

ORDINANCE NO. 5178-25

AN ORDINANCE AMENDING CHAPTER VI OF THE CODE OF THE CITY OF NEWTON, KANSAS, PERTAINING TO THE INTERNATIONAL BUILDING CODE (IBC), AND TO DELETIONS AND AMENDMENTS THERETO; AND REPEALING SECTION ONE OF ORDINANCE NO. 5125-23.

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

SECTION 1. Chapter VI, Article 1A of the Code of the City of Newton, Kansas, is hereby amended to read as follows:

6-101. International Building Code (IBC).

There is hereby incorporated by reference for the purpose of providing minimum regulations for the construction, erection, remodeling, alteration, repair or expansion of any building or structure, the "International Building Code," (IBC) 2024 Edition, including all appendices to each, prepared and published in book form by the International Code Council, Inc., except such articles, sections, parts or portions as are hereinafter omitted, deleted, modified or changed. Any errata officially published by the International Code Council, Inc., shall become part of the IBC when placed on file with the city clerks by the city staff. If any conflict or discrepancy exists between this Article and the referenced IBC, the provisions of this Article shall rule. No fewer than two copies of the IBC shall be marked or stamped "Official Copy as Incorporated by Reference by the Code of the City of Newton, Kansas," with all sections or portions thereof intended to be deleted, changed or amended clearly marked, and to which shall be attached a copy of this Ordinance and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. All administrative departments of the City charged with the enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of such IBC similarly marked, deleted and changed as may be expedient.

6-102. Board of Appeals and Variances created, duties.

(*Note: for procedures and policies related to appeals and variances to zoning code, see Article 14 of the City's Zoning Regulations*)

(a) *Board Purpose and Composition:* In order to determine the suitability of alternate materials, methods, and types of construction, and to provide for reasonable interpretations of the provisions of this Code, there is hereby created a Board of Appeals and Variances consisting of the current Newton Area Planning Commission. The city attorney shall act as advisory counsel for the Board.

(b) *Powers.*

1) The Board conducting hearings and investigations as provided in this Chapter:

- A. Shall have the authority to administer oaths, affirmations, examine witnesses, and receive evidence;
 - B. Shall hear and decide appeals from decisions made by the Building Official, Fire Code Official, or their designated representative relative to building construction and enforcement of City Code, the codes of the International Code Council, Inc., and its amendments and deletions as adopted by the City.
 - C. Shall hear and decide requests for variances to the City Code as related to the codes of the International Code Council, Inc., and its amendments and deletions as adopted by the City of Newton.
 - D. Shall hear and decide appeals from decisions made by the Building Official, Fire Code Official, or their designated representative relative to contractor licensing regulations as adopted by the city.
 - E. Shall consider the findings of the Building Official, Fire Code Official, their designated representative, and other credible and qualified persons as to facts relating to their field of expertise, if supported by conclusive evidence.
- 2) The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Board.
 - 3) All proceedings before the Board shall be recorded in writing and the determination of the Board shall be a final determination subject to appeal.

(c) *Appeals.*

- 1) Appeals from the decision of Building Official, Fire Code Official, or their designated representative may be made to the Board by requesting in writing to the Building Official within fifteen (15) days after receiving said decision.
- 2) The Building Official, Fire Code Official, or their designated representative will notify the appellant of the date, time and location of the Board's hearing on the appeal at the next available and practical regular meeting of the Board.
- 3) The Board shall hear and determine all appeals from the Building Official, Fire Code Official, or their designated representative, and act as an arbitration board in deciding any matters that may arise between the Administrative Authority and any other person relative to the interpretation of the code in question.

(d) *Variances*

1) In considering an application for variance from the requirements of City Code, the codes of the International Code Council, Inc., and its amendments and deletions as adopted by the City of Newton, the Board shall not grant such variance unless it shall find affirmative support for each of the following standards in the evidence presented:

- A. How the variance request arises from such condition which is unique to the structure in question and which were not created by an illegal action of the owner, tenant or contractor;
- B. How the granting of the variance will not adversely affect the rights of adjacent property owners or residents;
- C. How the strict application of the provisions of the code from which variance is requested will constitute unnecessary hardship upon the property owner represented in the application;
- D. How the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare;
- E. How the variance desired will not be opposed to the general spirit and intent of the City Code, the codes of the International Code Council, Inc., and its amendments and deletions as adopted by the City of Newton.
- F. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the provisions of the code which are in question.
- G. That the variance conforms, or is not opposed, to the adopted Comprehensive Plan and proposed future uses of the area.

2) Situations which are not covered by City Code, the codes of the International Code Council, Inc., and its amendments and deletions as adopted by the City of Newton, or in which it may be shown as impractical to follow the requirements of the same, the Board may grant variances from the strict application of the same.

(e) The Board shall notify the applicant or appellant of its variance or appeal determination in writing within ten (10) days following the conclusion of the hearing.

(f) *Appeals to the Governing Body.*

1) Appeals from the decision of the Board may be made to the Governing Body by requesting in writing to the city clerk within fifteen (15) days after receiving such

decision. The appeal shall be heard at the next available and practical regular meeting of the Governing Body, with at least seven (7) days written notice to the appellant.

- 2) The proceedings at hearings, including the findings and decision of the Building Official, Fire Code Official, or their designated representative, and the Board, shall be reduced to writing, and entered as a matter of public record in the office of the Building Official.
- 3) The record shall include a copy of every notice or order issued in connection with the matter.
- 4) The Governing Body shall consider all relevant evidence and determine whether to affirm, deny, or remand the Board's decision. The Governing Body shall submit the same in writing to the appellant and Board expeditiously.

6-103. Deletions to the International Building Code.

The following portions of the IBC and all their appendices are hereby deleted: Sections

- 105.2 #6 – Work exempt from permit;
- 113 – Means of Appeals;
- 412.3.1 – Exterior walls;
- 1112.1 through 1112.6 – Signage;
- 1207 – Enhanced Classroom Acoustics;
- Chapter 13 – Energy Efficiency;
- 2902.7 – Service sink location;
- Appendices A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, and P

6-104. Amendments to IBC.

The following amendments to the IBC incorporated by section 6-101 of this Article are hereby adopted:

(a) [A] 101.4.6 Energy.

The provisions of Chapter 6 Article 2 of the Newton City Code shall apply to the installation of electrical systems, including alternations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

(b) [A] 101.4.7 Existing buildings.

The provisions of the International Existing Building Code or the IBC shall apply to matters governing the repair, alternation, change of occupancy, addition to and relocation of existing buildings. The applicant must indicate which of the above codes will be used on the project and must meet all provisions of the above code. The structural provisions of the selected codes shall not apply if all the following conditions are met:

1. Any existing gravity load-carrying structural element for which a repair, alternation, change of occupancy, addition to and relocation of existing buildings and its related alterations cause an increase in design dead, live or snow load, including snow drift effects, of not more than 5 percent.
2. Any existing lateral load-carrying structural element whose demand-capacity ratio with the repair, alternation, change of occupancy, addition to and relocation of existing buildings considered is not more than 10 percent greater than its demand-capacity ratio with the repair, alternation, change of occupancy, addition to and relocation of existing buildings ignored. For purpose of calculating demand-capacity ratios, the demand shall consider applicable load combinations with design lateral loads or forces in accordance with Sections 1609 and 1613 of the IBC. For purposes of this exception, comparisons of demand-capacity ratios and calculations of design lateral loads, forces and capacities shall account for the cumulative effects of additions and alterations since original construction.

(c) **[A] 105.2 Work exempt from permit.**

Exemptions from permit requirements of this Code shall not be deemed to grant authorization of 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. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided that the floor area is not greater than 120 square feet (11 m²).
 - a. Playhouses or tree houses having single or multi-level floors with or without roofs.
 - b. All detached accessory structures within Newton Jurisdiction greater than 25 (2.32 m²) but equal to or less than 400 (37.16 m²) square feet shall be tied down to the earth using anchoring methods; or be attached to a permanent concrete foundation per R403.1.6.

Exception to Location Permit Requirement: Non-fixed and movable storage cabinets equipped with doors that conceal the contents within and have a footprint not exceed 25 square feet (2.32 m²), shall not require the issuance of a location permit.

2(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 (762 mm) high, unless the fence encloses an outdoor seating area.

3. Oil derricks.

4. Retaining walls that are not over 48 inches in height measured from the lowest point of the adjoining grade to the top of the wall, unless support a surcharge or impounding Class I, II, or IIIA liquids.

5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18 925 L) and the ratio of height to diameter or width is not greater than 2:1.

6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below.

Exception: sidewalks in the ROW used by the public at large will require a permit

7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

8. Temporary motion picture, television and theater stage sets and scenery.

9. Prefabricated swimming pools accessory to an occupancy that are less than 24 inches deep, are not greater than 5,000 gallons (18 925 L) and are installed entirely above ground.

10. Swings and other playground equipment.

11. Fabric awning supported by an exterior wall that does not project more than 36 inches (915 mm) from the exterior wall and does not require additional support.

12. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

13. Interior platforms not over 200 square feet (19 m²) 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 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 City of Newton is notified on the following business day.
16. Repair or replacement roofing and/or siding materials not exceeding 50% of a single plane/wall.
17. Repair or replacement of interior gypsum wallboard on non-fire-resistance walls or ceilings when the total area does not exceed 250 square feet (22.5 m²) 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. The framing used to infill existing openings for the purposed of installing smaller unit(s) shall be exempt 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.

(d) [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 Building Official.

(e) [A] **105.3.2 Time limitation of application.**

An application for a permit for any proposed work shall be deemed to have abandoned when the code used for the project design is no longer in effect, unless such application has demonstrated to have been pursued in good faith or a permit has been issued; except that the Building 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.

(f) **[A] 105.7 Placement of permit.**

Work requiring a permit shall not be commenced until the permit holder or an agent of the permit holder has posted or has made available on inspection record card such as to allow the Building Official to conveniently make the required entries thereon regarding inspection of the work. This card shall be maintained and made available by the permit holder until final approval has been granted by the Building Official.

(g) **[A] 109.2: Schedule of permit fees.**

See Newton City Code 6-116 to 6-117 for permits and related regulations.

(h) **[A] 109.5.1 Plan review fees.**

When submittal documents are required by Section 107 of the IBC, a plan review fee shall be paid at the time of submitting the documents for plan review, said plan review fee shall be 60 percent of the building permit fee. The plan review fees are separate fees and are in addition to the building permit fees. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal of the IBC, an additional plan review fee shall be charged at the rate of 75 percent of the building permit fee. *See City Code 6-116.1.*

(i) **[A] 111.2 Certificate Issued**

After the Building Official inspects the building or structure and does not find violations of the provisions of this Code or other laws that are enforced by the department, the Building Official shall issue a certificate of occupancy that contains the following:

1. The permit number.
2. The address of the structure

3. Zoning.
4. Code Cycle
5. Use
6. Building area affected
7. Property owner

(j) **202 General Definitions**

[A] CODE OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this code, referred to in the Newton City Code as Building Official, Fire Code Official, or their designated agents or representatives.

(k) **305.2 Group E, day care facilities.**

This group includes buildings and structures or portions thereof occupied by more than Ten (10) children older than 2½ years of age who receive educational, supervision or personal care services for fewer than 24 hours per day.

(l) **406.3.2.1 Dwelling unit separation.**

The private garage shall be separated from the dwelling unit and its attic area by means of gypsum board, not less than ½ inch (12.7 mm) in thickness, applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than a 5/8-inch (15.9 mm) Type X gypsum board or equivalent and 1/2-inch (12.7 mm) gypsum board applied to structures supporting the separation from habitable rooms above the garage. Door openings between a private garage and the dwelling unit shall be equipped with either solid wood doors or solid or honeycomb core steel doors not less than 13/8 inches (34.9 mm) in thickness, or doors in compliance with Section 716.2.2.1 with a fire protection rating of not less than 20 minutes. equipped with a self-closing or automatic-closing device for new construction. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted.

(m) **[BE] 408.3.1 Door width.**

Doors to resident sleeping units shall have a clear width of not less than 32 inches (813 mm).

(n) **[F] 412.3.6 Fire suppression.**

Aircraft hangars shall be provided with a fire suppression system in accordance with NFPA 409, based on the classification for the hangar given in Table 412.3.6.

Exception: Group II and III hangars used for storage of aircraft only shall have a fire suppression system, where the fire area (See IBC Section 412.3.6.2) used for aircraft storage exceeds 18,000 square feet (1672 m²), but the system is exempt from foam requirements.

(o) **423.5 Group E occupancies.**

In areas where the shelter design wind speed for tornados is 250 mph in accordance with Figure 304.2(1) of ICC 500, all Group E occupancies with an occupant load of 50 or more shall have a storm shelter constructed in accordance with ICC 500.

Exceptions:

1. Group E day care facilities.
2. Group E occupancies accessory to places of religious worship.
3. Buildings meeting the requirements for shelter design in ICC 500.
4. Existing buildings or storm shelters meeting the structural requirements of Chapter 3 of the 2008 ICC NSSA Standard for the Design and Construction of Storm Shelters (ICC 500 2008). The above shall be verified by a registered design professional (structural engineer) licensed in the State of Kansas.

(p) **Table 601:**

BUILDING ELEMENT	TYPE I		TYPE II		TYPE III		TYPE IV				TYPE V	
	A	B	A	B	A	B	A	B	C	HT	A	B
Primary Structural frame ^f (See Section 202)	3a,b	2a,b,c	1b,c	0 ^c	1b,c	0	3a	2a	2a	HT	1b,c	0
Bearing walls												
Exterior ^{e, f}	3	2	1	0	2	2	3	2	2	2	1	0
Interior	3a	2a	1	0	1	0	3	2	2	1/HT ^g	1	0
Nonbearing walls and partitions Exterior	See Table 705.5											
Nonbearing walls and partitions Interior ^d	0	0	0	0	0	0	0	0	0	See Section 2304.11.2	0	0
Floor construction and associated secondary members (see Section 202)	2	2	1	0	1	0	2	2	2	HT	1	0
Roof construction and associated secondary structural members ^h (See Section 202)	1 1/2 ^b	1b,c	1b, c	0 ^c	1b,c	0	1 1/2	1	1	HT	1b, c	0

For SI: 1 foot = 304.8 mm

- a. *Roof supports: Fire-resistance ratings of primary structural frame and bearing walls are permitted to be reduced by 1 hour where supporting a roof only.*
- b. *Except in Group F-1, H, M and S-1 occupancies, fire protection of structural members in roof construction shall not be required, including protection of primary structural frame members, roof framing and decking where every part of the roof construction is 20 feet or more above any floor or mezzanine immediately below. Fire-retardant-treated wood members shall be allowed to be used for such unprotected members.*
- c. *In all occupancies, heavy timber complying with Section 2304.11 shall be allowed for roof construction, including primary structural frame members, where a 1-hour or less fire-resistance rating is required.*
- d. *Not less than the fire-resistance rating required by other sections of this code.*
- e. *Not less than the fire-resistance rating based on fire separation distance (See Table 705.5).*
- f. *Not less than the fire-resistance rating as referenced in Section 704.9.*

- g. *Heavy timber bearing walls supporting more than two floors or more than a floor and a roof shall have a fire-resistance rating of not less than 1 hour.*
- h. *Canopies under which temporary transactions occur or the loading and unloading of passengers of private or pleasure-type motor vehicles may be fire-retardant wood construction on non-combustible construction, subject to the following conditions:*
 - 1. *The canopy is open on three sides of or more sides and in not more than 1,500 square feet (139 m²).*
 - 2. *Canopy structures shall not be located in areas where building openings are prohibited or openings are required to be protected by Table 705.5.*
 - 3. *Buildings or portions thereof with exits having canopy structures located over the exit discharge shall be provided with an alternate means of egress as required by section 1007.1.1.*

(q) 706.1 General.

Fire walls shall be constructed in accordance with Sections 706.2 through 706.11. The extent and location of such fire walls shall provide a complete separation. Where a fire wall separates occupancies that are required to be separated by a fire barrier wall, the most restrictive requirements of each separation shall apply.

Exceptions:

- 1. Area separation walls constructed prior to the adoption of the 2000 Edition of the IBC may be increased in length by not more than 25 percent of the length of the existing wall, not to exceed 30 feet (9,144 mm).
- 2. Where building separation is required by the adopted electrical code to allow for multiple electrical services, the fire wall may be constructed in accordance with the provisions of a two-hour fire barrier per Section 707. 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 from the fire wall.

(r) 716.3.2.1.2 Area limitations.

The total area of the glazing in fire-protection-rated window assemblies shall not exceed 25 percent of the area of a common wall with any room.

Exception: Window openings of unlimited area may be glazed with approved fixed laminated glass. Subject to the following conditions:

- 1. The glass shall be protected by a sprinkler system served by a domestic line and equipped with listed quick-response sprinklers approved by the Newton

Fire EMS. The sprinkler system shall completely wet the entire surface of the glass wall when activated.

2. The laminated glass shall be in gasketed non-combustible frame as installed so that the glazing system may deflect without breaking (loading) the glass before the sprinkler system operates.
3. Obstructions such as curtain rods, drapery traverse rods, curtains, drapes or similar materials shall not be installed between the sprinkler and the glass. For the purpose of this section, non-combustible doors with approved fixed laminated glass may be considered as window openings, when subjected to the above conditions. The above doors shall comply with Sections 716.2.6.1 and 716.2.6.2.

(s) 901.5 Acceptance Test

Fire detection, alarm and extinguishing systems shall be maintained in an operative condition at all times, and shall be replaced or repaired where defective. Non-required fire protection systems and equipment shall be inspected, tested and maintained or removed. Installation and alterations to fire detection, alarm and extinguishing systems shall be done in accordance with applicable standards and shall be performed by an approved City of Newton licensed fire alarm contractor shall have a qualified person with a minimum NICET III in fire alarm systems or other approved equivalent certification.

(t) 901.7 Fire areas.

Where buildings, or portions thereof, are divided into fire areas so as not to exceed the limits established for requiring a fire protection system in accordance with this Chapter, such fire areas shall be separated by fire walls constructed in accordance with Section 706, fire barriers constructed in accordance with Section 707, or horizontal assemblies constructed in accordance with Section 711, or a combination thereof having a fire-resistance rating of not less than that determined in accordance with Section 707.3.10.

Exception: Building constructed prior to the adoption of the 2000 Edition of the IBC (April 2, 2002) and any building containing Group S-1 and F-1 Occupancies constructed prior to the adoption of the 2018 Edition of the IBC (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 IBC. All additions to the fire area shall be considered as accumulative and subject to the limitations of the construction type.

(u) [F] 902.1.3 Environment.

Automatic sprinkler riser rooms and fire pump rooms shall be maintained at a temperature of not less than 40°F (4°C). Heating units shall be permanently installed (non-switched). Exterior riser rooms shall have low-temperature detection connected to the fire alarm system.

(v) **[F] 903.2.1.2 Group A-2.**

An automatic sprinkler system shall be provided throughout stories containing Group A-2 occupancies and throughout all stories from the Group A-2 occupancy to and including the levels of exit discharge serving that occupancy where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet (464 m²).
2. The fire area has an occupant load of 100 or more.

Exception: The fire area occupant load may go to 299 people if a 3rd exit in accordance with Section 1007.1.2 and Section 1016.2 and a manual fire alarm system that activates an occupant notification system in accordance with Section 907.5 is added that is approved by the Fire Code Official or the Building Official or the plans examiner reviewing the project.

3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

(w) **[F] 903.2.4.1 Woodworking operations.**

An automatic sprinkler system shall be provided throughout all Group F-1 occupancy fire areas that contain woodworking operations in excess of 2,500 square feet (232 m²) in area that generate finely divided combustible waste or use finely divided combustible materials.

Exception: A room or the aggregate area of rooms containing woodworking operations within a fire area, as defined by the International Building and Fire Codes, where the area is 2,500 square feet (232 m²) or less. Walls which define rooms containing a wood working operation shall be of non-combustible construction. All doors shall have self-closing devices and any windows shall be fixed closed. All openings shall be maintained closed.

(x) **[F] 903.2.8 Group R**

An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

Exceptions:

1. One-or two-family dwelling unit.
2. Dwelling units in three-and four-family dwellings separated from each other by wall and/or floor assemblies having not less than a 2-hour fire-resistance rating. Fire resistance-rated floor/ceiling and wall assemblies shall extend to and be tight against an exterior wall, and wall assemblies shall extend from the foundation to the underside of the roof sheathing. The roof shall be a minimum of class C roof covering, and the roof decking or sheathing is of non-combustible materials or approved fire-retardant-treated wood for a distance of 4 feet (1219 mm) on each side of the walls or walls. There shall be no penetrations through this area of the roof deck or sheathing. Where buildings, or portions thereof, are arranged above or below adjacent units, and automatic sprinkler system shall be provided throughout all units.

(y) **[F] 903.2.9 Group S-1**

An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 fire area exceeds 12,000 square feet (1,115 m²).

Exception: A Group II or III aircraft hangar, as defined by NFPA 409, used of storage of aircraft only when the fire area exceeds 18,000 square feet (1,672 m²). See Section 412.3.6.2 for fire area allowances for ancillary uses.

2. A Group S-1 fire area is located more than three stories above grade plane.
3. The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2,230 m²).
4. A Group S-1 fire area used for the storage of commercial motor vehicles where the fire area exceeds 5,000 square feet (464 m²).
5. A Group S-1 fire area used for the storage of lithium-ion or lithium metal powered vehicles where the fire area exceeds 500 square feet (46.4 m²).

(z) **[F] 903.2.10 Group S-2 parking garages.**

An automatic sprinkler system shall be provided throughout buildings classified as parking garages where any of the following conditions exists:

1. Where the fire area of the enclosed parking garage in accordance with Section 406.6 exceeds 12,000 square feet (1,115 m²).
2. Where the enclosed parking garage in accordance with Section 406.6 is located beneath other groups.

Exception: Enclosed parking garages located beneath Group R-3 occupancies.

(aa) **[F] 903.2.11.1.1 Opening dimension and access.**

Openings shall have a minimum dimension of not less than 30 inches (762 mm) in width and 48 inches (1,219 mm) in height. Access to such openings shall be provided for the fire department from the exterior and shall not be obstructed in a manner such that firefighting or rescue cannot be accomplished from the exterior.

(bb) **[F] 903.2.11.3 Buildings 55 feet or more in height.**

An automatic sprinkler system shall be installed throughout buildings that have one or more stories with an occupant load of 30 or more located 55 feet (16,764 mm) or more above the lowest level of fire department vehicle access, measured to the finish floor.

Exceptions:

1. Open parking structures.
2. Occupancies in Group F-2.

(cc) **[F] 907.5.1 Alarm activation and annunciation.**

Upon activation, fire alarm systems and dedicated function sprinkler monitoring systems shall initiate occupant notification and shall annunciate at the fire alarm control unit, or where allowed elsewhere by Section 907, at a constantly attended location.

(dd) **[F] 910.2.1 Group F-1 and S-1**

Smoke and heat vents installed in accordance with Section 910.3 or a mechanical smoke removal system installed in accordance with Section 910.4 shall be install in buildings and portions there of used as Group F-1 or S-1 occupancy

having more than 50,000 square feet (4,645 m²) of undivided area. In occupied portions of a building equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 where the upper surface of the story is not a roof assembly, a mechanical smoke removal system in accordance with Section 910.4 shall be installed.

Exception:

1. Group S-1 aircraft repair hangars.
2. Areas completely separated by non-combustible partitions so that no one area exceeds 50,000 square feet (4,645 m²). Openings shall be provided with approved automatic or self-closing devices to enclosure of the opening.

(ee) **[F] 912.2.1 Visible location.**

Fire department connections shall be located on the street side of buildings or facing approved fire apparatus access roads, fully visible and recognizable from the street, fire apparatus access road or nearest point of fire department vehicle access or as otherwise approved by the Fire Code Official. In addition, a horn/strobe device shall be installed directly above the fire department connection and shall activate in conjunction with the fire alarm system to indicate water flow.

(ff) **[F] 912.5 Signs.**

A metal sign with raised letters not less than 4 inch (101.6 mm) in size shall be mounted on all fire department connections serving automatic sprinklers, standpipes or fire pump connections. Such signs shall read: "AUTOMATIC SPRINKLERS," "STANDPIPES," "TEST CONNECTION," "STANDPIPE AND AUTOSPKR" OR "AUTOSPKR AND STANDPIPE," or a combination thereof as applicable.

(gg) **[F] 912.5.1 Lettering.**

Each fire department connection (FDC) shall be designated by a sign with raised letters not less than 4 inches (101.6 mm) in height. For manual standpipe systems, the sign shall also indicate that the system is manual and that is either wet or dry.

(hh) **1008.3.2 Illumination level under emergency power.**

Emergency lighting facilities shall be arranged to provide initial illumination that is not less than an average of 1 foot-candle (11 lux) and a minimum at any point of 0.1 foot-candle (1 lux) measured along the path of egress at floor level.

Illumination levels shall be permitted to decline to 0.6 foot-candle (6 lux) average and a minimum at any point of 0.06 foot-candle (0.6 lux) at the end of the emergency lighting time duration. A maximum-to- minimum illumination uniformity ratio of 40 to 1 shall not be exceed. In Group I-2 occupancies, failure of single lamp in a luminaire shall not reduce the illumination level to less than 0.2 foot-candle (2.2 lux).

Exception: Emergency lighting fixtures shall be arranged at intervals not to exceed 50 feet (15 240 mm) on center or 25 feet (7620 mm) in any one direction along the path or egress. Obstructions or changes in direction or exit travel shall be considered the conclusion of the emergency light facility.

(ii) **1011.11 Handrails.**

Flights of stairways shall have handrails on each side and shall comply with Section 1014. Where glass is used to provide the handrail, the handrail shall comply with Section 2407.

Exceptions:

1. Flights of stairways within dwelling units and flights of spiral stairways are permitted to have a handrail on one side only.
2. Decks, patios and walkways that have a single change in elevation where the landing depth on each side of the change of elevation is greater than what is required for a landing do not require handrails.
3. In Group R-3 occupancies, a change in elevation consisting of a single riser at an entrance or egress door does not require handrails.
4. Changes in room elevations of three or fewer risers within dwelling units and sleeping units in Groups R-2 and R-3 do not require handrails.
5. Where a platform lift is in a stationary position and the floor of the platform lift serves as the upper landing of a stairway, handrails shall not be required on the stairway, provided that all of the following criteria are met:
 - 5.1. The stairway contains not more than two risers.
 - 5.2. A handhold, positioned horizontally or vertically, is located on one side of the stairway adjacent to the top landing.
 - 5.3. The handhold is located not less than 34 inches (864 mm) and not more than 42 inches (1067 mm) above the bottom landing of the stairway.

5.4 The handhold gripping surface complies with Section 1014.4, and is not less than 4.5 inches (114mm) in length.

6. Changes in elevations of only one riser do not require handrails.

(jj) **1208.2 Minimum ceiling heights.**

Occupiable spaces, habitable spaces and corridors shall have a ceiling height of not less than 7 feet 6 inches (2,286 mm) above the finish floor. Bathrooms, toilet rooms, kitchens, storage rooms and laundry rooms shall have a ceiling height of not less than 7 feet (2,134 mm) above the finish floor.

Exceptions:

1. Beams or girders space not less than 4 feet (1,219 mm) on center shall be permitted to project not more than 6 inches (152 mm) below the required ceiling height.
2. If any room in a building has a sloped ceiling, the prescribed ceiling height for the room is required in one-half the area thereof. Any portion of the room measuring less than 5 feet (1,524 mm) from the finished floor to the ceiling shall not be included in any computation of the minimum area thereof.
3. The height of mezzanines and spaces below mezzanines shall be in accordance with Section 505.2
4. Corridors contained within a dwelling unit or sleeping unit in a Group R occupancy shall have a ceiling height of not less than 7 feet (2,134 mm) above the finish floor.
5. Basement rooms ceilings and other obstructions shall have clear height of not less than 6 ft. 8 inches (2,033 mm).

(kk) **[P] 1210.2.2 Walls and partitions.**

Walls and partitions within 2 feet (610mm) of service sinks, urinals and water closets shall have a smooth, hard, nonabsorbent surface, to a height of not less than 4 feet (1219mm) above the floor, and except for structural elements, the materials used in such walls shall be of a type that is not adversely affected by moisture.

Exception: This section does not apply to the following buildings and spaces:

1. Dwelling units and sleeping units.

2. Toilet rooms that are not for use by the general public and that have not more than one water closet.
3. Toilet rooms within an office space and not accessible to the public.

Accessories such as grab bars, towel bars, paper dispensers and soap dishes, provided on or within walls, shall be installed and sealed to protect structural elements from moisture.

(II) **[P] 1502.1 General.**

Design and installation of roof drainage systems shall comply with this section and Section 1611 of the IBC. Roofs shall be sloped a minimum of 1 unit vertical in 48 units horizontal (2-percent slope) for drainage unless designed by a licensed engineer for water accumulation. The storm drainage 60-minute duration rate, based on a 100-year return (maximum rate of rainfall), for the City of Newton has been determined by the building official to be 3.6 inches (99 mm). Roof drainage water from a building shall not be allowed to flow over public or private property, unless permitted by an approved drainage agreement or easement. Discharge from mechanical equipment condensate drains and any other wastewater and roof downspouts shall not discharge into a pedestrian walking surface.

(mm) **[P] 1502.2 Secondary (emergency overflow) drains or scuppers.**

Where roof drains are required, secondary (emergency overflow) roof drains or scuppers shall be provided where the roof perimeter construction extends above the roof in such manner that water will be entrapped if the primary drains allow buildup for any reason. The installation and sizing of secondary emergency overflow drains, leaders and conductors shall be installed with a flow line 2 inches (51 mm) maximum above the low point of the roof. The secondary emergency overflow scuppers shall have an opening dimension of less than 4 inches (102 mm) in any direction and shall be located a minimum 4 feet (1219 mm) horizontally from the primary scuppers and the primary piped roof drains. The flow through the primary system shall not be considered when location and sizing the secondary emergency overflow scuppers.

Exception: For canopies draining through a perimeter gutter, into sloped gutters, and into drains at the column, the low point of the roof shall be considered the bottom of gutter beneath the canopy. Secondary emergency overflow scuppers shall not be required to meet the 4 inch (102 mm) opening dimension and 1 inch (25.5 mm) or greater height opening will be allowed provided that a Kansas Licensed Engineer provide calculations.

(nn) 1607.14 Reduction in uniform roof live loads.

The minimum uniformly distributed live loads of roofs, marquees and canopies shall be a minimum of 20 pounds per square foot (psf).

(oo) 1612.3 Establishment of flood hazard areas.

To establish flood hazard areas, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study of City of Newton, Kansas, Harvey County," as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

(pp) 1809.5 Frost protection.

Except where otherwise protected from frost, foundations and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods:

1. Extending below the frost line of the locality. The frost line for the Newton jurisdiction shall be 30 inches (762 mm) below the finish grade.
2. Constructing in accordance with ASCE 32.
3. Erecting on solid rock.

Exception: Free-standing buildings meeting all of the following conditions shall not be required to be protected.

1. Assigned to Risk Category I.
2. Area of 400 square feet (37 m²) or less for light-frame construction.
3. Eave height of 10 feet (3,048 mm) or less.

For other than Group R-2 and R-3 occupancies, a one-story prefabricated building not over 150 square feet (13.94 m²) in floor area and supported in an approved manner may be attached to a building having a permanent foundation extending below the frost line. The roof and exterior walls of the prefabricated building shall be flashed in an approved manner to form a weather-tight seal between

structures. Shallow foundations shall not bear on frozen soil unless such frozen condition is of a permanent character.

(qq) [P] **2902.1 Minimum number of fixtures.**

Plumbing fixtures shall be provided in the minimum number as shown in Table 2902.1 based on the actual use of the building or space. Uses not shown in Table 2902.1 shall be considered individually by the Building Official. The number of occupants shall be determined by this Code.

TABLE 2902.1 [P] TABLE 2902.1 MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES^a

NO.	CLASSIFICATION	DESCRIPTION	WATER CLOSETS		LAVATORIES		BATHTUBS / SHOWERS	DRINKING FOUNTAIN	OTHER
			MALE	FEMALE	MALE	FEMALE			
1	Assembly	Theaters and other buildings for the performing arts and motion pictures ^d	1 per 125	1 per 65	1 per 200		—	1 per 500	—
		Nightclubs, bars, taverns, dancehalls and buildings for similar purposes ^d	1 per 40	1 per 40	1 per 75		—	1 per 500	1 service sink
		Restaurants, banquet halls and food courts ^d	1 per 75	1 per 75	1 per 200		—	1 per 500	1 service sink
		Casino gaming areas	1 per 100 for the first 400 and 1 per 250 for the remainder exceeding 400	1 per 50 for the first 400 and 1 per 150 for the remainder exceeding 400	1 per 250 for the first 750 and 1 per 500 for the remainder exceeding 750		—	1 per 1,000	1 service sink

NO.	CLASSIFICATION	DESCRIPTION	WATER CLOSETS		LAVATORIES		BATHTUBS / SHOWERS	DRINKING FOUNTAIN	OTHER
			MALE	FEMALE	MALE	FEMALE			
			g 400						
		Auditoriums without permanent seating, art galleries, exhibition halls, museums, lecture halls, libraries, arcades and gymnasiums ^d	1 per 125	1 per 65	1 per 200		—	1 per 500	—
		Passenger terminals and transportation facilities ^d	1 per 500	1 per 500	1 per 750		—	1 per 1,000	—
		Places of worship and other religious services ^d	1 per 150	1 per 75	1 per 200		—	1 per 1,000	—
		Coliseums, arenas, skating rinks, pools and tennis courts for indoor sporting events and activities ^f	1 per 75 for the first 1,500 and 1 per 120 for the remainder exceeding 1,500	1 per 40 for the first 1,520 and 1 per 60 for the remainder exceeding 1,520	1 per 200	1 per 150	—	1 per 1,000	—
		Stadiums, amusement parks, bleachers and grandstands for outdoor sporting events and activities ^f	1 per 75 for the first 1,500 and 1 per 120 for the remainder	1 per 40 for the first 1,520 and 1 per 60 for the remainder exceeding 1,520	1 per 200	1 per 150	—	1 per 1,000	—

NO.	CLASSIFICATION	DESCRIPTION	WATER CLOSETS		LAVATORIES		BATHTUBS / SHOWERS	DRINKING FOUNTAIN	OTHER
			MALE	FEMALE	MALE	FEMALE			
			1 per exceeding 1,500						
2	Business	Buildings for the transaction of business, nonmedical professional services, other services involving merchandise, office buildings, banks, light industrial and similar uses	1 per 25 for the first 50 and 1 per 50 for the remainder exceeding 50		1 per 40 for the first 80 and 1 per 80 for the remainder exceeding 80		—	1 per 100	—
		Ambulatory care facilities and outpatient clinics	1 per 25 for the first 50 and 1 per 50 for the remainder exceeding 50	1 per 25 for the first 50 and 1 per 50 for the remainder exceeding 50	1 per 50		—	1 per 100	—
3	Educational	Educational facilities	1 per 50		1 per 50		—	1 per 100	—
4	Factory and Industrial	Structures in which occupants are engaged in work fabricating, assembly or processing of products or materials	1 per 100		1 per 100		—	1 per 400	—

NO.	CLASSIFICATION	DESCRIPTION		WATER CLOSETS		LAVATORIES		BATHTUBS / SHOWERS	DRINKING FOUNTAIN	OTHER
				MALE	FEMALE	MALE	FEMALE			
5	Institutional	Alcohol and drug centers ^b Congregate care facilities ^b Group homes ^b Halfway houses ^b Social rehabilitation facilities ^b Foster care facilities ^b		1 per 10 care recipients		1 per 10 care recipients		1 per 8 care recipients	—	—
		Assisted living and residential board and care facilities with care recipients who receive custodial care	Sleeping units for care recipient ^c	1 per 2 sleeping units		1 per 2 sleeping units		1 per 8 sleeping units		
			Dwelling units for care recipients	1 per dwelling unit		1 per dwelling unit		1 per dwelling unit	—	1 kitchen sink per dwelling unit
			Employee facilities	1 per 60 care recipient units		1 per 60 care recipient units		—	1 per 100	
			Visitor facilities	1 per 75 care recipient units.		1 per 75 care recipient units		—	—	—
		Nursing homes ^b	Sleeping units for care recipients ^c	1 per 2 care recipient sleeping units		1 per 2 care recipient sleeping units		1 per 8 care recipient sleeping units	—	—

NO.	CLASSIFICATION	DESCRIPTION		WATER CLOSETS		LAVATORIES		BATHTUBS / SHOWERS	DRINKING FOUNTAIN	OTHER
				MALE	FEMALE	MALE	FEMALE			
			Employee facilities	1 per 60 care recipient units		1 per 60 care recipient sleeping units		—	1 per 100	—
			Visitor facilities	1 per 75 care recipient units		1 per 75 care recipient sleeping rooms		—	—	—
		Hospitals ^b	Sleeping units for care recipients	1 per care recipient sleeping unit		1 per care recipient sleeping unit		1 per 100 care recipient sleeping units		—
			Care recipient treatment areas	1 per 25 care recipient treatment rooms		1 per 50 care recipient treatment rooms		—	1 per 100	—
			Employee facilities	1 per 25 care recipient sleeping units or treatment room	1 per 25 care recipient sleeping units or treatment room	1 per 50 care recipient sleeping room or treatment room		—	1 per 100	—
			Visitor facilities	1 per 75 care recipient	1 per 75 care recipient	1 per 50 care recipient		—	1 per 500	—

NO.	CLASSIFICATION	DESCRIPTION		WATER CLOSETS		LAVATORIES		BATHTUBS / SHOWERS	DRINKING FOUNTAIN	OTHER
				MALE	FEMALE	MALE	FEMALE			
				sleeping units or treatment room	sleeping units or treatment room	sleeping room or treatment room				
		Prisons ^b		1 per cell		1 per cell		1 per 15	1 per 100	—
		Reformatories, detention centers and correctional centers ^b	Cells	1 per 15		1 per 15		1 per 15	1 per 100	—
			Congregate Living Facilities	1 per 15		1 per 15		1 per 15	1 per 100	—
			Employees	1 per 25		1 per 35		—	1 per 100	—
		Adult day care and child daycare		1 per 15		1 per 15		1	1 per 100	—
6	Mercantile	Retail stores, service stations, shops, salesrooms, markets and shopping centers		1 per 500		1 per 750		—	1 per 1,000	—
7	Residential	Hotels, motels, boarding houses(transient)		1 per dwelling or sleeping unit		1 per dwelling or sleeping unit		1 per dwelling or sleeping unit	—	—
		Dormitories, fraternities, sororities and boarding houses (not transient)		1 per 10		1 per 10		1 per 8	1 per 100	—

NO.	CLASSIFICATION	DESCRIPTION	WATER CLOSETS		LAVATORIES		BATHTUBS / SHOWERS	DRINKING FOUNTAIN	OTHER
			MALE	FEMALE	MALE	FEMALE			
		Apartment house	1 per dwelling unit or sleeping unit		1 per dwelling unit or sleeping unit		1 per dwelling unit or sleeping unit	—	1 kitchen sink per dwelling unit; 1 automatic clothes washer connection per 20 dwelling units
		Congregate living facilities with 16 or fewer care recipients receiving custodial care	1 per 10		1 per 10		1 per 8		1 kitchen sink
		One- and two-family dwellings and lodging houses with five or fewer guestrooms	1 per dwelling unit		1 per dwelling unit		1 per dwelling unit	—	1 kitchen sink per dwelling unit; 1 automatic clothes washer connection per dwelling unit
8	Storage	Structures for the storage of goods, warehouses, storehouse and freight depots. Low and Moderate Hazard.	1 per 100		1 per 100		—	1 per 1,000	—

a. The fixtures shown are based on one fixture being the minimum required for the number of persons indicated or any fraction of the number of persons indicated. The number of occupants shall be determined by this Code.

- b. *Toilet facilities for employees shall be separate from facilities for inmates or care recipients.*
- c. *A single-occupant toilet room with one water closet and one lavatory serving not more than two adjacent patient sleeping units shall be permitted, provided that each patient sleeping unit has direct access to the toilet room and provisions for privacy for the toilet room user are provided.*
- d. *Where the occupant load for seasonal outdoors seating and entertainment areas exceed 16, it shall be included when determining the minimum number of fixtures required in each restroom.*
- e. *The required number and type of plumbing fixtures for indoor and outdoor swimming pools shall be in accordance with Section 609 of the International Swimming Pool and Spa Code. For a Homeowners Association or a Multi-Family Dwelling Unit Complex outdoor pool, one accessibility family or assisted-use facility containing one water closet and lavatory is acceptable.*
- f. *The minimum number of required drinking fountains shall comply with Table 2902.1. Note: Drinking fountains shall not be installed in public restrooms.*
- g. *Where urinals are provided, one water closet less than the number specified may be provided for each urinal installed, except the number of water closets in such cases shall not be reduced to less than one half of the minimum specified.*

(rr) **[P] 2902.6 Small occupancies.**

Drinking fountains shall not be required for an occupant load of 15 or fewer. Where water is served in restaurants or where bottled water coolers are provided in other occupancies, drinking fountains shall not be required.

(ss) **3002.6 Prohibited doors or other devices.**

Doors or other devices, other than the elevator car door and the associated elevator hoistway doors, shall be prohibited at the point of access to an elevator car unless such doors or other devices are readily openable from inside the car without a key, tool, special knowledge or effort.

Exception:

Doors into a corridor shall be protected with not less than an automatic-closing, 20-minute door assembly in accordance with Sections 716.2.1.1 and 716.2.1.4 except that:

1. The automatic-closing device shall be limited to an approved magnetic hold-open device released by actuation of smoke detector or when the elevator's Firefighters Service is activated.

2. The automatic-closing device is provided with a closing or reclosing electrical time delay of not less than 20 seconds nor more than 30 seconds.

(tt) **3114.8.5.1 Limitations**

The use of Section 3114.8.5 is subject to the following limitations

1. The intermodal shipping container shall be a single-unit, stand-alone unit supported on a foundation and shall not be in contact with or supporting any other shipping container or other structure.
2. The intermodal shipping container top and bottom rails, corner castings, and columns or any portion thereof shall not be notched, cut, or removed in any manner.
3. The intermodal shipping container shall be erected in a level and horizontal position with the floor located at the bottom.
4. The intermodal shipping container shall be located in Seismic Design Category A, B, C or D
5. The intermodal shipping container shall be painted or sided in a color and style substantially consistent with surrounding structures.

6-104a. Additional interim amendments to International Building Code.

The IBC is further hereby amended such that any references therein to the International Electrical Code and the International Plumbing Code are hereby amended to refer instead, respectively, to the National Electrical Code incorporated by Section 6-202 of this Chapter and to the International Plumbing Code incorporated by Section 6-301 to this Chapter, respectively. If any such references to the International Electrical Code or to the International Plumbing Code are to specific sections thereof, the Building Official shall determine what the appropriate corresponding reference is to the provisions of the National Electrical Code or the International Plumbing Code.

6-106:112. [Reserved]

6-113. Building permits required.

It shall be unlawful for any person to do, cause, or permit to be done any construction or any erection of any building or structure, or to do, cause, or permit to be done any remodeling, demolition in part or in whole, alteration or expansion of any building or structure, without first obtaining a building permit as required by this Code; provided however, that no building permit will be required for non-structural repairs and remodeling which has a total value of less than \$1,000. Total value is determined by repairs not to include Mechanical, Plumbing and Electrical.

6-114. Application for permit.

(a) No permit shall be issued for a building or addition of a public or semi-public nature, such as:

- office buildings,
- apartment houses exceeding either apartments,
- churches exceeding 250 seating capacity,
- schools,
- hospitals,
- museums,
- libraries,
- art galleries,
- theaters, and
- state buildings,

and any buildings where the cost of such is \$30,000 or more except single or two-family dwellings, unless the plans and specifications therefor shall have been made by a licensed architect or licensed engineer who has submitted a sworn affidavit and such plans and specifications have been prepared in compliance with this Chapter.

The application for the permit shall be accompanied by a copy of specifications and of plans drawn to scale with sufficient clarity and detailed dimensions to show the nature and character of the work to be performed. The building inspector may waive the requirements for filing plans when the work involved is of a minor nature.

(b) No permit shall be issued for an industrial building or addition thereto such as a:

- warehouse,
- storage plant,
- public garage,
- factory,
- power house,
- laboratory,
- refinery,
- packing plant,
- refrigeration plant,
- dyeing or cleaning plant,
- laundry,
- railway freight depot or shed,
- grain elevator,
- mill,

and any heavily loaded structure, or for any other type industrial building or structure containing a total of 3,500 square feet or more of floor space, unless and until the following requirements are satisfied:

1. The plans and specifications have been made by a licensed architect or by a licensed engineer and submitted to the Building Official;
2. There shall be included on the plot plan, filed as above required, a showing designated fire lanes approved by the Fire Code Official permitting ingress and egress of firefighting and other emergency equipment to the proposed improvement to be constructed.

6-114a. Same; alternate procedure.

As an alternate procedure for the application for building permit, a permit may be issued for each of a three-phase project plan meeting the requirements set out below, but no work shall be commenced on any phase until the appropriate permit has been issued.

6-114a1. Same; phase I, site work.

A permit for Phase I, Site Work, shall be issued upon payment of the permit fee and meeting the following requirements:

- (a) The proposed site must be properly zoned for intended occupancy.
- (b) The contractor must be licensed in the city for all phases of construction.
- (c) Submittal and approval of the site development plan as required by Article IX of the zoning ordinance and including the following:
 - (1) The legal description and survey of the site.
 - (2) Size and location of all buildings site.
 - (3) Access from streets and site drainage.
 - (4) Parking layout, number of spaces, pavement standard and area lighting.
 - (5) All on site utilities existing and proposed.
 - (6) Landscaping, fencing and signing.
 - (7) Any additional information required to insure the proper development of the site.

(d) The Phase I permit fee shall be \$15 plus a sum equal to 25% of the estimated total permit fee.

6-114a2. Same; phase II, footing, foundation, structural frame and bearing walls.

A permit for Phase II, Footings, Foundation, Structural Frame and Load Bearing Walls, shall be issued upon payment of the permit fee and meeting the following requirements:

(a) Approval of complete foundations and structural plans submitted and sealed by a Kansas licensed architect or engineer.

(b) The Phase II permit fee shall be: \$15 plus a sum equal to 25% of the estimated total permit fee.

6-114a3. Same; phase III, completion of project.

A permit for Phase III, Completion of Project, shall be issued upon payment of the permit fee and meeting the following requirements:

(a) Approval of the complete architectural plans and specifications including; structural, mechanical, plumbing and electrical designs, submitted and sealed by a Kansas licensed architect or engineer.

(b) The Phase III permit fee shall be: The remaining unpaid balance of the total permit fee.

6-115. Plot diagram.

There shall also be filed a plot plan showing, to a scale of not smaller than one to one hundred, the size and location of all the new construction and all existing structures on the site, distances from lot lines and the established street grades; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the plot plan shall show all construction to be demolished and the location and size of all existing buildings and construction that are to remain on the site or plot. The plot plan as to all new construction shall be accompanied by a certified boundary survey of the property. When lot corner elevations have been established by a drainage or grading plan, a certified certificate of elevation shall be submitted prior to the issuance of a Certificate of Occupancy for the project. The legal street number shall be prominently displayed during construction.

6-116. Civil Penalties.

(a) The Building Official shall have the authority and discretion to waive civil penalties upon a showing of hardship or excusable neglect.

(b) For all work in which a permit is required, any person, firm, or corporation who does any work without a permit is subject to civil penalties as follows:

(1) First Offense: \$250 and double building permit fee.

(2) Second Offense: \$500 and double building permit fee.

(3) Third Offense: \$1,000 and revocation of local license for one calendar year.

(b) For all work in which a permit is required, any person, firm, or corporation who fails to report the permitted work as ready for inspection when completed shall pay a civil penalty. Permitted work shall be reported to the Building Official within 10 days of completion or by the expiration of the permit. In no circumstances should additional work be performed that interferes with the ability for the Building Official to inspect the permitted work. Civil penalties for failure for inspection are as follows:

(1) First Offense: \$100

(2) Second Offense: \$500

(3) Third Offense: \$1,000 and revocation of local license.

(d) The payment of civil penalties shall not relieve any person from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

(e) Any person, firm, or corporation subject to a civil penalty described in this section can appeal said penalty to the Board of Appeals and Variance in accordance with procedures in City Code 6-102.

6-116.1. Fees; new construction, additions to existing buildings and building repairs and alterations.

A fee for each building permit shall be paid to the Building Official as set forth in this section. The determination of value or valuation under any of the provisions of this Code shall be made by the Building Official. The Building Official shall have the authority and discretion to waive fees upon a showing of hardship or excusable neglect.

The fee for the issuance of a building permit for any new construction, for additions to existing buildings, or for building repairs or alterations shall be in the amount provided below:

BUILDING PERMIT FEE SCHEDULE

PROJECT VALUATION	BUILDING PERMIT FEE
\$1.00 to \$500.00	\$22.43
\$501.00 to \$2,000.00	\$22.43 for the first \$500 plus \$2.99 for each additional \$100.00 or fraction thereof
\$2,001.00 to \$25,000.00	\$67.28 for the first \$2,000 plus \$11.96 for each additional \$1,000 or fraction thereof
\$25,001.00 to \$50,000.00	\$342.36 for the first \$25,000 plus \$8.97 for each additional \$1,000 or fraction thereof
\$50,001.00 to \$100,000.00	\$566.61 for the first \$50,000 plus \$5.98 for each additional \$1,000 or fraction thereof
\$100,001.00 to \$500,000.00	\$865.61 for the first \$100,000 plus \$4.49 for each additional \$1,000 or fraction thereof
\$500,001.00 to \$1,000,000.00	\$2,661.61 for the first \$500,000 plus \$3.74 for each additional \$1,000 or fraction thereof
\$1,000,001.00 and up	\$4,531.22 for the first \$1,000,000 plus \$2.99 for each additional \$1,000 or fraction thereof

The determination of the value or valuation shall be made by the Building Official. The value to be used in computing the building permit fees shall be the total value of all construction work for which the permit is issued including labor, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment.

6-116.2. Same; wrecking permits.

- (a) 500 square feet or less floor area - \$20;
- (b) 501 square feet to 1,000 square feet - \$30;
- (c) Over 1,000 square feet; for each additional 1,000 square feet or fraction thereof, add - \$1.50.

6-116.3. Same; mechanical equipment.

- (a) Automatic sprinkler system and standpipes - \$50;
- (b) Elevator installations (including gates, doors, repairs) - \$75;

- (c) Escalator - \$75;
- (d) Motorized stairs - \$20.

6-117. Substantiation of valuation; exemption.

The Building Official shall, when deemed necessary by him or her, require reasonable substantiation of valuation stated in any application for permit or any other form that may be prescribed. Permit fees required by other sections of the city code for mechanical, plumbing and electrical installation necessary to the proper function of the building shall be in addition to the fees required by these sections 6-116 *et seq.* Any work requiring a permit done under the jurisdiction of the city manager, and any public work done by the United States Government shall be exempt from this section. Every permit issued by the Administrative Authority under the provisions of this Article and of the code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within six (6) months from the date of issuance of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of six (6) months. Before such work may be recommenced a new permit shall be first obtained to do so.

6-118. Contractor; defined.

A contractor, within the meaning of this Code, is any person who undertakes, or who advertises or otherwise represents to the public to have the capacity or ability to undertake, with or for another to build, construct, alter, repair, add to, wreck or demolish in part or in whole any building or structure or any portion thereof, either on his own or other property for purpose of speculation, within the city, for which a permit is required by this Code, for a fixed price, fee, percentage, or other compensation other than wages.

6-119. Same; Responsibility.

A Contractor shall be responsible for all work included in their contract whether or not such work is done by them directly or by subcontractor. They shall be responsible for all funds or property received by their for prosecution or completion of a specific contract or for a specific purpose.

6-120. Same; License required.

(a) No building permit shall be issued to any person who has not first obtained a license or who is delinquent in payment of their annual license fee, or whose license has been suspended by action of the Board of Appeals and Variances. It shall be further unlawful for any person to enter into a contract with another so as to bring themselves under the classification of a contractor, as defined in section 6-118 of this Article, or to perform any work as a contractor, or any work under contract, without having first obtained a contractor's license.

(b) *Exceptions.* Any person shall have the right to do their own building, remodeling, altering and additions to a structure in a Single family residence which they own and in which they live without procuring a license and an indemnity bond as required by this Article. In all other respects, such person and construction work shall be subject to the provisions of this Article as to installation, the procurement of a permit, inspections, and payment of the inspection fees.

6-121. Same; Licensing renewal.

All contractor licenses shall expire on the last day of December and must be renewed annually by payment of the annual fee by the end of the January. Any contractor failing to renew their license by the prescribed date shall be required to be re-examined and approved by the Board. Fees shall not be prorated because part of the year has elapsed.

6-122. Same; Class A license.

A Class A Contractor's license shall entitle the holder to construct, and to perform any act as a contractor as defined in section 6-118 of this Article, for the building, remodeling or repairing of any structure or addition thereto that is permitted by the title. The annual fee shall be \$200.

6-123. Same; Class B license.

A Class B contractor's license shall entitle the holder to contract for or to perform any act as a contractor as defined in section 6-118 of this Article, but which is limited to construction and remodeling of commercial buildings and single or multiple dwelling residential buildings not exceeding three stories in height. The annual fee shall be \$150.

6-124. Same; Class C license.

A Class C Contractor's license shall entitle the holder to contract for or to perform any act as a contractor as defined in section 6-118 of this Article, but which is limited to construction, remodeling, repair or improvement of one, two or three family residences not exceeding two stories in height and non-structural commercial remodeling. The annual license fee shall be \$125.

6-125. Same; Class D license.

A Class D contractor's License shall entitle the holder to contract for or to perform any act as a contractor as defined in section 6-118 of this Article, but which is limited to remodeling and repairs on one to four family residences including but not limited to reroofing, residing, foundation repair and interior partitions. The annual license fee shall be \$125.

6-126. Wrecking contractor's license.

A wrecking contractor's license shall entitle the holder to contract for or to wreck any building and to deal in second-hand building material. All wrecking shall be done by licensed contractors, except:

(a) A licensed building contractor of Class A, B, C or D may obtain a wrecking permit without a wrecking contractor license.

(b) The owner of a structure not exceeding 1,000 square feet in total area of all floors may obtain a wrecking permit for such structure without a wrecking contractors license, provided he or she takes part in and responsibility for the demolition.

(c) Any structure 500 square feet or less which is not served by city water or sewer may be demolished without obtaining a wrecking license or a wrecking permit.

The annual license fee shall be \$30.

6-126a. Insurance required.

Each applicant for and holder of any contractor's license as provided under this Article shall submit and at all times maintain current certificate or certificates of insurance, each with a clause providing for notice to the city clerk not less than ten (10) days prior to any cancellation thereof, which such proof of insurance must be submitted to and approved by the city clerk as to the following required insurance coverage, to wit:

(a) Workers compensation insurance for all employees to be engaged in work on any site regulated by the codes of the International Code Council in the form as now or hereafter adopted by the City of Newton.

(b) Comprehensive general liability insurance in an amount not less than \$500,000 for each occurrence and aggregate, for bodily injury and property damage combined, for Class A and Class B licenses, and in an amount not less than \$300,000 for each occurrence and aggregate, for bodily injury and property damage combined, for Class C, Class D and wrecking contractor's licenses; provided, however, that a Class D license holder who only works on his or her own property may obtain an indemnity bond in the amount of \$5,000, approved and filed as above, in lieu of such liability insurance.

Failure to maintain current proof of such insurance shall be cause for the revocation of such license.

6-127. [Reserved]

6-128. Examination of contractors.

(a) The Administrative Authority shall examine any applicant desiring a contractor's license to engage in the trade of contractor as to his or her practical and theoretical knowledge of the type of construction or demolition work applicable to the various types of contractor's licenses provided in the Article and his or her knowledge of the city ordinances governing such work.

(b) If the applicant achieves a 75% passing score, the Administrative Authority shall issue the contractor's license for which application has been made.

(c) Such examinations shall be conducted by the Administrative Authority and any applicant failing to pass the exam may be re-tested at any time following a 30-day waiting period after the examination. No part of the exam fee shall be refunded to the applicant.

(d) All contractor's licenses shall be recorded in the office of the city clerk and shall be nontransferable. They shall expire December 31st each year and shall not be prorated. They may be renewed without re-examination upon application having been made within thirty (30) days of the expiration and in the absence of any proof being presented that the holder is not entitled to renewal.

6-129. License approval and issuance.

Upon filing the formal application as required in section 6-128 of this Article, filing the indemnity bond required in section 6-126a(b), and payment of appropriate fee for the class of license requested, the city clerk shall thereupon issue such contractor's license.

6-130. Revocation of license.

The Building Official may revoke or suspend the license of a contractor upon their own motion or upon verified complaint in writing from any person. The Building Official shall serve a five-day written notice mailed to the contractor's last known address and require said contractor to appear before the Board of Appeals and Variances. The Board shall have the power to temporarily suspend or permanently revoke the contractor's license if the Board finds that the contractor has committed any of the following acts or omissions:

(a) Willful and deliberate disregard and violation of the provisions of this Code or any other ordinance of the city, or failure to comply with any lawful order of the Building Official.

(b) Failure to pay annual license fee.

(c) Misrepresentation of a material fact by the applicant in obtaining a contractor's license or in obtaining a building permit.

(d) Fraudulent use of license to obtain building permits for other persons.

(e) Failure to obtain permits as required by sections 6-113 to 6-117 of this Article.

(f) Failure to appear before the Board after notice given as required above.

(g) Upon a determination by a court of competent jurisdiction that contractor has divested funds on property received for performance or completion of any contract to the use and purpose of any other contract, or failure, neglect or refusal to use such funds or property for the performance and completion of such contract or that contractor has committed a fraudulent act resulting in substantial injury to another.

6-131. [Reserved]

6-132. Exemptions.

Sections 6-119 through 130 shall not apply to the following:

- (a) Subcontractors working for and under the supervision of a general contractor.
- (b) Plumbers, electricians or other specialized trade for which special licenses or bonds are required.
- (c) Any owner or his or her authorized agent making ordinary repairs to any building which repairs do not involve the structure of the building and on which a contract is not employed.

SECTION 2. Repealer. Section 1 of Ordinance 5125-23 is hereby repealed.

SECTION 3. This ordinance shall take effect and be in force from and after its publication in THE NEWTON KANSAN, the official newspaper of said City.

PASSED AND ADOPTED this 26th day of August 2025.



Rich Stinnett, Mayor

ATTEST:



Denise R. Duerksen, City Clerk