction thereof
Swimming Pools, Prefabricated Carports, Prefabricated Safe Rooms	\$25.00
Temporary Certificate of Occupancy	\$250.00 for the first re-issuance and \$500.00 for each subsequent re-issuance

For each re-inspection beyond the first re-inspection: \$50.00.

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

(E) Section R108.3 of the International Residential Code is hereby changed to read as follows: *Section R108.3 Building Permit Valuations.* The determination of value or valuation under any of the provisions of this code shall be made by the building official. The valuation shall be calculated by using the most recent version of Valuation Data Table as published in the International Code Council. The amount to be used for determining the building permit fee shall be the total value of all construction work for which the permit is issued including all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment. No fee, other than that set forth above, shall be charged for new construction; although this does not preclude the building official from charging separate fees for sewer and water connections and sign installations. The governing body shall have the right to waive fees as it deems necessary.

(F) Section R108.6 of the International Residential Code is hereby changed to read as follows: *Section R108.6 Work commencing before permit issuance.* Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before

obtaining the necessary permits shall be subject to a fee equal to the permit fee in addition to the required permit fees at the discretion of the Building Official.

(G) Section R112 of the International Residential Code is hereby deleted.

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

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

Exceptions:

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

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

(K) Section R310.1 of the International Residential Code is hereby changed to read as follows: *Section R310.1 Emergency escape and rescue opening required.* Basements, habitable attics and every sleeping room shall have not less than one operable emergency escape and rescue opening. Where basements contain one or more sleeping rooms, an emergency escape and rescue opening shall be required in each sleeping room. Emergency escape and rescue openings shall open directly into a private way, or to a yard or court that opens into a public way.

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

(L) Section R310.2.1 of the International Residential Code is hereby changed to read as follows: *Section R310.2.1 Minimum opening area.* All emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet. The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside. The net clear height opening shall be not less than 24 inches and the net clear width shall be not less than 20 inches.

(M) Section R310.2.3 of the International Residential Code is hereby changed to read as follows: *Section R310.2.3 Window wells.* The minimum horizontal area of the window well shall be 9 square feet, with a minimum horizontal projection and width of 36 inches. The area of the window well shall allow the emergency escape and rescue opening to be fully opened. Guards or covers shall be provided to safeguard against falls into the window well.

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

(N) Section R311.7.5.1 of the International Residential Code is hereby changed to read as follows: *Section R311.7.5.1 Risers*. The maximum riser height shall be 8 inches (203 mm). The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than $\frac{3}{8}$ inch (9.5 mm). Risers shall be vertical or sloped from the underside of the nosing of the tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open risers are permitted provided that the opening between the treads does not permit the passage of a 4-inch diameter (102 mm) sphere.

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

(O) Section R312.1.3 of the International Residential Code is hereby changed to read as follows: *Section R312.1.3 Guard opening limitations*. Open guardrails shall have intermediate rails or an ornamental pattern such that a sphere 4½" (102 mm) in diameter cannot pass through.

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

(P) Section R312.2.1 of the International Residential Code is hereby changed to read as follows: *Section 312.2.1 Window Sills*. In dwelling units, where the opening of an operable window is located more than 72 inches (1,829 mm) above the finished grade or surface below, the lowest part of the clear opening of the window shall be a minimum of 18 inches (457 mm) above the finished floor of the room in which the window is located. Operable sections of windows shall not permit openings that allow passage of a 4-inch diameter (102 mm) sphere where such openings are located within 18 inches (457 mm) of the finished floor unless such windows are provided with approved guards.

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

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

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

(T) Section M1503.6 of the International Residential Code is hereby changed to read as follows: *Section M1503.6 Makeup Air Required*. Where one or more gas, liquid or solid fuel burning appliance that is neither direct vent nor uses a mechanical draft venting system is located within a dwelling unit's air barrier, exhaust hood systems capable of exhausting in excess of 400 cubic feet per minute shall be provided with makeup air at a rate approximately equal to the difference between the maximum exhaust rate and 400 cubic feet per minute. Such makeup air systems shall be equipped with a means of closure and shall automatically be controlled to start and operate simultaneously with the exhaust system.

(U) Section P2503.4 of the International Residential Code is hereby deleted.

(V) Section P2503.5 of the International Residential Code is hereby deleted.

(W) Section P2603.5.1 of the International Residential Code is hereby changed to read as follows: *Section P2603.5.1 Sewer Depth*. Building sewers shall be a minimum of 34 inches below grade unless insulated.

(X) Section E3601.6.2 of the International Residential Code is hereby changed to read as follows: *Section E3601.6.2 Service disconnect location.* The service disconnecting means shall be installed on the outside of a building or structure at a readily accessible location nearest the service location. Each occupant shall have access to the disconnect serving the dwelling unit in which they reside.

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

(Z) Section E3902.2 of the International Residential Code is hereby changed to read as follows: *Section E3902.2 Garage and Accessory Building Receptacles.* All 125 volt, single phase, 15 or 20 ampere receptacles installed in garages and grade level portions of unfinished accessory buildings used for storage or work areas shall have ground fault circuit interrupter protection for personnel.

Exception: Receptacles that are not readily accessible.

(AA) Section E3902.16 of the International Residential Code is hereby changed to read as follows: *Section E3902.16 Arc Fault Circuit Interrupter Protection.* All branch circuits that supply 120 volt, single phase, 15 and 20 ampere receptacle outlets in bedrooms shall be protected by a combination type arc fault circuit interrupter installed to provide protection of the entire branch circuit.

(BB) Section E3902.17 of the International Residential Code is hereby deleted.

(CC) Section E4002.9 of the International Residential Code is hereby changed to read as follows: *Section E4002.9 Receptacles in Wet Locations.* Where installed in a wet location, receptacles shall have an enclosure that is weatherproof when the receptacle cover is closed and an attachment pug cap is not inserted. Receptacles installed in wet locations shall be a listed weather resistant type.

(DD) Section E4002.10 of the International Residential Code is hereby deleted.