

## CERTIFICATION OF CLERK

I, Brenda K. Wolf, the duly appointed, qualified, and City Clerk of Manhattan, Kansas, do hereby certify that the foregoing Ordinance was duly adopted at a meeting of the City of Manhattan, Kansas, held on the 18<sup>th</sup> day of October, 2022, and that said Ordinance has been compared by me with the original thereof on file and of record in my office, is a true copy of the whole of said original.

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the City of Manhattan, Kansas, 19<sup>th</sup> day of October, 2022.



*Brenda K. Wolf*

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Brenda K. Wolf, CMC, City Clerk

## ORDINANCE NO. 7604

**AN ORDINANCE AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES OF THE CITY OF MANHATTAN, INCORPORATING BY REFERENCE THE “2021 INTERNATIONAL FIRE CODE, FIRST PRINTING NOVEMBER 2020,” PERTAINING TO THE STANDARDS OF FIRE PREVENTION, WITH CERTAIN OMISSIONS, CHANGES AND ADDITIONS THERETO; APPLYING STATE REGULATIONS TO CERTAIN DAY CARES; UPDATING ZONING CODES; CLARIFYING THE APPEALS PROCESS; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.**

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

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

**Sec. 13-1. - State fire marshal regulations and Life Safety Code applicable to child-care facilities.**

The regulations of the State of Kansas pertaining to licensed day care homes and group day care homes shall govern and control in the fire and life safety regulations and inspections of licensed day care homes and group day care homes within the city, notwithstanding any contrary or conflicting provisions of other local codes and ordinances.

**SECTION 2.** That Section 13-16 of Chapter 13 of the Code of Ordinances, City of Manhattan, Kansas, is hereby amended to read as follows:

**Sec. 13-16. - Adoption of the International Fire Code.**

There is hereby incorporated by reference for the purpose of prescribing regulations concerning conditions hazardous to life and property from fire, hazardous materials or explosion within the corporate limits of the City of Manhattan, Kansas, that certain code known as the International Fire Code, edition of 2021, prepared and published in a book form by the International Code Council including Appendix B, C, D, E, F, G, I, K, L, M, and N, save and except such portions as are hereinafter deleted, modified or amended by this article. The same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect. No fewer than one (1) copy of such publication shall be marked or stamped “Official Copy as adopted by Ordinance No. \_\_\_\_\_,” and shall be attached to a copy of this ordinance and filed with the city clerk and open for inspection and available to the public at all reasonable hours. All administrative departments of the city charged with enforcement of this code shall be supplied, at the cost of the city, such number of official copies, similarly marked, as may be deemed expedient.

**SECTION 3.** That Section 13-18 of Chapter 13 of the Code of Ordinances, City of Manhattan, Kansas, is hereby amended to read as follows:

**Sec. 13-18. - Amendments.**

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

1. Section 101.1 of the International Fire Code is hereby changed to read as follows:

**Section 101.1 Title.**

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

2. Section 103.1 of the International Fire Code is hereby changed to read as follows:

**Section 103.1 Creation of agency.**

The Manhattan Fire Department Risk Reduction Division is hereby created and the official in charge thereof shall be known as the fire code official. The fire code official may delegate any duties or authorities granted under this code. The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code.

3. Section 105.5.49 of the International Fire Code is hereby changed to read as follows:

**Section 105.5.49 Temporary membrane structures and tents.**

An operational permit is required to operate an air-supported temporary membrane structure, a temporary special event structure or a tent having an area in excess of 600 square feet (56 m<sup>2</sup>).

**Exceptions:**

1. Tents used exclusively for recreational camping purposes.
2. Tents open on all sides, with no power, lights or sources of ignition present which comply with all of the following:
  - 2.1. Individual tents having a maximum size of 1200 square feet (111 m<sup>2</sup>).
  - 2.2. The aggregate area of multiple tents placed side by side without a fire break clearance of not less than 12 feet (3658 mm) shall not exceed 1200 square feet (111 m<sup>2</sup>) total.
  - 2.3. A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be provided.
4. Section 105.6.24 of the International Fire Code is hereby changed to read as follows:

**Section 105.6.24 Temporary membrane structures and tents.**

A construction permit is required to erect an air-supported temporary membrane

structure, a temporary stage canopy or a tent having an area in excess of 600 square feet (56 m<sup>2</sup>).

**Exceptions:**

1. Tents used exclusively for recreational camping purposes.
  2. Tents and awnings open on all sides, with no power, lights or sources of ignition present which comply with all of the following:
    - 2.1. Individual tents having a maximum size of 1200 square feet (111 m<sup>2</sup>).
    - 2.2. The aggregate area of multiple tents placed side by side without a fire break clearance of not less than 12 feet (3658 mm) shall not exceed 1200 square feet (111 m<sup>2</sup>) total.
    - 2.3. A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be provided.
5. Section 111 of the International Fire Code is hereby deleted.
6. Section 112.4 of the International Fire Code is hereby changed to read as follows:

**Section 112.4 Violation penalties.**

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$500.00 or by imprisonment not exceeding six months, or both such fine and imprisonment as outlined in Section 1-7 of the Code of Ordinances. Each day that a violation continues after notice has been served shall be deemed a separate offense.

7. Section 113.1 of the International Fire Code shall be changed to read as follows:

**Section 113.1 Authority.**

Where the fire code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code, in a dangerous or unsafe manner, or in violation of any City Ordinance, the building official is authorized to issue a stop work order.

8. Section 113.4 of the International Fire Code is hereby changed to read as follows:

**Section 113.4 Failure to comply.**

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a fine of not less than one hundred dollars (\$100) or more than five hundred dollars (\$500.00), or

imprisonment for a term not to exceed one hundred eighty (180) days, or by both fine and imprisonment, at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

9. Section 202, definition of Lodging houses under Residential Group R-3 is hereby changed to read as follows:

**Section 202; [BG] Residential Group R-3; [BG] Lodging houses.**

Owner- or manager-occupied lodging houses with five or fewer guest rooms and 10 or fewer total occupants shall be permitted to be constructed in accordance with the International Residential Code.

10. Section 307.4, exceptions 1 and 2, of the International Fire Code are hereby deleted.

11. Section 307.4.3, exception of the International Fire Code is hereby deleted.

12. Section 308.1.4, exception 3 of the International Fire Code is hereby changed to read as follows:

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

13. Section 308.1.6.3 of the International Fire Code is hereby changed to read as follows:

**Section 308.1.6.3 Sky lanterns.**

A person shall not release or cause to be released a sky lantern, floating lantern, or aerial luminary.

14. Section 403.4 of the International Fire Code is hereby changed to read as follows:

**Section 403.4 Group E Occupancies.**

An approved fire safety and evacuation plan in accordance with Section 404 shall be prepared and maintained for Group E occupancies and for buildings containing both Group E and an atrium. Group E occupancies shall comply with Sections 403.4.1 through 403.4.3 and Kansas State Fire Marshal Administrative Regulations.

15. Section 405.3 of the International Fire Code is hereby changed to read as follows:

**Section 405.3 Frequency.**

Required emergency evacuation drills shall be held at the intervals specified in Table 405.3 or more frequently where necessary to familiarize all occupants with drill procedures.

**Exception:**

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

16. Section 503.1.1 of the International Fire Code is hereby changed to read as follows:

**Section 503.1.1 Buildings and facilities.**

Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

**Exceptions:**

1. The fire code official is authorized to increase the dimension of 150 feet (45 720 mm) where any of the following conditions occur:
  - 1.1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
  - 1.2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.
  - 1.3. There are not more than two detached one- or two- family dwellings, Group R-3 or Group U occupancies.
2. Where approved by the fire code official, fire apparatus access roads shall be permitted to be exempted or modified for solar photovoltaic power generation facilities.

17. Section 507.2.1 of the International Fire Code is hereby changed to read as follows:

**Section 507.2.1 Fire Service Mains.**

Fire Service mains and appurtenances shall be installed in accordance with NFPA 24 and the city's Standard Construction Specifications. All mains and

fire hydrants shall be installed in a dedicated public utility easement, on file with the county register of deeds, and become the property of the city upon satisfactory installation. The city public works department shall be notified of construction activities to insure the opportunity for formal inspections by the city.

18. Section 903.4.2 of the International Fire Code is hereby changed to read as follows:

**Section 903.4.2 Alarms.**

An approved audible/visual device, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system. Such sprinkler waterflow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

19. Section 904.13.5.3 of the International Fire Code is hereby changed to read as follows:

**Section 904.13.5.3 Fusible link and sprinkler head replacement.**

Fusible links and automatic sprinkler heads shall be replaced at least annually, and other protection devices shall be serviced or replaced in accordance with the manufacturer's instructions. Replaced links and heads shall be left on site with the required service tag for verification by the fire code official.

**Exception:**

Frangible bulbs are not required to be replaced annually.

20. Section 915.1.4 of the International Fire Code is hereby changed to read as follows:

**Section 915.1.4 Fuel-burning appliances outside of dwelling units, sleeping units and classrooms.**

Carbon monoxide detection shall be provided in dwelling units, sleeping units and classrooms located in buildings that contain fuel-burning appliances or fuel-burning fireplaces.

**Exceptions:**

1. Carbon monoxide detection shall not be required in dwelling units, sleeping units and classrooms without communicating openings between the fuel-burning appliance or fuel-burning fireplace and the dwelling unit, sleeping unit or classroom.
2. Carbon monoxide detection shall not be required in dwelling units, sleeping units and classrooms where a carbon monoxide detector is provided in an approved location between the fuel-burning appliance or

fuel-burning fireplace and the dwelling unit, sleeping unit or classroom.

21. Section 1010.2.1 of the International Fire Code is hereby changed to read as follows:

**Section 1010.2.1 Unlatching.**

The unlatching of any door or leaf for egress shall require not more than one motion in a single linear or rotational direction to release all latching and all locking devices.

**Exceptions:**

1. Places of detention or restraint.
2. Where manually operated bolt locks are permitted by Section 1010.2.5.
3. Doors with automatic flush bolts as permitted by Section 1010.2.4, Item 6.
4. Doors from individual dwelling units and sleeping units of Group R occupancies as permitted by Section 1010.2.4, Item 7.
5. Doors where thumb turn locks are permitted by Section 1010.2.4, Items 4 and 5.

22. Section 1010.2.4 of the International Fire Code is hereby changed to read as follows:

**Section 1010.2.4 Locks and latches.**

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

1. Places of detention or restraint.
2. In Group I-1, Condition 2 and Group I-2 occupancies where the clinical needs of persons receiving care require containment or where persons receiving care pose a security threat, provided that all clinical staff can readily unlock doors at all times, and all such locks are keyed to keys carried by all clinical staff at all times or all clinical staff have the codes or other means necessary to operate the locks at all times.
3. In buildings in occupancy Group A having an occupant load of 300 or less, Group B, F, M and S, and in places of religious worship, the main exterior door or doors is permitted to be equipped with thumb turn operated locking devices from the egress side provided:
  - 3.1 A readily visible durable sign is posted on the egress side on or adjacent to the door stating: THIS DOOR TO REMAIN UNLOCKED WHEN THIS SPACE IS OCCUPIED. This sign shall be in letters one inch high on a contrasting background.
  - 3.2 The use of the key-operated or thumb turn locking device is revocable by the fire code official for due cause.
4. Doors other than those regulated by item 3 in Group B, F, M and S, and in places of religious worship having an occupant load of 500 or less,



the secondary exterior door or doors is permitted to be equipped with thumb turn operated locking devices from the egress side.

5. Doors serving rooms or spaces Accessory to Group A occupancies not in the means of egress for the Group A occupancy, are permitted to be equipped with thumb turn operated locking devices from the egress side.
6. Where egress doors are used in pairs, approved automatic flush bolts shall be permitted to be used, provided that the door leaf having the automatic flush bolts has no doorknob or surface mounted hardware. The unlatching of any leaf shall not require more than one operation.
7. Doors from individual dwelling units or sleeping units of Group R occupancies having an occupant load of 10 or less are permitted to be equipped with a night latch, dead bolt or security chain, provided such devices are openable from the inside without the use of a key or tool.
8. Fire doors after the minimum elevated temperature has disabled the unlatching mechanism in accordance with listed fire door test procedures.
9. Doors serving roofs no intended to be occupied shall be permitted to be locked, preventing entry to the building from the roof.
10. Other than egress courts, where occupants must egress from an exterior space through the building for means of egress, exit access doors shall be permitted to be equipped with an approved locking device where installed and operated in accordance with all of the following:
  - 10.1. The maximum occupant load shall be posted where required by Section 1004.9. Such sign shall be permanently affixed inside the building and shall be posted in a conspicuous space near all the exit access doorways.
  - 10.2. The egress door locking device is readily distinguishable as locked and shall be a key-operated locking device.
  - 10.3. A clear window or glazed door opening, not less than 5 square feet (0.46 m<sup>2</sup>) in area, shall be provided at each exit access door to determine if there are occupants using the outdoor area.
  - 10.4. A readily visible durable sign shall be posted on the interior side on or adjacent to each locked required exit access door serving the exterior area stating: "THIS DOOR TO REMAIN UNLOCKED WHEN THE OUTDOOR AREA IS OCCUPIED." The letters on the sign shall be not less than 1 inch (25.4 mm) high on a contrasting background.
  - 10.5. The occupant load of the occupied exterior area shall not exceed 300 occupants in accordance with Section 1004.
11. Locking devices are permitted on doors to balconies, decks or other exterior spaces serving individual dwelling or sleeping units.
12. Locking devices are permitted on doors to balconies, decks or other exterior spaces of 250 square feet (23.23 m<sup>2</sup>) or less, serving a private office space.

23. Section 1011.12 of the International Fire Code is hereby changed to read as follows:

**Section 1011.12 Stairway to roof.**

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

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

**Section 1015.4. Opening limitations.**

Required guards shall not have openings that allow passage of a sphere 4 ½” (114 mm) in diameter from the walking surface to the required guard height.

**Exceptions:**

1. The triangular openings at the open side of a stair, formed by the riser, tread and bottom rail shall not allow passage of a sphere 6” (152 mm) in diameter.
2. At elevated walking surfaces for access to and use of electrical, mechanical and plumbing systems or equipment, guards shall not have openings that allow passage of a sphere 21 inches (533 mm) in diameter.
3. In areas that are not open to the public within occupancies in Group I-3, F, H or S and for alternating read devices and ships ladders, guards shall not have openings that allow passage of a sphere 21 inches (533 mm) in diameter.
4. In assembly seating areas, guards required at the end of aisles in accordance with Section 1030.17.4 shall not have openings that allow passage of a sphere 4 ½” (114 mm) in diameter up to a height of 26 inches (660 mm). From a height of 26 inches (660 mm) to 42 inches (1067 mm) above the adjacent walking surfaces, guards shall not have openings that allow passage of a sphere 8 inches (203 mm) in diameter.

25. Section 1015.8 of the International Fire Code is hereby changed to read as follows:

**Section 1015.8 Window openings.**

In occupancy groups R-2 and R-3, one and two family and multiple family dwellings, where the opening of the sill portion of an operable window is located more than 72 inches (1829 mm) above the finished grade or other surface below, the lowest part of the clear opening of the window shall be at a height not less than 18 inches (457.2 mm) above the finished floor surface of

the room in which the window is located. Operable sections of windows located lower than 18 inches (457.2 mm) shall be limited to a 4 inch (101.6 mm) opening or be supplied with approved guards when more than 72 inches (1829 mm) above the finished grade or surface below.

26. Section 1031.2 of the International Fire Code is hereby changed to read as follows:

**Section 1031.2 Where required.**

In addition to the means of egress required by this chapter, emergency escape and rescue openings shall be provided in Group R and Group I-1 occupancies. Basements and sleeping rooms below the fourth story shall have not fewer than one emergency escape and rescue opening in accordance with this section. Where basements contain one or more sleeping rooms, an emergency escape and rescue opening shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Such openings shall open directly into a public way, or to a yard or court that opens to a public way.

**Exceptions:**

1. In other than Group R-3 occupancies, buildings equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2 may have the required above grade egress windows fixed in a closed position as long as the required ventilation is maintained.
2. Emergency escape and rescue openings are not required from basements or sleeping rooms that have an exit door or exit access door that opens directly into a public way or to a yard, court or exterior exit egress balcony that opens to a public way.
3. Storm shelters are not required to comply with this section where the shelter is constructed in accordance with ICC 500.

27. Section 1031.3.1 of the International Fire Code is hereby changed to read as follows:

**Section 1031.3.1 Minimum size.**

Emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet.

28. Section 1032.7 of the International Fire Code is hereby changed to read as follows:

**Section 1032.7 Emergency escape and rescue opening.**

Every sleeping room located in a basement in an occupancy in Use Group I-1 or R shall have at least one openable window or exterior door approved for emergency egress or rescue; or shall have access to not less than two approved independent exits.

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

**Exception:**

Buildings equipped throughout with an automatic fire suppression system may have fixed windows in accordance with the International Building Code as adopted by the City of Manhattan.

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

**Section 1103.5.1 A-2.**

Where alcoholic beverages are consumed in a Group A-2 occupancy with a fire area having an occupant load of 300 or more, the A-2 occupancy shall be equipped with an automatic sprinkler system accordance with section 903.3.1.1. This section shall become effective January 1, 2025.

30. Section 1103.8.1 Exceptions 1 and 2 are hereby deleted.

31. Section 2304.3.6 of the International Fire Code is hereby deleted.

32. Section 3103.2 of the International Fire Code is hereby changed to read as follows:

**Section 3103.2 Approval required.**

Tents and membrane structures having an area in excess of 600 square feet (56 m<sup>2</sup>) shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the fire code official.

**Exceptions:**

1. Tents used exclusively for recreational camping purposes.
2. Tents open on all sides, with no power, lights or sources of ignition present which comply with all of the following:
  - 2.1. Individual tents having a maximum size of 1200 square feet (111 m<sup>2</sup>).
  - 2.2. The aggregate area of multiple tents placed side by side without a fire break clearance of not less than 12 feet (3658 mm) shall not exceed 1200 square feet (111 m<sup>2</sup>) total.
  - 2.3. A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be provided.

33. Section 3305.5.1 of the International Fire Code is hereby changed to read as follows:

**Section 3305.5.1 Fire watch during construction.**

A fire watch shall be provided during nonworking hours for new combustibile construction that exceeds 40 feet (12 192 mm) in height above the lowest adjacent grade at any point along the building perimeter, for new multistory construction with an aggregate area exceeding 50,000 square feet (4645 m<sup>2</sup>) per story or as required by the fire code official.

34. Section 5601.2.4 of the International Fire Code is hereby deleted.

35. Section 5601.2.4.2 of the International Fire Code is hereby changed to read as follows:

**Section 5601.2.4.2 Fireworks display.**

The permit holder shall furnish a bond or certificate of insurance in an amount specified in Section 13-55 of the Code of Ordinances for the payment of all potential damages to a person or persons or to property by reason of the permitted display, and arising from any acts of the permit holder, the agent, employees or subcontractors.

36. Section 5704.2.7.10.1 of the International Fire Code is hereby changed to read as follows:

**Section 5704.2.7.10.1 Leaking tank disposition.**

Leaking tanks shall be promptly emptied, repaired and returned to service or removed in accordance with Section 5704.2.13 or 5704.2.14.

37. Section 5704.2.13.1.3 of the International Fire Code is hereby changed to read as follows:

**Section 5704.2.13.1.3 Out of service for one year.**

Underground tanks that have been out of service for a period of one year shall be removed from the ground in accordance with Section 5704.2.14 or tested by an approved method to show that the tank does not leak.

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

39. Section D107.1 of the International Fire Code is hereby changed to read as follows:

**Section D107.1 One- or two-family dwelling residential developments.**

Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3.

**Exceptions:**

1. Where there are more than 30 dwelling units existing, or proposed to exist, on a single public or private fire apparatus access road and the owners of all building lots, beyond those building lots which are closest to the development entrance and where 30 dwelling units exist, or are proposed to exist, have contractually bound said lots by an agreement with the City that all dwelling units constructed, or to be constructed thereon, will be equipped throughout with an approved automatic sprinkler system, access from two directions shall not be required; or,
2. Where the fire code official determines, in consultation with the city's legal counsel, that a legally binding commitment exists for the additional approved fire apparatus access roads to be constructed in the reasonably foreseeable future, but no more than three years after the approval of the final plat for the development, the fire code official may allow more than 30 dwelling units to exist on a single access road.

40. Section L101.1 of the International Fire Code is hereby changed to read as follows:

**Section L101.1 Scope.**

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

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

**SECTION 4.** That Section 13-19 of Chapter 13 of the Code of Ordinances, City of Manhattan, Kansas, is hereby repealed and amended to read as follows:

**Sec. 13-19. – Reserved.**

**SECTION 5.** That Section 13-20 of Chapter 13 of the Code of Ordinances, City of Manhattan, Kansas, is hereby amended to read as follows:

**Sec. 13-20. – Establishment of limits of districts in which storage of flammable or combustible liquids in aboveground tanks is to be prohibited.**

The limits referred to in Section 5704.2.9.6.1 of the International Fire Code, in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited, are hereby established as follows: prohibited in all zoning districts except those zoned ICS, IL, IG and commercial and industrial Planned Developments (PDs).

**SECTION 6.** That Section 13-21 of Chapter 13 of the Code of Ordinances, City of Manhattan, Kansas, is hereby amended to read as follows:

**Sec. 13-21. – Establishment of limits in which bulk storage of liquefied petroleum gas is to be restricted.**

The limits referred to in Section 6104.2 of the International Fire Code, in which the storage of liquefied petroleum gas is restricted, are hereby established as follows: prohibited in all zoning districts except those districts zoned IL, IG and commercial and industrial Planned Developments (PDs).

**SECTION 7.** That Section 13-22 of Chapter 13 of the Code of Ordinances, City of Manhattan, Kansas, is hereby amended to read as follows:

**Sec. 13-22. – Establishment of limits of districts in which storage of explosives and blasting agents is to be prohibited.**

The limits in which storage of explosives and blasting agents is prohibited, are hereby established as follows: prohibited in all zoning districts except those districts zoned IG.

**SECTION 8.** That Section 13-23.1 of Chapter 13 of the Code of Ordinances, City of Manhattan, Kansas, is hereby amended to read as follows:

**Sec. 13-23.1. – Establishment of limits of districts in which the storage of compressed natural gas is prohibited.**

The limits in which the storage of compressed natural gas storage is prohibited, are hereby established as follows: prohibited in all zoning districts except those districts zoned ICS, CC, IL, IG and commercial and industrial Planned Developments (PDs).

**SECTION 9.** That Section 13-23.3 of Chapter 13 of the Code of Ordinances, City of Manhattan, Kansas, is hereby amended to read as follows:

**Sec. 13-23.3. – Establishment of limits of districts in which the storage of hazardous materials is to be prohibited or limited.**

The limits in which the storage of hazardous materials is hereby established as follows: prohibited or limited in all zoning districts except those districts zoned CC, BP, IL, IG, and Planned Developments (PDs) (where specifically allowed).

**SECTION 10.** That Section 13-23.4 of Chapter 13 of the Code of Ordinances, City of Manhattan, Kansas, is hereby amended to read as follows:

**Sec. 13-23.4. – Establishing limits of districts in which the use of LP gas is restricted.**

- (1) It is unlawful for any person to install, store, use or otherwise maintain any liquefied petroleum gas cylinder, bottle or tank larger than 25-gallon individual capacity on residential property. It is further unlawful for any person to install, store, use or otherwise maintain any combination of cylinders, bottles or tanks with capacity greater than 50 gallons in the aggregate on any residential property. These regulations shall not apply in those areas where natural gas is not reasonably available.
- (2) Installation of liquefied petroleum gas cylinders, bottles or tanks shall meet the requirements of the International Fire Code and NFPA 58, Liquefied Petroleum Gas Code.
- (3) Liquefied petroleum gas cylinders, bottles or tanks having a water capacity of 500 gallons or less with an aggregate capacity of 1000 gallons or less on site may be used on a temporary basis on construction sites, provided, however, such cylinder, bottle or tank shall not be used or maintained for more than 180 days in any 12-month period.
- (4) Liquefied petroleum gas cylinders, tanks and bottles in residential districts in which natural gas is not reasonably available shall not be larger than 500-gallon water capacity.
- (5) The following terms, as used in this section, shall be defined as follows:
  - a. Residential property shall mean any property located within any district in the city zoned RL, RL-A, RM, RH, and any Planned Development (PD) districts that contain residential buildings, or any property upon which a residential building is situated.
  - b. Residential building shall mean a building all or part of which contains one or more dwelling units, including single-family dwellings, two-family dwellings, multiple-family dwellings, lodging houses, dormitories, sororities, and fraternities.
  - c. Construction site shall mean any location where construction work is being actively pursued for which a building permit has been issued by the city.

**SECTION 11.** That Section 13-24 of Chapter 13 of the Code of Ordinances, City of Manhattan, Kansas, is hereby amended to read as follows:



**Sec. 13-24. - Appeals.**

Whenever the fire code official shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the International Fire Code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may file a written appeal from the decision of the fire code official to the chief of the fire department within 30 days from the date of the decision appealed. Said appeal shall specify what section of the code and/or interpretation of the fire code official is in dispute and attach to the written appeal any pertinent evidence for the fire chief's consideration. The chief of the fire department shall issue a written decision on the appeal within 30 days from receipt of said appeal.

**SECTION 12.** That Section 13-25 of Chapter 13 of the Code of Ordinances, City of Manhattan, Kansas, is hereby repealed and amended to read as follows:

**Sec. 13-25. - Reserved.**

**SECTION 13.** Ordinance No. 3766 Section 9, Ordinance No. 4037 Section 1, Ordinance No. 6185 Section 7 and Section 10, Ordinance No. 6635 Section 4 and Section 12, Ordinance No. 6843 Section 6, Ordinance No. 7020 Section 3 and Section 4, Ordinance No. 7224 Section 3, Ordinance No. 7425 and all other ordinances, or portions thereof, in conflict herewith are hereby repealed.

**SECTION 14.** This ordinance shall be published once in the official City newspaper and shall take effect on January 1, 2023.

**PASSED BY THE GOVERNING BODY OF THE CITY OF MANHATTAN, KANSAS,  
THIS 18<sup>TH</sup> DAY OF OCTOBER, 2022.**



Linda Morse, Mayor

**ATTEST:**



Brenda K. Wolf, CMC, City Clerk



(PUBLISHED IN *THE MANHATTAN MERCURY* ON OCTOBER 22, 2022)

**ORDINANCE NO. 7604 SUMMARY**

On October 18, 2022 the City of Manhattan, Kansas adopted the following ordinance:

**AN ORDINANCE AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES OF THE CITY OF MANHATTAN, INCORPORATING BY REFERENCE THE “2021 INTERNATIONAL FIRE CODE, FIRST PRINTING NOVEMBER 2020,” PERTAINING TO THE STANDARDS OF FIRE PREVENTION, WITH CERTAIN OMISSIONS, CHANGES AND ADDITIONS THERETO; APPLYING STATE REGULATIONS TO CERTAIN DAY CARES; UPDATING ZONING CODES; CLARIFYING THE APPEALS PROCESS; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.**

The Ordinance adopts the 2021 International Fire Code, First Printing November 2020, and makes certain amendments to that code, all effective January 1, 2023, as more specifically described in the Ordinance. The Ordinance also amends Chapter 13 by applying state regulations to licensed day care homes and group daycare homes; applies the new zoning codes consistent with the Manhattan Development Code; and clarifies the appeals process under this fire code. The complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, City Hall, 1101 Poyntz Ave., Manhattan, KS 66502, Monday – Friday, 8 a.m. – 5 p.m., and is available for at least one week following the publication date of this summary at [www.cityofmhk.com](http://www.cityofmhk.com). This Summary certified to be legally accurate and sufficient by City Attorney Katharine Jackson.

Katharine Jackson  
City Attorney  
Date certified: 10/18/22