

**Section 78. Fire Code. Adoption of International Fire Code.** (Corresponding with Section 13-16 of the Manhattan City Code) There is hereby incorporated by reference for the purpose of prescribing regulations concerning conditions hazardous to life and property from fire, hazardous materials or explosion within that portion of Pottawatomie County subject to these regulations, that certain code known as the International Fire Code, edition of 2018, prepared and published in a book form by the International Code Council including Appendix Chapters B, C, D, E, F, G, I, K, L and M, save and except such portions as are hereinafter deleted, modified or amended by this article. The same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Resolution shall take effect. 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 79. Fire Code. Definitions of the International Fire Code as adopted in section 78 above.** (Corresponding with Section 13-17 of the Manhattan City Code)

(A) Wherever the word "jurisdiction" is used in the International Fire Code it shall be held to mean that portion of Pottawatomie County subject to these regulations.

(B) Wherever the term "legal representative" is used in the International Fire Code, it shall be held to mean the county counselor for Pottawatomie County.

(C) Where the term "Fire Code Official" is used in the International Fire Code, it shall be held to mean the Fire Coordinator of Pottawatomie County, as appointed by the Board of County Commissioners of Pottawatomie County, or his designee.

**Section 80. Fire Code. Amendments.** (Corresponding with Section 13-18 of the Manhattan City Code) The International Fire Code, adopted by section 78 above, is hereby changed, altered, modified and otherwise amended as follows:

(A) Section 101.1 of the International Fire Code shall read as follows:  
Section 101.1 Title. These regulations shall be known as the Fire Code of Pottawatomie County, Kansas, hereinafter referred to as "this code."

(B) Section 109 of the International Fire Code is hereby deleted.

(C) Section 110.4 of the International Fire Code is hereby changed to read as follows:  
Section 110.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the code official, or of a permit or certificate used under provisions of this code, shall be guilty of a class B misdemeanor, punishable by a fine of not more than \$1000.00 or by imprisonment not exceeding six months, or both such fine and imprisonment. Each day that a violation continues after notice has been served shall be deemed a separate offense.

(D) Section 112.4 of the International Fire Code is hereby changed to read as follows:  
Section 112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to the penalties outlined in this Section.

(E) Section 307.4, exceptions 1 and 2, of the International Fire Code is hereby deleted.

(F) Section 307.4.3, exception to the International Fire Code is hereby deleted.

(G) Section 308.1.4, exception 3 of the International Fire Code is hereby changed to read as follows:

3. LP-gas cooking device having an LP-gas container with a water capacity no greater than 47 pounds [nominal 20 pound (9.072 kg) LP-gas capacity].

(H) Section 403.5 of the International Fire Code is hereby changed to read as follows: Section 403.5 Group E Occupancies. An approved fire safety and evacuation plan in accordance with Section 404 shall be prepared and maintained in Group E occupancies for buildings containing both Group E and an atrium. Group E occupancies shall comply with Sections 403.5.1 through 403.5.3 and Kansas State Fire Marshal Administrative Regulations.

(I) Section 405.2 of the International Fire Code is hereby changed to read as follows: Section 405.2 Frequency. Required emergency evacuation drills shall be held at the intervals specified in Table 405.2 or more frequently where necessary to familiarize the occupants with drill procedures.

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

(J) Section 507.2.1 of the International Fire Code is hereby changed to read as follows: Section 507.2.1 Fire Service Mains. Fire Service mains and appurtenances shall be installed in accordance with NFPA 24 and the County's Standard Construction Specifications. All mains and fire hydrants shall be installed in a dedicated public utility easement, on file with the county register of deeds, and become the property of the County upon satisfactory installation. The County public works department shall be notified of construction activities to insure the opportunity for formal inspections by the County.

(K) Section 903.3.1.2.1 of the International Fire 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 where either of the following conditions exist:

1. The building is of Type V construction, provided there is 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 deflectors are 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.

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

(M) Section 904.12.5.3 of the International Fire Code is hereby changed to read as follows: Section 904.12.5.3 Fusible link and sprinkler head replacement. Fusible links and automatic sprinkler heads shall be replaced at least annually, and other protection devices shall be serviced or replaced in accordance with the manufacturer's instructions. Replaced links and heads shall be left on site with the required service tag for verification by the fire code official. Exception: Frangible bulbs are not required to be replaced annually.

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

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

(O) Section 1011.12 of the International Fire Code is hereby changed to read as follows: Section 1011.12 Stairway to Roof. In buildings four or more stories above grade plan, on 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.

(P) Section 1015.4 of the International Fire Code is hereby changed to read as follows: Section 1015.4. Opening limitations. Required guards shall not have openings that allow passage of a sphere 4½" (114 mm) in diameter from the walking surface to the required height.

- Exceptions:
- (1) The triangular openings at the open side of a stair, formed by the riser, tread and bottom rail shall not allow passage of a sphere 6" (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.

(Q) Section 1030.1 of the International Fire Code is hereby changed to read as follows: Section 1030.1 General. In addition to the means of egress required by this chapter, provisions shall be made for emergency escape and rescue in group R as applicable in Section 101.2 and Group I-1 occupancies. Basements and sleeping rooms below the fourth story shall have at least one exterior emergency escape and rescue opening in accordance with this section. Such openings shall open directly into a public street, public alley, yard or court. Exception: In other than Group R-3 occupancies, buildings equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2 may have the required above grade egress windows fixed in a closed position as long as the required ventilation is maintained.

(R) Section 1030.2 of the International Fire 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.

(S) Section 1031.7 of the International Fire Code is hereby changed to read as follows: Section 1031.7 Emergency escape opening. Every sleeping room located in a basement in an occupancy in Use Group I-1 or R shall have at least one openable window or exterior door approved for emergency egress or rescue; or shall have access to not less than two approved independent exits. An approved emergency escape or rescue window shall have a minimum

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

(T) Section 1103.5.1 of the International Fire Code is hereby changed to read as follows: Section 103.5.1 A-2. Where alcoholic beverages are consumed in a Group A-2 occupancy with a fire area having an occupant load of 300 or more, the A-2 occupancy shall be equipped with an automatic sprinkler system in accordance with section 903.3.1.1. This section shall become effective January 1, 2025.

(U) Section 2304.3.6 of the International Fire Code is hereby deleted.

(V) Section 5601.2.4 of the International Fire Code is hereby is deleted.

(W) Section 5601.2.4.2 of the International Fire Code is hereby changed to read as follows: Section 5601.2.4.2 Fireworks display. The permit holder shall furnish a bond or certificate of insurance in an amount determined by separate resolution of the Board of County Commissioners, for the payment of all potential damages to a person or persons or to property by reason of the permitted display, and arising from any acts of the permit holder, the agent, employees or subcontractors.

(X) Section 5704.2.7.10.1 of the International Fire Code is hereby changed to read as follows: Section 5704.2.7.10.1 Leaking Tank disposition. Leaking tanks shall be promptly emptied, repaired and returned to service or removed in accordance with Section 5704.2.13 or 5704.2.14.

(Y) Section 5704.2.13.1.3 of the International Fire code is hereby changed to read as follows: Section 5704.2.13.1.3 Out of service for one year. Underground tanks that have been out of service for a period of one year shall be removed from the ground in accordance with Section 5704.2.14 or tested by an approved method to show that the tank does not leak.

(Z) Section 5704.2.13.1.4 of the International Fire Code is hereby deleted.

(AA) Section D103.4 of the International Fire Code shall read as follows: D103.4 Dead Ends. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4 or if a dead end in a residential development is less than 600 feet in length the turnaround should be provided in accordance with County Engineering Standard Specifications.

(BB) Section D107.1 of the International Fire Code shall read as follows: D107.1 One- or two-family dwelling residential developments. Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3.

Exceptions: (1) Where there are more than 30 dwelling units existing, or proposed to exist, on a single public or private fire apparatus access road and the owners of all building lots, beyond those building lots which are closest to the development entrance and where 30 dwelling units exist, or are proposed to exist, have contractually bound said lots by an agreement with the County that all dwelling units constructed, or to be constructed thereon, will be equipped throughout with an approved automatic sprinkler system, access from two directions shall not be required; or,

- (2) Where the fire code official determines that additional approved fire apparatus access roads are planned for in the reasonably foreseeable future, the fire code official may allow more than 30 dwelling units to exist on a single access road.

(CC) Section L101.1 of the International Fire Code shall be amended as follows:

L.101.1 Scope. Fire fighter air replenishing systems (FARS) shall be provided as required by the fire official in accordance with this appendix. The fire official is authorized to require FARS based upon the fire department's capability of replenishing fire fighter breathing air during sustained emergency operations. Considerations shall include:

- (1) Building characteristics, such a number of stories above or below grade, floor area, type of construction and fire resistance of the primary structural frame to allow sustained fire-fighting operations based on a rating of not less than 2 hours.
- (2) Special hazards, other than buildings, that require unique accommodations to allow the fire department to replenish fire fighter breathing air.
- (3) Fire department staffing level.
- (4) Availability of a fire department breathing air replenishment vehicle.

**Section 81. Fire Code. Overcrowding.** (Corresponding with Section 13-18.1 of the Manhattan City Code)

(A) The International Fire Code, adopted by section 78 above, is hereby changed, altered, modified and otherwise amended as follows: section 107.6, "Overcrowding", is hereby deleted.

(B) The terms and phrases in this subsection shall have the meanings ascribed to them in the International Fire Code, adopted by section 78 above.

(C) It shall be unlawful to allow the overcrowding or admittance of any person beyond the approved capacity of a building or a portion thereof. The fire code official or a Pottawatomie County Sheriff's Department deputy, upon finding any overcrowding conditions or obstructions in aisles, passageways or other means of egress, or upon finding any condition which constitutes a life safety hazard, shall be authorized to cause the event to be stopped, the business operation to cease, and/or the building or portion thereof to be closed to the public, until such condition or obstruction is corrected.

(D) A violation of subsection (C) above shall be punished by a fine not exceeding \$1000.00 or by imprisonment for a period not exceeding six months, or by both such fine and imprisonment.

**Section 82. Fire Code. Enforcement.** The fire code shall be enforced by the Fire Coordinator of Pottawatomie County or his designee. Any designee shall be subject to the supervision and control of the Fire Coordinator. The Fire Coordinator or his designee may detail such members of the local fire department as inspectors as from time to time may be necessary.

**Section 83. Fire Code. Violations.** (Corresponding with Section 13-26 of the Manhattan City Code)

(A) Any person who shall violate any of the provisions of this article, including the International Fire Code, or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and who shall fail to comply with such an order as affirmed or modified by a judge of a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a class B misdemeanor, punishable by a fine of not more than \$1000, or by a jail term of up to 6 months, or both such fine and imprisonment. The imposition of one penalty for any violation shall not execute the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time.

(B) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.