

RESOLUTION NO. 140-2019

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Effective Date: September 1, 2019, except any fire protection segment shall become effective on September 1, 2019 or such date thereafter when the Kansas State Fire Marshal has approved such fire protection segments

**A RESOLUTION AMENDING ARTICLE 2 OF THE WICHITA-SEDGWICK COUNTY UNIFIED BUILDING AND TRADE CODE THROUGH THE ADOPTION OF THE INTERNATIONAL EXISTING BUILDING CODE, 2018 EDITION, WITH LOCAL AMENDMENTS.**

**WHEREAS**, the Board of County Commissioners is authorized by K.S.A. 19-101 *et seq.*, K.S.A. 12-3303, and K.S.A. 12-1558 to officially adopt, incorporate, and promulgate by resolution codes, rules and regulations for general contractors, building contractors and residential contractors within the confines of the unincorporated areas of Sedgwick County and those second- and third-class cities that have adopted those codes, rules, and regulations by action of their governing bodies and have entered into agreements with Sedgwick County related thereto; and

**WHEREAS**, effective January 1, 2013, Sedgwick County and the City of Wichita consolidated code enforcement from their respective jurisdictions within the Metropolitan Area Building and Construction Department (“MABCD”) in Sedgwick County Resolution No. 135-2012 and City of Wichita Ordinance No. 49-333; and

**WHEREAS**, Sedgwick County, Kansas, and the City of Wichita, Kansas, have hereby adopted the Wichita-Sedgwick County Unified Building and Trade Code (“UBTC”) within Resolution No. 175-2012 and Ordinance No. 49-412; and

**WHEREAS**, the Board of County Commissioners of Sedgwick County, Kansas wish to adopt and incorporate the 2018 International Existing Building Code, published by the International Code Council, with amendments noted within this Resolution, within Article 2 of the UBTC.

**NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, AMENDS ARTICLE 2 OF THE WICHITA-SEDGWICK COUNTY UNIFIED BUILDING AND TRADE CODE AS FOLLOWS:**

**SECTION 1. REPEAL AND REPLACEMENT OF ARTICLE 2, SECTION 3.**

Article 2, Section 3 of the UBTC is hereby repealed and replaced with the following text:

**Article 2, Section 3 – International Existing Building Code**

**Sec. 2.3.010. - Adoption of the International Existing Building Code.**

The International Existing Building Code, as published by the International Codes Council, Inc., 2018 Edition, is hereby adopted and incorporated herein by reference, subject to such amendments thereto as are set forth hereinafter.

**Sec. 2.3.020. - Section 103.3 amended.**

Section 103.3 of the International Existing Building Code, is amended to read as follows:

**[A] 103.3 Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the *code official* shall have the authority to appoint a deputy *code official*, the related technical officers, inspectors, plan examiner(s), and other employees having powers as delegated by the *code official*.

**Sec. 2.3.030. – Section 105.1.1 deleted.**

Section 105.1.1 of the International Existing Building Code, is deleted.

**Sec. 2.3.040. – Section 105.1.2 deleted.**

Section 105.1.2 of the International Existing Building Code, is deleted.

**Sec. 2.3.050. – Section 105.2 amended.**

Section 105.2 of the International Existing Building Code, is amended to read as follows:

**[A] 105.2 Work exempt from permit.** Exemptions 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 the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

**Building:**

1. Sidewalks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below.
2. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
3. Temporary motion picture, television and theater stage sets and scenery.
4. Fabric awnings supported by an exterior wall that do not project more than 36 inches (915 mm) from the *exterior wall* and do not require additional support.
5. Movable cases, counters and partitions not over 69 inches (1753 mm) in height.
6.
  - (a) One-story accessory structures classified as Group S or U occupancies provided the floor area does not exceed 200 square feet (19 m<sup>2</sup>), and a location permit is obtained from MABCD prior to installation (City of Wichita only). In Sedgwick County jurisdiction no location permit is required and the floor area cannot exceed 400 square feet (37 m<sup>2</sup>) at which point a building permit would be required as long as site location is not located in a designated flood plain area. All detached accessory structures greater than 25 square feet (2 m<sup>2</sup>) but equal to or less than 400 square feet (37 m<sup>2</sup>) shall be tied down to the earth using anchoring methods described

in MABCD's policy entitled "Non Vehicle Storage Structure Anchoring Standards". This requirement is exempted in Sedgwick County jurisdiction.

- (b) Playhouses or tree houses having single or multi-level floors with or without roofs.
7.
    - (a) Concrete or masonry fences not over 30 inches (762 mm) in height measured from the lowest point of the adjoining grade and other fences not over 8 feet (1,524 mm) high, unless the fence encloses an outdoor seating area.
    - (b) Concrete or masonry monument sign bases not over 4 feet (1219 mm) in height measured from the lowest point of the adjoining grade. The sign size and content requires separate approval and permit.
  8. Oil derricks.
  9. Retaining walls that are not over 30 inches (762 mm) in height measured from the lowest point of the adjoining grade to the top of the wall, unless supporting a surcharge or impounding Class I, II, or III-A liquids.
  10. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width is not greater than 2:1.
  11. Prefabricated *swimming pools* accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18,925 L) and installed entirely above ground.
  12. Swings and other playground equipment.
  13. Interior platforms not over 200 square feet (19 m<sup>2</sup>) in area, nor more than 30 inches (762 mm) above the adjacent floor, within Type III and V construction only.
  14. Exterior decks, curb ramps [maximum 6 inches (153 mm) vertical rise), stoops and porches not more than 30 inches (762 mm) above grade without overhead structures and not over any basement or story below.
  15. Emergency board-up or securing of a building and installing temporary bracing after a fire, storm, vehicle damage or other disaster, which cause the building to be open or unsafe. The building owner or his/her agent may cause such work to be done provided the MABCD is notified on the following business day.
  16. Repair or replacement roofing and/or siding materials not exceeding 400 square feet (37 m<sup>2</sup>) within any 12-month period.
  17. Repair or replacement of interior gypsum wallboard on non-fired walls or ceilings when the total area does not exceed 100 square feet (9 m<sup>2</sup>) within any 12-month period and provided that no framing, electrical, mechanical or plumbing changes are made.
  18. Paved areas not used for the purpose of parking or storage of vehicles and/or equipment or storage.
  19. Replacement of windows or doors or replacement of roof skylights or equipment with the same size or smaller unit(s) that does not involve the removal, cutting, *alteration* or replacement of any building structural member, including but not limited to studs, headers, girders, beams, joists, rafters, cripples, jacks or other

supportive framing members(s). The framing used to infill existing openings for the purpose of installing smaller unit(s) shall be exempted from *permit* requirements. Placement of smaller windows or doors shall not reduce the minimum size requirements of escape and rescue openings, or egress door(s), or fire department access required by this code. The replacement door or window shall not be of a lower fire rating than the original assembly, unless a lower fire rating is allowed by this code.

**Electrical:**

1. **Repairs and maintenance:** Minor *repair* work, including the replacement of lamps or the connection of approved portable electrical equipment to *approved* permanently installed receptacles.
2. **Radio and television transmitting stations:** The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.
3. **Temporary testing systems:** A *permit* shall not be required for the installation of any temporary system required for the testing or serving of electrical equipment or apparatus.

**Gas:**

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

**Mechanical:**

1. Portable heating appliance.
2. Potable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

**Plumbing:**

1. The 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.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided that such *repairs* do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

**Sec. 2.3.060. – Section 105.2.1 amended.**

Section 105.2.1 of the International Existing Building Code, is amended to read follows:

**[A] 105.2.1 Emergency repairs.** Where *repairs* must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the *code official*.

**Sec. 2.3.070. – Section 105.3 deleted.**

Section 105.3 of the International Existing Building Code, is deleted.

**Sec. 2.3.080. – Section 105.3.2 amended.**

Section 105.3.2 of the International Existing Building Code, is amended to read as follows:

**[A] 105.3.2 Time limitations of application.** An application for a permit for any proposed work shall be deemed to have been abandoned when the code used for the project design is no longer in effect, unless such application has been pursued in good faith or a permit has been issued; except that the *code official* is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

**Sec. 2.3.090. – Section 105.5 amended.**

Section 105.5 of the International Existing Building Code, is amended to read as follows:

**[A] 105.5 Expiration.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Work shall be considered to have been suspended or abandoned if it has been more than 180 days since the last required inspection. Before work can be recommenced, a new permit must be obtained to do so, and the fee shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and that such suspension or abandonment has not exceeded one year. The *code official* is authorized to grant, in writing, one or more extensions of time for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

**Sec. 2.3.100. – Section 107.3 amended.**

Section 107.3 of the International Existing Building Code, is amended to read as follows:

**[A] 107.3 Temporary power.** The *code 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. That part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in Article 4 of the Wichita-Sedgwick County Unified Building and Trade Code.

**Sec. 2.3.110 – Section 107.3 amended.**

Section 109.3.10 of the International Existing Building Code, is amended to read as follows:

**[A] 109.3.10 Final inspection.** The final inspection shall be made after work required by the building permit is completed. If landscaping is required by the building permit, the landscape shall be installed by the holder of the building permit, their duly authorized agent, or property owner. A letter of credit or bond in the amount of 125% of the cost of the landscaping shall be submitted to the MABCD before a final inspection approval will be issued to the general contractor. The building shall not be occupied prior to obtaining final inspection approval.

**Sec. 2.3.120. – Section 110.2 amended.**

Section 110.2 of the International Existing Building Code, is amended to read as follows:

**[A] 110.2 Certificate issued.** After the *code official* inspects the building and does not find violations of the provisions of this code or other laws that are enforced by the Department of Building Safety, the *code official* shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The occupancy in accordance with the provisions of the *International Building Code*.
4. The type of construction as defined in the *International Building Code*.

**Sec. 2.3.130. – Section 112.1 deleted.**

Section 112.1 of the International Existing Building Code, is deleted.

**Sec. 2.3.140. – Section 112.2 deleted.**

Section 112.2 of the International Existing Building Code, is deleted.

**Sec. 2.3.150. – Section 112.3 deleted.**

Section 112.3 of the International Existing Building Code, is deleted.

**Sec. 2.3.160. – Section 116.4 amended.**

Section 116.4 of the International Existing Building Code, is amended to read as follows:

**[A] 116.4 Emergency repairs.** For the purposes of this section, the *code official* shall order the owner or owner's authorized agent to employ the necessary labor and materials to perform the required work as expeditiously as possible.

**Sec. 2.3.170. – Section 301.5 amended.**

Section 301.5 of the International Existing Building Code, is amended to read as follows:

**301.5 Compliance with accessibility.** Accessibility requirements for *existing buildings* shall comply with the current guidelines of the Americans with Disabilities Act (“ADA”).

**Sec. 2.3.180. – Section 302.3 amended.**

Section 302.3 of the International Existing Building Code, is amended to read as follows:

**302.3 Additional Code.** *Alterations, repairs, additions and changes of occupancy* to, or relocation of, *existing buildings* and structures shall comply with the provisions for *alterations, repairs, additions and changes of occupancy* or relocation, respectively, in this code and the *International Fire Code* as amended by the applicable jurisdiction, Articles 3, 4 and 5 of the Wichita-Sedgwick Unified Building and Trade Code, and the *International Residential Code*. Where provisions of the other codes conflict with provisions of this code, the provisions of this code shall take precedence.

**Sec. 2.3.190. – Section 305.4 amended.**

Section 305.4 of the International Existing Building Code, is amended to read as follows:

**305.4 Change of occupancy.** *Existing buildings* that undergo a change of group or occupancy shall comply with this section.

**Sec. 2.3. 200. – Section 305.4.2 amended.**

Section 305.4.2 of the International Existing Building Code, is amended to read as follows:

**305.4.2 Complete change of occupancy.** Where an entire building undergoes a *change of occupancy*, it shall comply with Section 305.4.1 and shall have all of the following accessible features:

1. Not fewer than one accessible building entrance.
2. Not fewer than one accessible route from an accessible building entrance to *primary function* areas.
3. Signage complying with the current guidelines of the Americans with Disabilities Act (“ADA”).
4. Accessible parking, where parking is being provided.
5. Not fewer than one accessible passenger loading zone, where loading zones are

provided.

6. Not fewer than one accessible route connecting accessible parking and accessible passenger loading zones to an accessible entrance.

Where it is technically infeasible to comply with the new construction standards for any of these requirements for a change of group or occupancy, Items 1 through 6 shall conform to the requirements to the maximum extent technically feasible.

**Sec. 2.3.210. – Section 305.6 amended.**

Section 305.6 of the International Existing Building Code, is amended to read as follows:

**305.6 Alterations.** A *facility* that is altered shall comply with the applicable provisions in the Americans with Disabilities Act (“ADA”), unless *technically infeasible*. Where compliance with this section is *technically infeasible*, the *alteration* shall provide access to the maximum extent technically feasible.

**Exceptions:**

1. The altered element or space is not required to be on an accessible route, unless required by Section 305.7.
2. Accessible means of egress required by Chapter 10 of the *International Building Code* are not required to be provided in existing facilities.

**Sec. 2.3.220. – Section 305.7 amended.**

Section 305.7 of the International Existing Building Code, is amended to read as follows:

**305.7 Alterations affecting an area containing a primary function.** Where an *alteration* affects the accessibility to, or contains an area of *primary function*, the route to the *primary function* area shall be *accessible*. The accessible route to the *primary function* area shall include toilet facilities and drinking fountains serving the area of *primary function*.

**Exceptions:**

1. The costs of providing the *accessible* route are not required to exceed 20 percent of the costs of the *alterations* affecting the area of *primary function*.
2. This provision does not apply to *alterations* limited solely to windows, hardware, operating controls, electrical outlets and signs.
3. This provision does not apply to *alterations* limited solely to mechanical systems, electrical systems, installation or *alteration* of fire protection systems and abatement of hazardous materials.



4. This provision does not apply to *alterations* undertaken for the primary purpose of increasing the accessibility of a *facility*.

**Sec. 2.3.230. – Sections 305.8, 305.8.1, 305.8.2, 305.8.3, 305.8.4, 305.8.5, 305.8.6, 305.8.7, 305.8.8, 305.8.9, 305.8.10, 305.8.11, 305.8.12, 305.8.13, 305.8.14, 305.8.15, 305.9, 305.9.1, 305.9.2, 305.9.3, and 305.9.4 deleted.**

Sections 305.8, 305.8.1, 305.8.2, 305.8.3, 305.8.4, 305.8.5, 305.8.6, 305.8.7, 305.8.8, 305.8.9, 305.8.10, 305.8.11, 305.8.12, 305.8.13, 305.8.14, 305.8.15, 305.9, 305.9.1, 305.9.2, 305.9.3, and 305.9.4 of the International Existing Building Code, are deleted.

**Sec. 2.3.240. – Section 401.3 amended.**

Section 401.3 of the International Existing Building Code, is amended to read as follows:

**[BS] 401.3 Flood hazard areas.** In flood hazard areas, *repairs* that constitute *substantial improvement* shall require that the building comply with Chapter 27.04 of the Code of the City of Wichita, or as directed in Sedgwick County Resolution No. 14-2007, as amended, and found at Sec. 13-1 *et seq.* of the Sedgwick County Code.

**Sec. 2.3.250. – Section 405.1.1 created.**

Section 405.1.1 of the International Existing Building Code, is created to read as follows:

**[BS] 405.1.1 Repairs for substantial structural damage.** *Repairs for substantial structural damage* that is caused by a load not defined or required by Chapter 16 of the *International Building Code* (such as fire, explosion, deterioration, impact, debris, etc.), loads applied to a structure that exceed 150 percent of the code defined design load, or combination thereof may be repaired as less than *substantial structural damage* per Section 405.2.1 provided all of the following occur:

1. The damaged area is less than 75 percent of the roof or any floor's occupied area, the lateral system of the building in any one direction is damaged less than 75 percent, and the damage to the overall structure is less than 50 percent of the composite building.
2. The damage area has not caused deflection in floor or roof framing that, if repaired to its pre-damaged state, will exceed the serviceability requirements noted in Section 1604.3 of the *International Building Code*.
3. A registered design professional shall establish that the damaged construction is repaired to an adequate state. Existing construction remaining shall be evaluated separately.

**Sec. 2.3.260. – 405.2.5 amended.**

Section 405.2.5 of the International Existing Building Code, is amended to read as follows:

**[BS] 405.2.5 Flood hazard areas.** In *flood hazard* areas, buildings that have sustained *substantial damage* shall be brought into compliance with Chapter 27.04 of the Code of the City of Wichita or as directed in Sedgwick County Resolution No. 14-2007, as amended, and found at Sec. 13-1 *et seq.* of the Sedgwick County Code.

**Sec. 2.3.270. – 406.1.1 amended.**

Section 406.1.1 of the International Existing Building Code, is amended to read as follows:

**406.1.1 Receptacles.** Replacement of electrical receptacles shall comply with the applicable requirements of Section 406.4(D) of the National Electrical Code.

**Sec. 2.3.280. – 406.1.2 amended.**

Section 406.1.2 of the International Existing Building Code, is amended to read as follows:

**406.1.2 Plug fuses.** Plug fuses of the Edison-base type shall be used for replacements only where there is no evidence of over fusing or tampering per applicable requirements of Section 240.51(B) of the National Electrical Code.

**Sec. 2.3.290. – 406.1.3 amended.**

Section 406.1.3 of the International Existing Building Code, is amended to read as follows:

**406.1.3 Non-grounding-type receptacles.** For replacement of non-grounding-type receptacles with grounding type receptacles and for branch circuits that do not have an equipment grounding conductor in the branch circuitry, the grounding conductor of a grounding-type receptacle outlet shall be permitted to be grounded to any accessible point on the grounded electrode system or to any accessible point on the grounding electrode conductor in accordance with Section 250.130(C) and 406.4(D) of the National Electrical Code.

**Sec. 2.3.300. – 406.1.4 amended.**

Section 406.1.4 of the International Existing Building Code, is amended to read as follows:

**406.1.4 Group I-2 receptacles.** Receptacles in patient bed locations of Group I-2 that are not “hospital grade” receptacles shall be replaced with “hospital grade” receptacles, as required by NFPA 99 and Article 517 of the National Electrical Code.

**Sec. 2.3.310. – Section 406.1.5 amended.**

Section 406.1.5 of the International Existing Building Code, is amended to read as follows:

**406.1.5 Grounding of appliances.** Frames of electric ranges, wall-mounted ovens, counter-mounted cooking units, clothes dryers and outlet or junction boxes that are part of the existing branch circuit for these appliances shall be permitted to be grounded to the grounded circuit conductor in accordance with Section 250.140 of the National Electrical Code.

**Sec. 2.3.320. – Section 408.1 amended.**

Section 408.1 of the International Existing Building Code, is amended to read as follows:

**408.1 Materials.** Plumbing materials and supplies shall not be used for repairs that are prohibited in Article 3 of the Wichita-Sedgwick Unified Building and Trade Code.

**Sec. 2.3.330. – Section 502.3 amended.**

Section 502.3 of the International Existing Building Code, is amended to read as follows:

**[BS] 502.3 Flood hazard areas.** Buildings and structures in *flood hazard* areas shall comply with Chapter 27.04 of the Code of the City of Wichita or as directed in Sedgwick County Resolution No. 14-2007, as amended, and found at Sec. 13-1 *et seq.* of the Sedgwick County Code.

**Sec. 2.3.340. – Section 503.2 amended.**

Section 503.2 of the International Existing Building Code, is amended to read as follows:

**[BS] 503.2 Flood hazard areas.** Buildings and structures in *flood hazard areas* shall comply with Chapter 27.04 of the Code of the City of Wichita or as directed in Sedgwick County Resolution No. 14-2007, as amended, and found at Sec. 13-1 *et seq.* of the Sedgwick County Code.

**Sec. 2.3.350. – Section 504.1.3 amended.**

Section 504.1.3 of the International Existing Building Code, is amended to read as follows:

**[BE] 504.1.3 New fire escapes.** New fire escapes for *existing buildings* shall be permitted only where exterior stairways cannot be utilized because of lot lines limiting stairway size or because of sidewalks, alleys or roads at grade level. New fire escapes shall not incorporate ladders or access windows. Occupants shall have unobstructed access to the fire escape without having to pass through a room subject to locking.

**Sec. 2.3.360. – Section 504.3 amended.**

Section 504.3 of the International Existing Building Code, is amended to read as follows:

**[BE] 504.3 Construction.** The fire escape shall be designed to support a live load of 100 pounds per square foot (4,788 Pa) and shall be constructed of steel or other *approved noncombustible materials*. Fire escapes constructed of wood not less than nominal 2 inches (51 mm) thick are permitted on buildings of Type V construction. Walkways and railings located over or supported by combustible roofs in buildings of Type III and IV construction are permitted to be of wood not less than nominal 2 inches (51 mm) thick. Fire escapes shall extend to the roof or provide an approved gooseneck ladder between top floor landing and the roof in buildings four or more stories in height having roofs with a slope not exceeding 4 units vertical in 12 units horizontal (33.3 percent slope). Such ladders shall be designed and connected to the building to withstand a horizontal force of 100 pounds per lineal foot (141,459 N/m). Each rung shall support a concentrated load of 500 pounds (2,224 N) placed anywhere on the rung to produce the maximum stress conditions. All ladders shall be at least 15 inches (381 mm) in clear width, be located within 12 inches (305 mm) of the building and shall be placed flatwise to the face of the building. Ladder rungs shall be at least ¾ inch (19 mm) in diameter and shall be located 10 inches to 12 inches (254 mm to 305 mm) on center. Openings for roof access ladders through cornices and similar projects shall have minimum dimensions of 30 inches by 33 inches (762 mm by 838 mm). The fire escape shall have a clearance from electrical service conductors as required by the *National Electrical Code*.

**Sec. 2.3.370. – Section 504.4 amended.**

Section 504.4 of the International Existing Building Code, is amended to read as follows:

**504.4 Dimensions.** Stairways shall be not less than 22 inches (559 mm) wide with risers not more than, and treads not less than 8 inches (203 mm) and landings at the foot of stairways not less than 40 inches (1,016 mm) wide by 36 inches (914 mm) long, located not more than 8 inches (203 mm) below the door. The openings in the treads of the stairways and the floor of landings shall be no greater than 5/8 inch (16 mm) in width. The guards at the stairways shall be not less than 36 inches (914 mm) high with not more than 4 inches (102 mm) between intermediate rails. The top rail of the guard at the stairways shall have outside diameter of at least 1 ¼ inches (32 mm) and not greater than 2 inches (51 mm). The guards at the landings shall not be less than 42 inches (1,066 mm) high with not more than 4 inches (102 mm) between intermediate rails.

**Exception:** Any modifications to an existing guard on a stairway or landing of an existing fire escape shall be approved by the *code official* or a duly authorized representative.

**Sec. 2.3.380. – Section 601.2 amended.**

Section 601.2 of the International Existing Building Code, is amended to read as follows:

**601.2 Work area.** The *work area*, as defined in Chapter 2, shall be identified on the construction documents. The architect of record shall specify the percentage of area, by floor, that constitutes *work area*. Reconfiguration of floor area shall be the removal.

relocation or construction of new walls or building elements within a tenant area or building. *Work area* calculations shall include the rooms or spaces and areas directly adjacent to where reconfiguration is planned.

**Exception:**

1. The area of the entire room or space does not need to be included within the *work area* calculation where the following conditions are met:
  - a. The area within ten feet (3,049 mm) of the reconfiguration (perimeter calculation) is less than 25 percent of the room or space;
  - b. The occupancy of the area has not changed; and
  - c. The reconfiguration does not affect the existing exits from the room or space.

**Sec. 2.3.390. – Section 701.3 amended.**

Section 701.3 of the International Existing Building Code, is amended to read as follows:

**[BS] 701.3 Flood hazard areas.** In *flood hazard areas*, alterations shall comply with Chapter 27.04 of the Code of the City of Wichita or as directed in Sedgwick County Resolution No. 14-2007, as amended, and found at Sec. 13-1 *et seq.* of the Sedgwick County Code.

**Sec. 2.3.400. – Section 702.6 amended.**

Section 702.6 of the International Existing Building Code, is amended to read as follows:

**702.6 Materials and methods.** New work shall comply with the material and methods requirements in the *International Building Code*, as amended in Article 2 of the Wichita-Sedgwick County Unified Building and Trade Code, the *International Mechanical Code*, as amended in Article 5 of the Wichita-Sedgwick County Unified Building and Trade Code, the *National Electrical Code*, as amended in Article 4 of the Wichita-Sedgwick County Unified Building and Trade Code, and Article 3 of the Wichita-Sedgwick Unified Building and Trade Code, as applicable, that specify material standards, detail of installation and connection, joints, penetrations, and continuity of any element, component, or system in the building.

**Exception:** Where building separation is required by the adopted electrical code to allow for multiple electrical services, a fire wall may be constructed in accordance with the provisions of a two-hour fire barrier per the *International Building Code*. If the fire wall coincides with that of a required fire barrier, then the most restrictive requirement shall apply. For allowable area purposes, the building is considered as one structure with no benefit derived from the fire wall.

**Sec. 2.3.410. – Section 707.1 deleted.**

Section 707.1 of the International Existing Building Code, is deleted.

**Sec. 2.3.420. – 805.3.1.2.2 amended.**

Section 805.3.1.2.2 of the International Existing Building Code, is amended to read as follows:

**805.3.1.2.2 Construction.** The fire escape shall be designed to support a live load of 100 pounds per square foot (4,788 Pa) and shall be constructed of steel or other *approved noncombustible materials*. Fire escapes constructed of wood not less than nominal 2 inches (51 mm) thick are permitted on buildings of Type V construction. Walkways and railings located over or supported by combustible roofs in buildings of Type III and IV construction are permitted to be of wood not less than nominal 2 inches (51 mm) thick. Fire escapes shall extend to the roof or provide an approved gooseneck ladder between top floor landing and the roof in buildings four or more stories in height having roofs with a slope not exceeding 4 units vertical in 12 units horizontal (33.3 percent slope). Such ladders shall be designed and connected to the building to withstand a horizontal force of 100 pounds per lineal foot (141,459 N/m). Each rung shall support a concentrated load of 500 pounds (2,224 N) placed anywhere on the rung to produce the maximum stress conditions. All ladders shall be at least 15 inches (381 mm) in clear width, be located within 12 inches (305 mm) of the building and shall be placed flatwise to the face of the building. Ladder rungs shall be at least ¾ inch (19 mm) in diameter and shall be located 10 inches to 12 inches (254 mm to 305 mm) on center. Openings for roof access ladders through cornices and similar projects shall have minimum dimensions of 30 inches by 33 inches (762 mm by 838 mm). The fire escape shall have a clearance from electrical service conductors as required by the *National Electrical Code*.

**Sec. 2.3.430. – Section 805.3.1.2.3 amended.**

Section 805.3.1.2.3 of the International Existing Building Code, is amended to read as follows:

**805.3.1.2.3 Dimensions.** Stairways shall be not less than 22 inches (559 mm) wide with risers not more than, and treads not less than 8 inches (203 mm) and landings at the foot of stairways not less than 40 inches (1,016 mm) wide by 36 inches (914 mm) long, located not more than 8 inches (203 mm) below the door. The openings in the treads of the stairways and the floor of landings shall be no greater 5/8 inch (16 mm) in width. The guards at the stairways shall be not less than 36 inches (914 mm) high with not more than 4 inches (102 mm) between intermediate rails. The top rail of the guard at the stairways shall have an outside diameter of at least 1 ¼ inches (32 mm) and not greater than 2 inches (51 mm). The guards at the landings shall not be less than 42 inches (1,066 mm) high with not more than 4 inches (102 mm) between intermediate rails.

**Exception:** Any modifications to an existing guard on a stairway or landing of an existing fire escape shall be approved by the *code official* or a duly authorized representative.

**Sec. 2.3.440. – Section 805.4.4 amended.**

Section 805.4.4 of the International Existing Building Code, is amended to read as follows:

**805.4.4 Panic hardware.** In any *work area*, and in the egress path from any *work area* to the exit discharge, in buildings or portions thereof of Group A assembly occupancies with an occupant load greater than 49, all required exit doors equipped with latching devices shall be equipped with *approved* panic hardware.

**Sec. 2.3.450. – Section 805.9 amended.**

Section 805.9 of the International Existing Building Code, is amended to read as follows:

**805.9 Stairs and Handrails.** Stairs shall comply with all of the following requirements:

1. Newly constructed stairs shall comply with the provisions of the *International Building Code*.
2. Existing winding or spiral stairways in any work area may serve as part of the means of egress from a building, including single exit buildings complying with 805.3.1.1, for a maximum occupant load of 10, provided that a complying handrail is located at the stair's outside perimeter. A winding or spiral stairway may not be the principal means of egress when used in conjunction with a fire escape as second means of egress. Means of egress width shall comply with the building code. Circular stairways complying with the building code shall be acceptable as a means of egress.
3. An alteration or the replacement of an existing stairway shall not be required to comply with the requirements of a new stairway as outlined in the building code where the existing space and construction will not allow a reduction in pitch or slope.
4. The largest tread run within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm), nor be less than 10 inches (254 mm) in width. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm), nor be less than 4 inches (102 mm) in height. The maximum riser height shall not exceed 7 1/2 inches (191 mm) in height.

**Exceptions:**

1. In Group R-3 occupancies, stairs may have a minimum tread run of 9 inches (229 mm) and a maximum riser of 8 inches (203 mm) in height.
2. Existing stairs serving an occupant load of 10 or less may have a minimum tread run of 9 inches (229 mm) in width and a maximum riser of 8 inches (203 mm) in height.
3. Existing stairs serving an occupant load of 10 or less may have a minimum width of 30 inches (763 mm). Stairs serving an

occupant load of 11 or more, but not more than 50, may be 36 inches (915 mm) in width. Stairs serving an occupant load of over 50 shall comply with the building code.

The requirements of Sections 805.9.1 and 805.9.2 shall apply to handrails from the *work area* floor to, and including, the level of exit discharge.

**Sec. 2.3.460. – Section 807.3.1 amended.**

Section 807.3.1 of the International Existing Building Code, is amended to read as follows:

**807.3.1 Enclosed areas.** Enclosed areas, other than closets, kitchens, basements, garages, hallways, laundry areas, utility areas, storage areas and bathrooms shall have not fewer than two duplex receptacles outlets and one ceiling or wall-type lighting outlet.

**Sec. 2.3.470. – Section 807.3.7 amended.**

Section 807.3.7 of the International Existing Building Code, is amended to read as follows:

**807.3.7 Clearance for equipment.** Clearance of electrical service equipment shall be provided in accordance with Article 4 of the Wichita-Sedgwick County Unified Building and Trade Code.

**Sec. 2.3.480. – Section 809.1 amended.**

Section 809.1 of the International Existing Building Code, is amended to read as follows:

**809.1 Minimum fixtures.** Where the occupant load of the story is increased by more than 20 percent, plumbing fixtures for the story shall be provided in quantities specified in the *International Building Code* based on the increased occupant load.

**Sec. 2.3.490. – Section 810 deleted.**

Section 810 of the International Existing Building Code, is deleted.

**Sec. 2.3.500. – Section 903.2.1 amended.**

Section 903.2.1 of the International Existing Building Code, is amended to read as follows:

**903.2.1 Separation required.** Where the *work area* is in any attached dwelling unit in Group R-3 or any multiple single-family dwelling (townhouse), walls separating the dwelling units that are not continuous from the foundation to the underside of the roof sheathing shall be constructed to provide a continuous fire separation using construction materials consistent with the existing wall or complying with the requirements for new structures. Work shall be performed on the side of the dwelling unit wall that is part of the *work area*.



**Exception:** Where *alterations* or *repairs* do not result in the removal of wall or ceiling finishes exposing the structure, walls are not required to be continuous through concealed floor spaces.

Where the work area is adjacent to a different occupancy group, then separation of the occupancy groups by means of an approved fire barrier shall be in accordance with the *International Building Code*.

**Exceptions:**

1. The required separation between a Group R-3 and an accessory garage for the storage of private or pleasure-type motor vehicles where no repair work is done or fuel dispensed may be built in conformance with Sections 406.3.2.1 and 406.3.2.2 of the *International Building Code*.
2. The required separation between a Group R-3 and a Group B, M or S-2 parking garage of 5,000 square feet (464 m<sup>2</sup>) or less shall be protected with a fire barrier of not less than one-hour fire-resistant construction.

**Sec. 2.3.510. – Section 907.1 deleted.**

Section 907.1 of the International Existing Building Code, is deleted.

**Sec. 2.3.520. – Section 1007.1 amended.**

Section 1007.1 of the International Existing Building Code, is amended to read as follows:

**1007.1 Special occupancies.** Where the occupancy of an *existing building* or part of an *existing building* is changed to one of the following occupancies as described in Article 4 of the Wichita-Sedgwick County Unified Building and Trade Code, the electrical wiring and equipment of the building or portion thereof that contains the proposed occupancy shall comply with the applicable requirements of Article 4 of the Wichita-Sedgwick County Unified Building and Trade Code, whether or not a *change of occupancy group* is involved:

1. Hazardous locations.
2. Commercial garages, *repair* and storage.
3. Aircraft hangers.
4. Gasoline dispensing and service stations.
5. Bulk storage plants.
6. Spray application, dipping, and coating processes.
7. Health care facilities.
8. Places of assembly.
9. Theaters, audience's areas of motion picture and television studios, and similar locations.
10. Motion picture and television studios and similar locations.

11. Motion picture projectors.
12. Agricultural buildings.

**Sec. 2.3.530. – Section 1007.2 amended.**

Section 1007.2 of the International Existing Building Code, is amended to read as follows:

**1007.2 Unsafe Conditions.** Where the occupancy of an *existing building* or part of an *existing building* is changed, all unsafe conditions shall be corrected without requiring that all parts of the electrical system comply with Article 4 of the Wichita-Sedgwick County Unified Building and Trade Code.

**Sec. 2.3.540. – Section 1007.3 amended.**

Section 1007.3 of the International Existing Building Code, is amended to read as follows:

**1007.3 Service upgrade.** Where the occupancy of an *existing building* or part of an *existing building* is changed, electrical service shall be upgraded to meet the requirements of Article 4 of the Wichita-Sedgwick County Unified Building and Trade Code for the new occupancy.

**Sec. 2.3.550. – Section 1007.4 amended.**

Section 1007.4 of the International Existing Building Code, is amended to read as follows:

**1007.4 Number of electrical outlets.** Where the occupancy of an *existing building* or part of an *existing building* is changed, the number of electrical outlets shall comply with Article 4 of the Wichita-Sedgwick County Unified Building and Trade Code for the new occupancy.

**Sec. 2.3.560. – Section 1009.1 amended.**

Section 1009.1 of the International Existing Building Code, is amended to read as follows:

**1009.1 Increase demand.** Where the occupancy of an *existing building* or part of an *existing building* is changed such that the new occupancy is subject to increase or different plumbing fixture requirements or to increased water supply requirements in accordance with Article 3 of the Wichita-Sedgwick Unified Building and Trade Code and the *International Building Code*, the new occupancy shall comply with the intent of the respective Article 3 of the Wichita-Sedgwick Unified Building and Trade Code and the *International Building Code* provisions.

**Sec. 2.3.570. – Section 1009.2 amended.**

Section 1009.2 of the International Existing Building Code, is amended to read as follows:

**1009.2 Food-handling occupancies.** If the new occupancy is a food-handling establishment, all existing sanitary waste lines above the food or drink preparation or storage areas shall be panned or otherwise protected to prevent leaking pipes or condensation on pipes from contaminating food or drink. New drainage lines shall not be installed above such areas and shall be protected in accordance with Article 3 of the Wichita-Sedgwick Unified Building and Trade Code.

**Sec. 2.3.580. – Section 1009.3 amended**

**This Section applies only within the city limits of the City of Wichita**

Section 1009.3 of the International Existing Building Code, is amended to read as follows:

**1009.3 Interceptor required.** If the new occupancy will produce grease or oil-laden wastes, interceptors shall be provided as required in Article 3 of the Wichita-Sedgwick Unified Building and Trade Code, and by the City’s Department of Public Works and Utilities.

**Sec. 2.3.590. – Section 1009.5 amended.**

Section 1009.5 of the International Existing Building Code, is amended to read as follows:

**1009.5 Group I-2.** If the occupancy group is changed to Group I-2, the plumbing system shall comply with the applicable requirements of Article 3 of the Wichita-Sedgwick County Unified Building and Trade Code.

**Sec. 2.3.600. – Section 1101.2 amended.**

Section 1101.2 of the International Existing Building Code, is amended to read as follows:

**1101.2 Creation or extension of nonconformity.** An *addition* shall not create or extend any nonconformity in the *existing building* to which the *addition* is being made with regard to accessibility, structural strength, fire safety, means of egress, or the capacity of mechanical, plumbing, or electrical systems.

**Exception:** Area separation walls constructed prior to the adoption of the 2000 Edition of the International Building Code (April 2, 2002) may be increased in length by not more than 25 percent of the length of the existing wall, not to exceed thirty feet. The method of construction and fire rating of the additional wall length shall be in general conformance to that of the existing wall. The materials used in the area separation wall construction shall comply with the building construction type, but may be any approved assembly that provides the same level of protection.

**Sec. 2.3.610. – Section 1102.2 amended.**

Section 1102.2 of the International Existing Building Code, is amended to read as follows:

**1102.2 Area limitations.** An *addition* shall not increase the area of an *existing building* beyond that permitted under the applicable provisions of Chapter 6 of the *International Building Code* for new buildings unless fire separation as required by the *International Building Code* is provided.

**Exceptions:**

1. In-filling floor openings and nonoccupiable appendages such as elevator and exit stairway shall be permitted beyond that permitted by the *International Building Code*.
2. Allowable area expansion rights up to and including an additional 10 percent area increase which would have been allowed under the code when the building was constructed, will be permissible without approval from the code official, subject to the fire area limitations of Section 1102.3 of this code.

**Sec. 2.3.620. – Section 1102.3 amended.**

Section 1102.3 of the International Existing Building Code, is amended to read as follows:

**1102.3 Fire protection systems.** Existing fire areas increased by the addition shall comply with Chapter 9 of the *International Building Code*.

**Exception:** Buildings constructed prior to the adoption of the 2000 Edition of the *International Building Code* (April 2, 2002) and any building containing Group S-1 and F-1 Occupancies constructed prior to the adoption of the 2012 Edition of the *International Building Code* (May 1, 2016) may have a nonconforming fire area increased by not more than 25 percent of the fire area limitations, for the occupancy classification, as specified under Section 903.2 of the *International Building Code*. All *additions* to the fire area shall be considered as accumulative and subject to the limitations of the construction type.

**Sec. 2.3.630. – Section 1103.3 amended.**

Section 1103.3 of the International Existing Building Code, is amended to read as follows:

**[BS] 1103.3 Flood hazard areas.** *Additions and foundations in flood hazard areas* shall comply with Chapter 27.04 of the Code of the City of Wichita or as directed in Sedgwick County Resolution No. 14-2007, as amended, and found at Sec. 13-1 *et seq.* of the Sedgwick County Code.

**Sec. 2.3.640. – Section 1107.1 deleted.**

Section 1107.1 of the International Existing Building Code, is deleted.

**Sec. 2.3.650. – Section 1201.4 amended.**

Section 1201.4 of the International Existing Building Code, is amended to read as follows:

**[BS] 1201.4 Flood hazard areas.** In *flood hazard areas*, if all proposed work, including *repairs*, work required because of a *change of occupancy*, and *alterations*, constitutes *substantial improvement*, then the *existing building* shall comply with Chapter 27.04 of the Code of the City of Wichita or as directed in Sedgwick County Resolution No. 14-2007, as amended, and found at Sec. 13-1 *et seq.* of the Sedgwick County Code.

**Sec. 2.3.660. – Section 1301.3.2 amended.**

Section 1301.3.2 of the International Existing Building Code, is amended to read as follows:

**1301.3.2 Compliance with other codes.** Buildings that are evaluated in accordance with this section shall comply with the *International Fire Code*.

**Sec. 2.3.670. – Section 1301.3.3 amended.**

Section 1301.3.3 of the International Existing Building Code, is amended to read as follows:

**[BS] 1301.3.3 Compliance with flood hazard provisions.** In *flood hazard areas*, buildings that are evaluated in accordance with this section shall comply with Chapter 27.04 of the Code of the City of Wichita or as directed in Sedgwick County Resolution No. 14-2007, as amended, and found at Sec. 13-1 *et seq.* of the Sedgwick County Code, if the work covered by this section constitutes *substantial improvement*.

**Sec. 2.3.680. – Section 1401.2 amended.**

Section 1401.2 of the International Existing Building Code, is amended to read as follows:

**1401.2 Conformance.** The building shall be safe for human occupancy as determined by the *International Fire Code* and the *International Building Code*. Any *repair*, *alteration* or *change of occupancy* undertaken within the moved structure shall comply with the requirements of this code applicable to the work being performed. Any field-fabricated elements shall comply with the requirements of the *International Building Code* or the *International Residential Code*, as applicable.

**Sec. 2.3.690. – Section 1402.6 amended.**

Section 1402.6 of the International Existing Building Code, is amended to read as follows:

**[BS] 1402.6 Flood hazard areas.** If relocated or moved into a *flood hazard area*, structures shall comply with Chapter 27.04 of the Code of the City of Wichita or as

directed in Sedgwick County Resolution No. 14-2007, as amended, and found at Sec. 13-1 *et seq.* of the Sedgwick County Code.

**Sec. 2.3.700. – Section 1501.6.1 amended.**

Section 1501.6.1 of the International Existing Building Code, is amended to read as follows:

**[BS] 1501.6.1 Walkways.** A walkway shall be provided for pedestrian travel in front of every construction and demolition site unless the applicable governing authority authorizes the sidewalk to be fenced or closed. A walkway shall be provided for pedestrian travel that leads from a building entrance or exit of an occupied structure to a public way. Walkways shall be of sufficient width to accommodate the pedestrian traffic, but shall be not less than 4 feet (1,219 mm) in width. Walkways shall be provided with a durable walking surface and shall be accessible in accordance with the current guidelines of the Americans with Disabilities Act (“ADA”). Walkways shall be designed to support all imposed loads and the design live load shall be not less than 150 pounds per square foot (psf) (7.2 kN/m<sup>2</sup>).

**Exception:** The walkway is not required when there is no existing sidewalk nor one planned for that location.

**Sec. 2.3.710. – Section 1501.7 amended.**

Section 1501.7 of the International Existing Building Code, is amended to read as follows:

**1501.7 Facilities required.** Sanitary facilities shall be provided during construction or demolition activities in accordance with Article 3 of the Wichita-Sedgwick Unified Building and Trade Code.

**SECTION 2. SEVERABILITY**

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

**SECTION 3. PUBLICATION AND EFFECTIVE DATE**

Upon adoption of this resolution, the Sedgwick County Clerk shall publish this resolution once in the official county newspaper. This resolution shall become effective September 1, 2019, except any fire protection segment shall become effective on September 1, 2019 or such date thereafter when the Kansas State Fire Marshal has approved such fire protection segments.

Commissioners present and voting were:

PETER F. MEITZNER	<u>Aye</u>
MICHAEL B. O'DONNELL, II	<u>Aye</u>
DAVID T. DENNIS	<u>Aye</u>
LACEY D. CRUSE	<u>Aye</u>
JAMES M. HOWELL	<u>Aye</u>

Dated this 19 day of June, 2019.

BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

ATTEST:

KBA  
KELLY B. ARNOLD, County Clerk



[Signature]  
DAVID T. DENNIS, Chairman  
Commissioner, Third District

[Signature]  
PETER F. MEITZNER, Chair Pro Tem  
Commissioner, First District

APPROVED AS TO FORM:

[Signature]  
JUSTIN M. WAGGONER  
Assistant County Counselor

[Signature]  
MICHAEL B. O'DONNELL, II  
Commissioner, Second District

[Signature]  
LACEY D. CRUSE  
Commissioner, Fourth District

[Signature]  
JAMES M. HOWELL  
Commissioner, Fifth District