ORDINANCE NO. 18149


BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. That City of Topeka Code § 2-182, Animal control advisory board, is hereby specifically repealed.

Animal control advisory board.

(a) Purpose. The animal control advisory board shall study and evaluate the effectiveness of animal control ordinances and provide recommendations to city officials about community animal control issues.

(b) Membership. The animal control advisory board shall consist of nine members appointed by the mayor. Members shall represent public and animal interests. Members shall serve a two-year term or until a successor is appointed. Original appointments shall be staggered so that five members' terms expire in two years and the remaining terms expire in one year. Members shall serve without compensation.

Section 2. That City of Topeka Code § 2-185, Human relations commission, is hereby amended to read as follows:

Human relations commission.

(a) Purpose. The purpose of the human relations commission is to endeavor to
eliminate prejudice among various racial, ethnic and other groups in the city and to further
goodwill among all people of the city. The commission and each commissioner shall fulfill
the duties and responsibilities as set forth in chapter 86 of the Code of the City of Topeka.

(b) **Membership.** The human relations commission shall consist of nine
members. Each councilmember shall appoint one member from the city at large. Members
of the commission shall serve two-year terms or until a successor is appointed or until their
appointing Councilmember is replaced, whichever is sooner. Members shall not serve
beyond the end of their appointed terms. Upon expiration of a term the position shall
remain vacant until a successor is appointed. Members shall be drawn from diverse racial,
ethnic, commercial, industrial and other segments of the community and shall be citizens of
Topeka. Members shall serve without compensation.

Section 3. That City of Topeka Code § 2-186, Mobile home craftsmen board of
examiners, is hereby amended to read as follows:

**Mobile home craftsmen board of examiners.**

(a) **Purpose.** The purpose of the mobile home craftsmen board of examiners
shall be to pass upon the qualifications of parties desiring licenses to perform the duties of
mobile home craftsmen. The board shall be empowered to hear and determine
interpretations of applicable codes and to permit variances or waivers therefrom, provided
such variances or waivers do not endanger life, limb, property or public welfare. The board
shall conduct its business in accordance with chapter 98 of the Code of the City of Topeka.

(b) **Membership.** The board shall consist of five persons appointed by the mayor.
Three members shall be engaged in the business of the plumbing, electrical and
mechanical trade, respectively. Two members shall be engaged in the business of repair,
installation or alteration of mobile homes or their components. Members shall be appointed for a term of one year. Members shall not serve beyond the end of their appointed terms. Upon expiration of a term the position shall remain vacant until a successor is appointed. Ex officio members of the board shall include the city plumbing inspector, mechanical inspector, and electrical inspector.

Section 4. That City of Topeka Code § 2-187, Board of electrical appeals, is hereby amended to read as follows:

Board of electrical appeals.

(a) Purpose. The purpose of the board of electrical appeals shall be to review applications and approve the issuance of licenses in accordance with chapter 26 of the Code of the City of Topeka. The board shall be empowered to hear and determine interpretations of applicable codes and to permit exceptions, variances, or waivers therefrom, provided such exceptions, variances, or waivers meet the intent of the adopted code and do not endanger life, limb, property or public welfare. The board shall conduct its business in accordance with chapter 26 of the Code of the City of Topeka.

(b) Membership. The board shall be comprised of two licensed electrical masters two licensed journeymen, and an engineer practicing in the trade. Members shall be appointed by the mayor and serve two year terms or until a successor is appointed. Members shall not serve beyond the end of their appointed terms. Upon expiration of a term the position shall remain vacant until a successor is appointed.

Section 5. That City of Topeka Code § 2-188, Board of plumbing examiners, is hereby amended to read as follows:

Board of plumbing examiners.
(a) **Purpose.** The purpose of the board of plumbing examiners shall be to review applications and approve the issuance of licenses in accordance with chapter 26 of the Code of the City of Topeka and Charter Ordinance 38, § 2 (App. A, § A4-16). In addition, the board shall be empowered to hear and determine interpretations of applicable codes and to permit exceptions, variances, or waivers therefrom, provided such exceptions, variances, or waivers meet the intent of the adopted code and do not endanger life, limb, property or public welfare. The board shall conduct its business in accordance with chapter 26 of the Code of the City of Topeka.

(b) **Membership.** The board shall be comprised of two licensed master plumbers, two licensed journeymen, and an engineer practicing in the trade. Members shall be appointed by the mayor and serve two year terms or until a successor is appointed. Members shall not serve beyond the end of their appointed terms. Upon expiration of a term the position shall remain vacant until a successor is appointed.

Section 6. That City of Topeka Code § 2-189, Board of mechanical examiners, is hereby amended to read as follows:

**Board of mechanical examiners.**

(a) **Purpose.** The purpose of the board of mechanical examiners shall be to review applications and approve the issuance of licenses in accordance with chapter 26 of the Code of the City of Topeka. The board shall be empowered to hear and determine interpretations of applicable codes and to permit exceptions, variances, or waivers therefrom, provided such exceptions, variances, or waivers meet the intent of the adopted code and do not endanger life, limb, property or public welfare. The board shall conduct its business in accordance with chapter 26 of the Code of the City of Topeka.
(b) **Membership.** The board shall be comprised of two masters licensed in the particular trade, one engineer or equivalent practicing in the particular trade, and two persons who shall be a licensed journeyman, licensed master, or an engineer practicing in the particular trade. Members shall be appointed by the mayor and serve two year terms or until a successor is appointed. **Members shall not serve beyond the end of their appointed terms. Upon expiration of a term the position shall remain vacant until a successor is appointed.**

**Section 7.** That City of Topeka Code § 2-190, Building conservation advisory and appeals board, is hereby amended to read as follows:

**Building conservation advisory and appeals board.**

(a) **Purpose.** The purpose of the building conservation advisory and appeals board shall be to provide final interpretation of the provisions of uniform code for building conservation. The board shall conduct its business in accordance with sections 26-216 and 26-221 of the Code of the City of Topeka.

(b) **Membership.** The board shall consist of five members who are not city employees. The code enforcement director shall be an ex officio member of and shall serve as secretary to the board. Members shall be appointed by the council and hold office at its pleasure for a term of two years. **Members shall not serve beyond the end of their appointed terms. Upon expiration of a term the position shall remain vacant until a successor is appointed.**

**Section 8.** That City of Topeka Code § 2-191, Board of building and fire appeals, is hereby amended to read as follows:

**Board of building and fire appeals.**
(a) **Purpose.** The purpose of the board of building and fire appeals is to determine the suitability of alternate materials, methods and types of construction, and the board has the power to permit exceptions, variances or waivers from the Code that meet the intent of the adopted code and will not endanger life, limb, health, property or public welfare. The board of building and fire appeals shall conduct business in accordance with City of Topeka Code section 26-138.

(b) **Membership.** The board of building and fire appeals shall consist of seven members, six appointed by the mayor and one councilmember appointed by the council. The appointed members shall include two licensed engineers, two licensed architects, a general contractor, and a person regularly employed in the building trades. Members shall serve two year terms as authorized by City of Topeka Code section 26-138. No member may be appointed to successive terms and no member may be succeeded by a partner or business associate. **Members shall not serve beyond the end of their appointed terms.** Upon expiration of a term the position shall remain vacant until a successor is appointed. Ex officio nonvoting members shall include the city attorney, fire marshal and building code enforcement director.

**Section 9.** That City of Topeka Code § 2-193, Golf course advisory board, is hereby amended to read as follows:

**Golf course advisory board.**

(a) **Purpose.** The golf course advisory board shall advise the city officials in all matters concerning the operation of the public golf courses. The advisory board may make recommendations and the board shall operate in accordance with Topeka City Code sections 102-196 through 102-203.
(b) **Membership.** The golf course advisory board shall consist of five members and three ex officio members. The five members shall be appointed as follows: one board member shall be appointed by and serve at the pleasure of the mayor; one board member shall be chosen by the members of the men's club of the public golf course; one board member shall be chosen by the women's club of the public golf course; and two board members shall be appointed by the golfers at large at the annual board meeting. **All members shall serve for a term of two years.** Members shall not serve beyond the end of their appointed terms. Upon expiration of a term the position shall remain vacant until a successor is appointed. The following shall be ex officio members of the advisory board: the director of the department of parks and recreation or designee, the golf professional, and the golf course superintendent.

**Section 10.** That City of Topeka Code § 2-194, Parks and recreation advisory board, is hereby amended to read as follow:

**Parks and recreation advisory board.**

(a) **Purpose.** The purpose of the parks and recreation advisory board is to make recommendations to the city council on major proposals and propositions for construction, reconstruction and improvements of public parks and recreational facilities. The board shall conduct business in accordance with Topeka City Code section 102-58.

(b) **Membership.** The park and recreation advisory board shall consist of nine members. Four members shall be appointed by the mayor, two members by the governing body of Unified School District No. 501, one member by the governing body of Unified School District No. 450, one member by the governing body of Unified School District No. 345, and one member by the governing body of the Unified School District No. 437.
Members shall serve a four-year term as provided in City of Topeka Code section 102-54. Members shall not serve beyond the end of their appointed terms. Upon expiration of a term the position shall remain vacant until a successor is appointed. Members must be residents of the city and shall serve without compensation. Removal and vacancies shall be in accordance with Topeka City Code sections 102-56 and 102-57.

Section 11. That City of Topeka Code § 2-197, Mayor’s commission on literacy, is hereby amended to read as follows:

Mayor’s commission on literacy.

(a) Purpose. The purpose of the mayor’s commission on literacy shall be to develop and implement an action agenda to eliminate illiteracy in the city. The commission shall serve as a clearinghouse for local programs and initiatives that teach basic skills; help establish community partnerships to promote a cooperative effort to eliminate illiteracy; recognize the work and dedication of those who assist in the elimination of illiteracy in the community; and make an annual report to city officials on yearly activities.

(b) Membership. The commission on literacy shall consist of between 15 and 20 members appointed by the mayor. Members shall represent local business, labor, education, library science, government, community agencies, media and communications, and the community at large. Members shall serve a two-year term or until a successor is appointed. Members shall not serve beyond the end of their appointed terms. Upon expiration of a term the position shall remain vacant until a successor is appointed. Original appointments shall be staggered so that half of the members' terms expire in one year and the remaining terms expire in two years. Members shall serve without compensation.
Section 12. That City of Topeka Code § 26-67, [Public Building Commission] Members, is hereby amended to read as follows:

Members.

The commission shall be comprised of seven members. The commission shall be appointed as follows:

(1) One member shall be appointed by the mayor of the city with the approval of the city council. Such member shall serve at the pleasure of the mayor and shall be the chairperson of the commission;

(2) Six members shall be appointed by the mayor of the city with the approval of the city council for terms of four years. Members shall not serve beyond the end of their appointed terms. Upon expiration of a term the position shall remain vacant until a successor is appointed. Of the members appointed under this provision, one shall be a representative of the secretary of administration of the State of Kansas, one shall be a representative of the governing body of Shawnee County, and one shall be a representative of the governing body of unified school district no. 501. The member who is the representative of the secretary of administration shall be appointed from three nominations submitted by the secretary of administration. The member who is the representative of the governing body of Shawnee County shall be appointed from three nominations submitted by the governing body of Shawnee County. The member who is the representative of unified school district no. 501 shall be appointed from three nominations submitted by the governing body of unified school district no. 501. The four members appointed directly by the mayor shall be residents of the city. The initial term of the members appointed pursuant to this division shall begin with the expiration of the term...
of the members appointed pursuant to Topeka City Code section 22-67, which date is
March 3, 2002. The initial term of the three members appointed from the list of
nominations shall expire on May 1, 2003. The initial term of the remaining three members
shall expire on May 1, 2005. In the case of the death, incapacity, resignation or
disqualification of any member of the commission, the mayor of the city shall appoint with
the approval of the city council a new member for the unexpired term of the deceased,
incapacitated, resigned or disqualified member in accordance with the provisions of this
section. The members of the commission shall serve without compensation.

Section 13. That City of Topeka Code § 26-138, Section 105.1, board of appeals,
is hereby amended to read as follows:

Board of appeals.

Section 105.1 shall be amended to read:

(1) There is hereby created a board of building and fire appeals consisting of
seven members, six of whom shall be appointed by the mayor, and one councilmember
appointed by the council. The six members of the board shall include two engineers, two
architects licensed by the state board of technical professions, a general contractor and a
person regularly employed in the building trades. Members shall serve a two-year term
and until their successor is chosen and qualified. Members shall not serve beyond the end
of their appointed terms. Upon expiration of a term the position shall remain vacant until a
successor is appointed. The city attorney, fire marshal and code enforcement director or
their designees shall serve as nonvoting ex officio members of the board. The code
enforcement director or his designee shall serve also as secretary of the board. Copies of
current adopted codes will be made available to board members.
(2) The board of building and fire appeals shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the code enforcement director and the fire chief with a duplicate copy to the appellant.

(3) The board of building and fire appeals shall determine the suitability of alternate materials, methods and type of construction and provide for reasonable interpretations of the provisions of the Uniform Building Code, Uniform Code for Building Conservation, the Uniform Fire Code and the Life Safety Code, as adopted by the council. The board shall be empowered to hear and determine interpretations of the codes and to permit variances from the code provisions in certain cases or situations in accordance with the purposes and intents of the code. A variance shall not be granted except in those situations, as determined by the board, that will not endanger life or limb, health, property or public welfare. Where a variance is sought with respect to a structure registered, or eligible for registration, with either the National Register of Historic Places or the Register of Historic Kansas Places, or listed with the Kansas State Inventory of Historical Sites, the board shall specifically consider the structure's historic significance in reaching its decision, exerting an affirmative effort to preserve the structure's quality in effecting any necessary changes. Pursuant to this goal, the board shall request the opinion of the director of the historic preservation department of the state historical society.

(4) An exception, variance or waiver relating to the Uniform Building Code may be vetoed by the code enforcement director. An exception, variance or waiver relating to the Uniform Fire Code may be vetoed by the fire chief. Requests for exceptions, variances or waivers which have been denied and matters vetoed may be appealed to the council by
filing within ten days of the effective date of the denial or veto, in writing, with the city clerk, a request for a hearing before the council. Within five days of the receipt of this request for a hearing, the council shall give notice of a public hearing to be held in not less than five days nor more than ten days after service of the notice on the person requesting the hearing.

(5) The board of building and fire appeals may request other boards and commissions of the city, including the board of examiners of electricians and the board of plumbing examiners, to provide technical assistance and recommendations. In addition, the board shall require substantiating data or tests to determine the suitability and feasibility of allowing the variance requested by the applicant.

(6) The person requesting the variance relating to the Uniform Building Code shall at such person's expense conduct tests and have these tests verified showing that the variance requested will not endanger life or limb, health, property or public welfare. Such tests shall have been conducted before the hearing unless the board asks for additional testing pertaining to relevant circumstances that may affect the decision made by the board.

(7) A filing fee of $100.00 shall be paid in advance by any party appealing to the board.

Section 14. That City of Topeka Code § 26-221, Section 270, building conservation advisory appeals board, is hereby amended to read as follows:

Building conservation advisory appeals board.

Section 207 is hereby amended to read as follows:

In order to provide for final interpretation of the provisions of this code and to hear
appeals provided for hereunder, there is hereby established a building conservation advisory and appeals board consisting of seven members who are not employees of the jurisdiction. The code enforcement director shall be an ex officio member of and shall act as secretary to said board. The board shall be appointed by the council and shall hold office at its pleasure for a term of two years. Members shall not serve beyond the end of their appointed terms. Upon expiration of a term the position shall remain vacant until a successor is appointed. The board shall adopt reasonable rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a copy to the code enforcement director. Copies of all rules of procedure adopted by the board shall be delivered to the code enforcement director who shall make them freely accessible to the public.

Section 15. That City of Topeka Code § 42-4, Community development advisory council, is hereby amended to read as follows:

**Community development advisory council.**

(a) There is hereby established a community development advisory council consisting of persons representing broad community interests. No less than 51 percent of such members shall be low or moderate income individuals. Nine at-large members of the council shall be appointed for two-year terms by the mayor and shall advise the community and economic director concerning activities of the department relating to community development. Members shall not serve beyond the end of their appointed terms. Upon expiration of a term the position shall remain vacant until a successor is appointed. In addition to the nine at-large members, two representatives from each certified neighborhood improvement association (NIA) within the community development target
area shall be elected annually at the same time the NIA holds its annual election of officers. Such election shall follow public notice prior to the date of the election. The officers shall be elected by the council. The community and economic development director shall serve as an ex officio member of the council.

(b) The community development advisory council shall notify the mayor or the NIA, whichever applies, of appointees with excessive absences and any information pertinent to the absence. Any decision of action related to excessive absences shall rest solely with the appointing authority.

(c) A quorum of the community development advisory council shall consist of those members present, and a simple majority shall decide the question. Attendance records and minutes shall be kept of each meeting.

Section 16. That City of Topeka Code § 42-39, Downtown business improvement district advisory board, is hereby amended to read as follows:

**Downtown business improvement district advisory board.**

(a) The downtown business improvement district advisory board is hereby established in accordance with the provisions of the business improvement district act. The purpose of the advisory board is to monitor and oversee the provision of services as established by this article. The board shall, not later than May 15 of each year, submit to the council a recommended program of services to be performed or provided within the district during the coming calendar year and a proposed budget to accomplish these objectives. In addition, the board shall submit a proposed schedule of fees for assessment on the businesses in the district and may recommend consideration of changes in the boundaries of the district. There shall be nine members of the downtown business
improvement district advisory board, who shall be appointed by the mayor with the consent of the city council.

(b) Members appointed to the downtown business improvement district advisory board shall be representatives of the businesses located within the district. Of the members first appointed to the advisory board, four shall be appointed for a term of one year and five shall be appointed for a term of two years. Members shall not serve beyond the end of their appointed terms. Upon expiration of a term the position shall remain vacant until a successor is appointed. On the expiration of the term of each board member, subsequent terms shall be for a period of two years. Any vacancy occurring in the membership of the business improvement district advisory board shall be filled by appointment of the mayor with the consent of the city council for the unexpired term.

Section 17. That City of Topeka Code § 86-27, Composition; term of members, is hereby amended to read as follows:

Composition; term of members.

The Topeka Human Relations Commission shall consist of nine members to be drawn from diverse racial, ethnic, commercial, and industrial segments of the community, who shall reside within the corporate limits of the city. Each councilmember shall appoint one member from the city at large. Members shall serve without compensation. On or after the effective date of this section, each councilmember shall appoint one commission member whose term shall expire on April 14, 1999 or until a successor is appointed. Members shall not serve beyond the end of their appointed terms. Upon expiration of a term the position shall remain vacant until a successor is appointed. Thereafter, members will be appointed on or after April 15 of each odd numbered year and the term of office of
each member of the commission shall be for two years or until a successor is appointed. Members shall not serve beyond the end of their appointed terms. Upon expiration of a term the position shall remain vacant until a successor is appointed. The commission shall select by majority vote one of the appointees as the chairperson of the commission. The commission shall meet monthly. Special meetings may be called by the chairperson or by a majority of the commission.

Section 18. That City of Topeka Code § 102-54, Terms of members, is hereby amended to read as follows:

Term of members.

Members of the parks and recreation advisory board shall serve for a term of four years. Members may be appointed for subsequent terms after completion of the first term. All terms shall end in July of each respective year. Members shall serve until a successor is appointed. Members shall not serve beyond the end of their appointed terms. Upon expiration of a term the position shall remain vacant until a successor is appointed.

Section 19. That City of Topeka Code § 102-198, Terms, is hereby amended to read as follows:

Terms.

The terms of office of the members of the golf course advisory board shall be two years. All members shall serve until their respective terms have expired or until a successor is appointed as provided in this division. Members shall not serve beyond the end of their appointed terms. Upon expiration of a term the position shall remain vacant until a successor is appointed.
Section 20. That City of Topeka Code § 106-41, Created; terms; technical advisor; quorum, is hereby amended to read as follows:

Created; terms; technical advisor; quorum.

(a) A civil service commission is hereby established in the city. The mayor of the city shall appoint five civil service commissioners, who shall hold office for terms of four years. Members shall not serve beyond the end of their appointed terms. Upon expiration of a term the position shall remain vacant until a successor is appointed. To be eligible for appointment as a commissioner, an individual may not be an employee of the city and shall have at least three years of experience in a responsible position requiring knowledge of the legal issues involved in the hiring or disciplining of employees. The commissioners so appointed, or who have been appointed, shall continue in office and shall exercise and perform the duties of such office in accordance with the provisions of law until their successors have been appointed.

(b) The chief administrative officer shall designate a representative of the city to serve as a nonvoting member of the civil service commission. This nonvoting member will serve as a technical advisor to the commission. A quorum for conducting business is three voting members.

Section 21. That City of Topeka Code Chapter 142, Division 2, Bicycle Advisory Board, is hereby specifically repealed.

BICYCLE ADVISORY BOARD

Section 22. That City of Topeka Code § 142-636, Creation, is hereby specifically repealed.

Creation.
The bicycle advisory board is hereby created.

Section 23. That City of Topeka Code § 142-637, Composition and qualifications, is hereby specifically repealed.

Composition and qualifications:

The bicycle advisory board shall consist of nine members as follows: One representative from each of the following organizations: Organized bicycling community, city-county metropolitan planning commission, city fire department, city police department, city traffic engineer's office, parks and recreation department, and three at-large members.

Each member shall be a resident and registered voter of the county.

Section 24. That City of Topeka Code § 142-638, Appointment, is hereby specifically repealed.

Appointment.

Each member of the bicycle advisory board shall be appointed by the mayor.

Section 25. That City of Topeka Code § 142-639, Term, is hereby specifically repealed.

Term.

Members of the bicycle advisory board shall serve a term of three years unless earlier removed at the discretion of the mayor.

Section 26. That City of Topeka Code § 142-640, Compensation, is hereby specifically repealed.

Compensation.

Members of the bicycle advisory board shall serve without compensation.
Section 27. That City of Topeka Code § 142-641, Removal for missing meetings, is hereby specifically repealed.

Removal for missing meetings.

Any bicycle advisory board member missing three consecutive regular meetings shall be deemed to have vacated the position and a replacement shall be appointed.

Section 28. That City of Topeka Code § 142-642, Purpose; duties, is hereby specifically repealed.

Purpose; duties.

(a) The purpose of the bicycle advisory board is to consult with and advise the metropolitan planning commission and the mayor on matters concerning bicycling within the corporate limits of the city.

(b) The bicycle advisory board shall perform the following duties:

(1) Consider and make recommendations on all bikeway and bicycle plans within the city, and assist in the implementation of a comprehensive bike plan.

(2) Recommend to the mayor the utilization of funds available from bicycle licenses or other sources for bicycle education, safety, facilities, regulations and their enforcement, planning and other appropriate projects in the interest of promoting bicycling within the city.

(3) To otherwise consult with the mayor and the metropolitan planning commission on bicycling within the city.

Section 29. That City of Topeka Code § 142-643, Organization, is hereby specifically repealed.

Organization.
The bicycle advisory board shall elect a chairperson and vice-chairperson and shall
determine the terms of such offices. The director of parks and recreation shall be the
secretary of the board and shall maintain minutes of board meetings and other records of
the board. The board shall otherwise provide for its organization, rules of procedure, and
the duties of its officers through the adoption of bylaws.

Section 30. That City of Topeka Code § 142-644, Meetings; notice, agenda, is
hereby specifically repealed.

Meetings; notice, agenda.

The bicycle advisory board shall meet monthly unless otherwise determined by the
board. Special meetings may be called at the discretion of the chairperson. The secretary
shall notify each member of all meetings, including in the notification an agenda describing
each topic to be considered.

Section 31. That City of Topeka Code § 142-645, Quorum, voting, is hereby
specifically repealed.

Quorum, voting

Four members shall constitute a quorum of the bicycle advisory board for the
conduct of business. All action of the board shall be determined by a majority vote of those
members present.

Section 32. That the original of City of Topeka Code §§ 2-185, 2-186, 2-187, 2-
188, 2-189, 2-190, 2-191, 2-193, 2-194, 2-197, 26-67, 26-138, 26-221, 42-4, 42-39, 86-27,
102-54, 102-198, 106-41 are hereby specifically repealed.

Section 33. This Ordinance shall take effect and be in force from and after its
passage, approval and publication in the official city newspaper.
PASSED and APPROVED by the City Council

DEC 16 2003

Duane F. Pomeroy, Deputy Mayor

APPROVED AS TO FORM AND LEGALITY
DATE 12/4/03 BY
TO BE CODIFIED ✓
NOT TO BE CODIFIED _______

ATTEST:

Iris E. Walker, City Clerk