

Section 12: Building Code. Adoption of the International Building Code. (Corresponding with Section 8-31 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 the area of Pottawatomie County set out in this Resolution, that certain standard building code known as the International Building Code, 2018 Edition, including Appendices C, F, G., I, J, K, and N, as being recommended the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, D.C., 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 Number _____”, and shall be attached to a copy of this Resolution and filed with the County Clerk of Pottawatomie County, Kansas, 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 13: Building Code. Amendments. (Corresponding with Section 8-32 of the Manhattan City Code). The International Building Code, adopted by Section 12 above, is hereby changed, altered, modified or otherwise amended as follows:

(A) Section 101.1 of the International Building Code is hereby changed to read as follows: Section 101.1 Title. These regulations shall be known as the Building Code of Pottawatomie County, Kansas, hereinafter known as “this code”.

(B) Section 105.2 of the International Building Code is hereby changed to read as follows: Section 105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authority for any work to be done in any manner in violation of the provisions of this code or any other laws or resolutions of this jurisdiction. Permits shall not be required for the following:

- (1) One story detached accessory structures provided the floor area does not exceed 200 square feet.
- (2) Detached pergolas or other detached structures which do not exceed 400 square feet, are entirely open and do not have solid roofs.
- (3) Fences not over 7 feet high.
- (4) Oil derricks.
- (5) Retaining walls that are not over 7 feet in height measured from grade on the low side to the top of the wall, unless supporting a surcharge or impounding class I, II, or IIIA liquids.
- (6) Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2:1.
- (7) Sidewalks, driveways and non-enclosed or covered decks not more than 30 inches above adjacent grade at any point, and not over any story or basement below and are not part of an accessory route.

- (8) Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.
- (9) Temporary motion picture, television, and theater stage sets and scenery.
- (10) Prefabricated swimming pools accessory to group R-3 occupancy that are less than 24 inches deep, do not exceed 5,000 gallons and are installed entirely above ground.
- (11) Shade cloth structures constructed for nursery or agricultural purpose, not including service systems.
- (12) Swings and other playground equipment.
- (13) Window awnings supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support.
- (14) Non-fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.
- (15) Changes to occupancy to an equal or lesser hazard category as denoted in both Table 912.4 and Table 912.5 of the 2009 International Existing Building Code where no other work requiring a permit is being done.

(C) Section 109.2 of the International Building Code is hereby changed to read as follows: Section 109.2 Schedule of Fees. On buildings or structures requiring a permit, a fee for each permit shall be paid as required, in accordance with the following schedule:

<u>Valuation</u>	<u>Fee</u>
\$1--\$500	\$19.00
\$501--\$2000	\$19.00 for the first \$500 plus \$2.47 for each additional \$100 or fraction thereof, up to and including \$2000
\$2001--\$25,000	\$56.09 for the first \$2000 plus 11.34 for each additional \$1000 or fraction thereof up to and including \$25,000
\$25,001--\$50,000	\$317.31 for the first \$25,000 plus \$8.18 for each additional \$1,000 or fraction thereof, up to and including \$50,000
\$50,001--\$100,000	\$521.43 for the first \$50,000 plus \$5.67 for each additional \$1,000 or fraction thereof, up to and including \$100,000
\$100,001--\$500,000	\$804.93 for the first \$100,000 plus \$4.53 for each additional \$1,000 or fraction thereof, up to and including \$500,000

\$500,001--\$1million	\$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 safe rooms, Prefabricated carports.	\$25.00
Plan Review Fee	30% of the building permit fee as calculated by the Building Official. Applied to building fee at time of permit issuance.
Temporary Certificate of Occupancy	\$250 for the first re-issuance past expiration date and \$500 for each subsequent re-issuance.

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

Each re-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 have the authority to waive re-inspection fees as deemed necessary.

(D) Section 109.3 of the International Building Code is hereby changed to read as follows: Section 109.3 Building Permit Valuations. The determination of value or valuation under any of the provisions of this Code shall be made by the building official. The valuation shall be calculated by using the most recent version of the 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 separate fees being charged for sewer and water connections and sign installations. The governing body shall have the right to waive fees as it deems necessary.

(E) Section 109.4 of the International Building Code is hereby changed to read as follows: Section 109.4 Work commencement 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 Director of Public Works.

(F) Section 406.3.2.1 of the International Building Code is hereby changed to read as follows: Section 406.3.2.1 Dwelling Unit Separation. Separations shall comply with the following:

- (1) The private garage shall be separated from the dwelling unit and its attic by means of gypsum board, not less than ½ inch (12.7 mm) in thickness, applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms by not less than 5/8 inch (15.9 mm) type X gypsum board and ½” (12.7 mm) gypsum board applied to structures supporting the separation from habitable rooms above the garage. Door openings between a private garage and the dwelling unit shall be equipped with either solid wood doors or solid or honeycomb core steel doors not less than 1 3/8” (34.9 mm) in thickness, or in compliance with section 716.5.3 with a fire protection rating of not less than 20 minutes. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted.

(G) Section 903.3.1.2.1 of the International Building Code is hereby changed to read as follows: *Section 903.3.1.2.1 Balconies and Decks*. Sprinkler protection shall be provided for exterior balconies, breezeways of combustible construction, decks and ground floor patios of dwelling units and sleeping units where either of the following conditions exist:

- (1) The building is of Type V construction, provided that there is a roof or deck above.
- (2) Exterior balconies, decks and ground floor patios of dwelling units and sleeping units are constructed in accordance with section 705.2.3.1, Exception 3 of the International Building Code.

Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflective arc within 1 inch (25 mm) to 6 inches (152 mm) below the structural members and a maximum distance of 14 inches (356 mm) below the deck of the exterior balconies, breezeways and decks that are constructed of open wood joist construction.

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

(I) Section 1010.1.9.4 of the International Building Code is hereby changed to read as follows: *Section 1010.1.9.4 Locks and latches*. Locks and latches shall be permitted to prevent the operation of doors where any of the following exists:

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

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

(K) Section 1015.4 of the International Building Code is hereby changed to read as follows: *Section 1015.4. Opening limitations*. Open guards shall not have openings that allow

passage of a sphere 4 ½” (114 mm) in diameter from the walking surface to the required height. Exceptions are as follows:

- (1) The triangular openings at the open side of a stair, formed by the riser, tread and bottom rail shall not allow passage of a sphere 6” (152 mm) in diameter.
- (2) At elevated walking surfaces for access to and use of electrical, mechanical and plumbing systems or equipment, guards shall not have openings that allow passage of a sphere 21 inches (533 mm) in diameter.
- (3) In areas that are not open to the public within occupancies in Group I-3, F, H or S and for alternating tread devices and ships ladders, guards shall not have openings that allow passage of a sphere 21 inches (533 mm) in diameter.
- (4) In assembly seating areas, guards required at the end of aisles in accordance with Section 1029.17.4 shall not have openings that allow passage of a sphere 4 ½” (114 mm) in diameter up to a height of 26 inches (660 mm). From a height of 26 inches (660 mm) to 42 inches (1067 mm) above the adjacent walking surfaces, guards shall not have openings that allow passage of a sphere 8 inches (203 mm) in diameter.

(L) Section 1015.8 of the International Building Code is hereby changed to read as follows: *Section 1015.8 Window openings.* In occupancy groups R-2 and R-3, one- and two-family and multiple family dwellings, where the opening of the sill portion of an operable window is located more than 72 inches (1,829 mm) above the finished grade or other surface below, the lowest part of the clear opening of the window shall be at a height not less than 18 inches (457.2 mm) above the finished floor surface of the room in which the window is located. Operable sections of windows located lower than 18 inches (457.2 mm) shall be limited to a 4-inch (101.6 mm) opening or be supplied with approved guards when more than 72 inches (1829 mm) above the finished grade or surface below.

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

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

(N) Section 1030.2 of the International Building Code is hereby changed to read as follows: *Section 1030.2 Minimum size.* Emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet.

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

(P) Section 2701.1 of the International Building Code is hereby changed to read as follows: *Section 2701.1 Scope.* This chapter governs the electrical components, equipment and systems used in buildings and structures covered by this code. Electrical components, equipment and systems shall be designed and constructed in accordance with the provisions of the National Electrical Code as adopted in this Code.

(Q) Section 2702.1.3 of the International Building Code is hereby changed to read as follows: *Section 2702.1 Installation.* Emergency and standby power systems shall be installed in accordance with this code, the National Electrical Code, NFPA 110 and NFPA 111.

(R) Section 2902.1 of the International Building Code is hereby changed to read as follows: *Section 2902.1 Minimum number of fixtures.* Plumbing fixtures shall be provided in the minimum numbers as shown in Table 2902.1 based on the actual use of the building or space. Uses not shown in Table 2902.1 shall be considered individually by the code official. The number of occupants for purposes of this section and section 2902.2 shall be determined by this code or may be determined by the code official for specific occupancies. Individual fixtures may be waived by the code official when specific conditions warrant.

(S) Section K103.3 of the International Building Code is hereby added to read as follows: *Section K103.3 Fees.* The fee for each electrical permit shall be \$25.00.

Section 14. Building Code. Violations. Violations of the provisions of this Code, including the Uniform Building Code, shall be penalized as follows:

(A) A person who shall violate a provision of this Code or who fails to comply therewith or with any of the requirements thereof, or who shall erect, construct, alter or repair, or has erected, constructed or repaired a building or structure, in violation of a detailed statement or plan submitted and approved thereunder, or of a permit or certificate issued thereunder shall be guilty of a class B misdemeanor, punishable by a fine not to exceed \$1,000.00, or imprisonment for not more than six months, or both such fine and imprisonment. Each day's violation of this Code shall constitute a separate offense.

(B) The owner of a building or structure or portion thereof, or of the premises where anything in violation of this Code shall be placed or shall exist, and an architect, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of such violation, shall be guilty of a separate offense punishable as provided by this Section 14.

Section 15. Building Code. Items needed to obtain a building permit (residential and commercial).

(A) New Construction:

- (1)
 - (a) Commercial construction: Three sets of blueprints will be required. Commercial and multifamily plans must be stamped by an architect and/or engineer registered in the State of Kansas as per state statute. Commercial and multifamily plans must identify how compliance with all applicable state and federal accessibility requirements are being achieved on that particular project. This shall be indicated on the plans or by a separate submittal in the form of a compliance assessment.
 - (b) Residential construction: One set of blueprints will be required. Previously approved plans for identical improvements proposed on a different lot may be referenced.
 - (c) All construction within 500 feet of properties listed on the state or national registers of historic places must show compliance with the state preservation statute, K.S.A. 75-2724, before any permit can be issued.
 - (2) Site plan.
 - (3) Footings and foundation details.
 - (4) Floor joist and rafter layout plan, showing sizes, spacing, types, including beams.
 - (5) Wall sections, (specify joists, rafters) indicating truss or hand stacked. If prefabricated roof trusses are used, a component design sheet shall be submitted.
 - (6) Insulation in walls, ceilings and floors.
 - (7) Floor plans, basement and other.
 - (8) Elevations; front only if the ground level.
 - (9) Front, back and side elevations will be required if the ground is uneven.
 - (10) Plumbing, mechanical, and electrical diagrams for commercial and multifamily. Sprinkler and fire alarm system diagrams if required.
- (B) Existing structures:
- (1) Same as subsection (A)(1), above.
 - (2) Wall section (if applicable).
 - (3) A floor plan showing existing and proposed walls, including floor joist and rafter layout, showing spacing, type, sizes and beam placement.
 - (4) A plot plan showing distances from any existing structures and property lines (if applicable).
 - (5) Dollar valuation of work to be done.
 - (6) Plumbing, mechanical, and electrical diagrams (commercial and multifamily).