

**CERTIFICATION OF CLERK**

I, Brenda K. Wolf, the duly appointed, qualified, and Deputy City Clerk of Manhattan, Kansas, do hereby certify that the foregoing Ordinance was duly adopted at a meeting of the City of Manhattan, Kansas, held on the 18<sup>th</sup> day of June, 2019, and that said Ordinance has been compared by me with the original thereof on file and of record in my office, is a true copy of the whole of said original.

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the City of Manhattan, Kansas, 19<sup>th</sup> day of June, 2019.



*Brenda K. Wolf*

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Brenda K. Wolf, CMC, Deputy City Clerk



## ORDINANCE NO. 7425

AN ORDINANCE AMENDING CHAPTER 13, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF MANHATTAN, INCORPORATING BY REFERENCE THE “INTERNATIONAL FIRE CODE” EDITION OF 2018, PERTAINING TO THE STANDARDS OF FIRE PREVENTION, AND MAKING CERTAIN CHANGES THERETO.

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

**SECTION 1.** That Section 13-16 of the Code of Ordinances, City of Manhattan, Kansas, is hereby amended to read as follows:

**Section 13-16. Adoption of the International Fire 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 the corporate limits of the City of Manhattan, Kansas, 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 ordinance shall take effect. No fewer than one (1) copy of such publication shall be marked or stamped “Official Copy as adopted by Ordinance No. 7425”, and shall be attached to a copy of this ordinance and filed with the city clerk and open for inspection and available to the public at all reasonable hours. All administrative departments of the city charged with enforcement of this code shall be supplied, at the cost of the city, such number of official copies, similarly marked, as may be deemed expedient.

**SECTION 2.** That Section 13-18 of the Code of Ordinances, City of Manhattan, Kansas, is hereby amended to read as follows:

**Section 13-18. Amendments.**

The International Fire Code, adopted by Section 13-16, is hereby changed, altered, modified and otherwise amended as follows:

1. Section 101.1 of the International Fire Code shall read as follows:

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

2. Section 109 of the International Fire Code is hereby deleted.

3. Section 110.4 of the International Fire Code is hereby 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 fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$500.00 or by imprisonment not exceeding six months, or both such fine and imprisonment as outlined in Section 1-7 of the Code of Ordinances. Each day that a violation continues after notice has been served shall be deemed a separate offense.

4. Section 112.4 of the International Fire Code is hereby changed to read as follows:

**Section 112.4 Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to the penalties outlined in Section 1-7 of the Code of Ordinances.

5. Section 307.4, Exceptions 1 and 2, of the International Fire Code is hereby deleted.
6. Section 307.4.3, Exception of the International Fire Code is hereby deleted.
7. Section 308.1.4, Exception 3 of the International Fire Code is hereby changed to read as follows:

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

8. Section 403.5 of the International Fire Code is hereby changed to read as follows:

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

9. Section 405.2 of the International Fire Code is hereby changed to read as follows:

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

**Exception:**

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

10. 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 city'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 city upon satisfactory installation. The city public works department shall be notified of construction activities to insure the opportunity for formal inspections by the city.

11. 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 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 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.

12. 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.

13. 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.

14. Section 1010.1.9.4 of the International Fire Code is hereby changed to read as follows:

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

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

unlatching mechanism in accordance with listed fire door test procedures.

6. Doors serving roofs no intended to be occupied shall be permitted to be locked, preventing entry to the building from the roof.
15. Section 1011.12 of the International Fire Code is hereby changed to read as follows:

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

16. Section 1015.4 of the International Fire Code is hereby changed to read as follows:

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

**Exceptions:**

1. The triangular openings at the open side of a stair, formed by the riser, tread and bottom rail shall not allow passage of a sphere 6 inches (152 mm) in diameter.
  2. At elevated walking surfaces for access to and use of electrical, mechanical and plumbing systems or equipment, guards shall not have openings that allow passage of a sphere 21 inches (533 mm) in diameter.
  3. In areas that are not open to the public within occupancies in Group I-3, F, H or S and for alternating read devices and ships ladders, guards shall not have openings that allow passage of a sphere 21 inches (533 mm) in diameter.
  4. In assembly seating areas, guards required at the end of aisles in accordance with Section 1029.17.4 shall not have openings that allow passage of a sphere 4 ½ inches (114 mm) in diameter up to a height of 26 inches (660 mm). From a height of 26 inches (660 mm) to 42 inches (1067 mm) above the adjacent walking surfaces, guards shall not have openings that allow passage of a sphere 8 inches (203 mm) in diameter.
17. 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.

18. 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.

19. 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.

20. Section 1103.5.1 of the International Fire Code is hereby changed to read as follows:

**Section 1103.5.1 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 accordance with section 903.3.1.1. This section shall become effective January 1, 2025.

21. Section 2304.3.6 of the International Fire Code is hereby deleted.
22. Section 5601.2.4 of the International Fire Code is hereby is deleted.
23. 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 specified in Section 13-55 of the Code of Ordinances 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.

24. 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.

25. 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.

26. Section 5704.2.13.1.4 of the International Fire Code is hereby deleted.

27. 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 City Engineering Standard Specifications.

28. 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 City 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.

29. Section L101.1 of the International Fire Code shall be amended as follows:

**L101.1 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 on the fire department's capability of replenishing fire fighter breathing air during sustained emergency operations. Considerations shall include:

1. Building characteristics, such as 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 3.** Ordinance No. 7224 and all other ordinances, or portions thereof, in conflict herewith are hereby repealed.

**SECTION 4.** This ordinance shall take effect and be in force from and after January 1, 2020, and its publication in the official city newspaper.

**PASSED BY THE GOVERNING BODY OF THE CITY OF MANHATTAN, KANSAS, THIS 18<sup>TH</sup> DAY OF JUNE, 2019.**

  
Michael E. Dodson, Mayor

ATTEST:

  
Gary S. Fees, MMC, City Clerk




(PUBLISHED IN *THE MANHATTAN MERCURY* ON JUNE 23, 2019)

**ORDINANCE NO. 7425 SUMMARY**

On June 18, 2019, the City of Manhattan, Kansas adopted the following ordinance:

**AN ORDINANCE AMENDING CHAPTER 13, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF MANHATTAN, INCORPORATING BY REFERENCE THE “INTERNATIONAL FIRE CODE” EDITION OF 2018, PERTAINING TO THE STANDARDS OF FIRE PREVENTION, AND MAKING CERTAIN CHANGES THERETO.**

The Ordinance adopts the 2018 International Fire Code and makes certain amendments to that code as more specifically described in the ordinance. The complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, City Hall, 1101 Poyntz Ave., Manhattan, KS 66502, Monday – Friday, 8 a.m. – 5 p.m., and is available for at least one week following the publication date of this summary at [www.cityofmhk.com](http://www.cityofmhk.com). This Summary certified to be legally accurate and sufficient by Assistant City Attorney Rachel Zenger.

  
Assistant City Attorney  
Date certified: 6-18-19