ORDINANCE NO. 18292

AN ORDINANCE introduced by Mayor James A. McClinton relating to fees and specifically amending City of Topeka Code §§ 26-58, 26-123, 26-139.1.5, 26-204, 26-251, 26-255, 26-446, 26-454, 26-463, 26-521, 30-53, 30-62, 30-67, 30-71, 66-103, and 118-59 and specifically repealing said original sections.

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

Section 1. That City of Topeka Code § 26-58, Reserved, is hereby amended by the addition of the following language:

Administrative and other fees.

a. In addition to the permit and other fees specifically imposed under this chapter, the following fees and charges shall also apply:

   Residential trade permit without building permit: $50.00

   Commercial trade permit without building permit for projects up to $200,000.00 total cost: $100.00

   Commercial trade permit without building permit for projects from $200,000.00 up to $500,000.00 total cost: $500.00

   Commercial trade permit without building permit for projects exceeding $500,000.00 total cost: $1,000.00

   Driveway permit without building permit: $50.00

   Sidewalk permit without building permit: $30.00

   Parking lot permit plan review and inspection: $50.00 per hour

   Homeowner permit: $50.00

   Reinspection charge: $50.00

   Onsite consultation - no permit: $50.00 per hour
After hours inspection - weekend: $100.00

After hours inspection - holiday weekend: $200.00

Inspection requested after four o'clock (4:00) p.m.: $50.00

Specified inspection time: $50.00

Water heater replacement - self inspection: $20.00

Heating, ventilation and air conditioning system replacement - self inspection: $20.00

Fire alarm test: $50.00 per hour

Electrical inspection service clearance for existing structures: $50.00 per hour

b. An additional fee of twenty-five percent (25%) of the inspection, permit, or testing fees or charges required under this chapter shall be imposed for each inspection, permit, or test done or commenced within the three (3) mile area adjacent to the contiguous City of Topeka boundaries.

Section 2. That City of Topeka Code § 26-123, Fence permit, is hereby amended to read as follows:

Fence permit.

Any person desiring to install any fence on private properties shall first secure a permit for such installation. The fees for a fence permit are as follows: shall be thirty dollars ($30.00).

1. Fence valuation up to $99.00......$5.00
2. Fence valuation $100.00–$500.00......10.00
3. Fence valuation $501.00 and up......15.00
Section 3. That City of Topeka Code § 26-139.1.5, Section 107, Fees of the
Uniform Building Code, 1997 Edition, is hereby amended to read as follows:


Section 107, Fees of the Uniform Building Code, 1997 Edition, is hereby
amended by the addition of the following language:

Building permit fees and plan review fees as required by City of Topeka Code
section 26-139.2, Plan review fees, for building projects with a total valuation of five
million dollars ($5,000,000.00) or more may be modified by the chief administrative
officer to a lesser amount, such modification not to exceed 25 twenty-five percent (25%) of
the scheduled fees provided the chief administrative officer determines the building
project encourages economic development and creation of jobs. Modifications of
building permit fees and plan review fees which exceed 25 twenty-five percent (25%) of
the scheduled fees shall be approved by the city council. However, no modification of
building permit fees and plan review fees shall be made if: 1) the applicant utilizes other
available tax incentives and/or 2) the subject property is exempt from real estate
taxation.

107.2 of the Uniform Building Code is hereby amended to read as follows:

Permit fees.

107.2 a. The fee for each permit issued for work to be commenced within the City
of Topeka boundaries shall be as set forth in Table 1-A, except that commencing
January 1, 2004, all such fees in areas identified by the City Council shall be waived
provided the Joint Economic Development Organization reimburses the City of Topeka
for all such fees.
107.2 b. An additional fee of 25 twenty-five percent (25%) of the building permit fee as shown in Table 1-A shall be imposed for each permit issued for work to be commenced within those areas within the three-mile area adjacent to the contiguous City of Topeka boundaries.

107.2 c. The determination of value or valuation under any of the provisions of this code shall be made by the building official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment.

107.7 Elevators, dumbwaiters, escalators and moving walks inspection and administrative fees.

The following fees shall apply to inspections or certificates of elevators, dumbwaiters, escalators and moving walks:

- Annual passenger elevator certificate per unit: $50.00
- Annual freight elevator certificate per unit: $50.00
- Annual escalator certificate per unit: $35.00
- Annual dumbwaiter certificate per unit: $20.00
- Annual access lift certificate per unit: $20.00
- Full load test: $200.00
- Reinspection fee: $50.00

107.8 Administrative fees.
In addition to the permitting and other fees permitted in this section, the following fees and charges for services shall also apply.

Certification of occupancy - duplicate: $50.00

Compliance letter: $100.00

Flood plain verifications: $30.00

Technology improvement for each permit or license: $3.00

Section 4. That City of Topeka Code § 26-204, Fees, is hereby amended to read as follows:

Fees.

Any applicant for a building permit who requests encroachment upon public streets, sidewalks or other property to be used during construction as an area for storage of materials of construction or machinery, or for the erection of fencing, barricades, sidewalks, passageways or construction offices, such area being used in such a manner as to deny the public the use of such street, alley or public property, shall pay to the office of developmental coordination services division a fee of $0.50 a flat fee of thirty-five dollars ($35.00) plus fifty cents ($0.50) per lineal foot of barricade fence or other enclosure, in advance. Use of the public way during construction shall be limited to ten working days. Subsequent permits may be issued as construction duration may require.

Section 5. That City of Topeka Code § 26-251, Required, is hereby amended to read as follows:

Required.
It shall be unlawful for any person to conduct, carry on or engage in the business of commercial or residential construction or remodeling, excavation, elevator repair or construction, concrete work, demolition, swimming pool construction, roofing, fire alarm installation, fire sprinkler installation, water softener/conditioner, lawn irrigation system installation or mechanical, electrical, plumbing or gas fitting or the installation of water softeners/conditioners, lawn irrigation systems trades, without first obtaining a the appropriate contractor's license.

Section 6. That City of Topeka Code § 26-255, License qualifications and responsibilities--Contractor, is hereby amended to read as follows:

License qualifications and responsibilities--Contractor.

a. A licensed contractor shall be a master or have in his employ and so designate a master on a full-time basis. Before issuance of a contractor's license, the applicant shall submit the address of his place of business, business telephone number, name of the designated master and other information as may be required on forms provided by the building code enforcement division and pay all relevant fees. The contractor shall be ultimately responsible for the work done. All commercial, residential, trade, excavation, elevator, concrete, demolition, swimming pool, roofing, fire alarm, and fire sprinkler contractors shall show proof of broad form comprehensive commercial general liability insurance, including independent contractor's coverage and product/completed operations, in the amount of three hundred thousand dollars ($300,000.00) per occurrence. As a precondition to the issuance of a contractor's license, all of the aforementioned contractors shall carry worker's compensation insurance as required by state law. The required insurance shall be in effect during the
duration of the contractor's license. Failure to renew such insurance or cancellation of such insurance shall be cause for the immediate cancellation of the contractor's license. If the contractor renews his required insurance, he may obtain a new contractor's license by providing evidence of current insurance coverage and paying the license fee.

b. Each contractor shall show proof of broad form comprehensive commercial general liability insurance, including independent contractor's coverage and product/completed operations, in the amount of $300,000.00 per occurrence. Each contractor shall carry worker's compensation insurance as required by state law. The required insurance shall be in effect during the duration of the contractor's license. Failure to renew such insurance or cancellation of such insurance shall be cause for the immediate cancellation of the contractor's license. If the contractor renews his required insurance, he may obtain a new contractor's license by providing evidence of current insurance coverage and paying the license fee. A licensed trade contractor shall be a master or have in his employ and so designate a master on a full-time basis. Before issuance of a trade contractor's license, the applicant shall submit the address of his place of business, business telephone number, name of the designated master and other information as may be required on forms provided by the development services division and pay all relevant fees. The contractor shall be ultimately responsible for the work done.

c. If a designated master is employed by more than one (1) trade contractor, it shall be deemed that he is loaning his license and this shall be cause for the board to revoke such master's license. If the designated master for a contractor is terminated, resigns, retires, expires or changes employers, such licensed contractor shall secure
the services of another master no later than ninety (90) days after the departure of the
first master. Any work in progress during the absence of a master may continue for such
period of ninety (90) days; however, no new permits shall be issued. Failure to secure
the services of another master within such ninety (90) days shall be cause for
revocation of the contractor's license and all work in progress shall cease until the
services of a master are acquired and a new contractor's license is issued.

Section 7. That City of Topeka Code § 26-446, Definitions, is hereby amended
to read as follows:

Definitions.

In addition to those terms defined in the plumbing code adopted by section 26-
409, for the purposes of this division, the following terms shall have the meanings
ascribed to them in this section:

Approved device means devices tested and accepted by a recognized testing
laboratory approved by the state department of health and environment and the city.

AWWA means the American Water Works Association. AWWA Manual M14
shall be used as a reference in enforcement of this Code.

Backflow license means a document issued by the development services
division to a certified backflow tester/technician. Fees and renewal schedule will be
determined by the development services division.

Certified tester/repair technicians are those who have successfully completed a
Kansas Department of Health and Environment approved training course. The initial
certification requires 40 hours in an accredited training session and a passing score on
a written examination. A 16 hour minimum re-certification course at an accredited
training session is required every three years. The development services division shall
license the tester/repair technicians after ascertaining the technician meets the above
qualifications.

*Containment* means a backflow prevention device installed at the service
connection to the property.

*Degree of hazard* shall mean either a low hazard (pollutant) or high hazard
(contaminate). The assessment for the "degree of hazard" shall be derived from the
evaluation of conditions within a system.

*Dual check valve* means a device consisting of two internally loaded soft-seated
check valves. This device does not contain test ports and is acceptable for use only at
the meter of residential customers. Dual check valves are not approved for installation
as backflow prevention devices.

*Free water surface* means a water surface at atmospheric pressure.

*High hazard* is a type of cross connection or potential cross connection involving
any substance that could, if introduced into the potable water supply, cause death,
ilness, spread disease, or have a high probability of causing such effects.

*Hold harmless agreement* is a document filed with the development services
division to permit installation of lawn irrigation systems in an easement or right-of-way.

*Isolation* shall mean the appropriate method of backflow prevention within the
consumer's potable water system at the point of use.

*KDHE* means the Kansas Department of Health and Environment.

*Low hazard* is a type of cross connection or potential cross connection involving
any substance that generally would not be a health hazard, but would constitute a
nuisance, or be aesthetically objectionable, if introduced into the domestic water supply.


USC means the current edition of the University of Southern California, Foundation for Cross Connection Control and Hydraulic Research. The USC Manual of Cross Connection Control shall be used as a reference in the enforcement of this Code.

Vacuum means any absolute pressure less than that exerted by the atmosphere.

Section 8. That City of Topeka Code § 26-454, Reserved, is hereby amended by the addition of the following language:

**Backflow license.**

a. No permit for installation device shall be issued except to a certified backflow tester/technician holding a current backflow license. Backflow licenses shall require a fifty dollar ($50.00) annual fee.

b. No permit shall be issued until a complete application, including the annual fee, has been submitted to the development services division on forms provided by the division.

c. In addition to the foregoing license and application fees, backflow maintenance services shall also be subject to the following administration fees and charges:

- Processing of returned incomplete application: $30.00
- Failure to have an inspection report (1st offense): $50.00
- Failure to have an inspection report (2nd offense): $100.00
Section 9. That City of Topeka Code § 26-463, Maintenance requirements, is hereby amended to read as follows:

Maintenance requirements.

(a) Generally.

(1) Maintenance, repair and testing of these devices shall be made by certified backflow/tester technicians. (Certified testers are those technicians who have completed a state department of health and environment approved training course and have passed a written examination such as the American Backflow Prevention Association device testers examination.) The development services division will also assure the proper installation of all backflow preventers and will set appropriate testing intervals, and testing standards and overhaul schedules for such devices. Testing intervals shall not exceed one (1) year and overhaul intervals shall not exceed five (5) years. Each backflow preventer shall be tested annually and shall be rebuilt as needed. In cases where the degree of hazard is considered high, the development services division may require the devices to be tested on a more frequent basis.

(2) Certified tester/repair technicians. All certified tester/repair technicians shall be re-certified at no less than three- (3) year intervals and licensed with the city.

(b) Notification. The development services division shall notify the owner, or authorized agent of the owner, of a building or premises in which there is found a violation of this division, of such violation. The development services division shall set a reasonable time for the owner to have the violation corrected. If the owner fails to correct the violation within the specified time, the water division shall cease delivery of
water to the fixture, device, building or premises until the violation has been satisfactorily corrected.

Section 10. That City of Topeka Code § 26-521, Applicability of mixed use districts, is hereby amended to read as follows:

Any person wishing to demolish any structure within the corporate limits of the city shall first secure a demolition permit therefor, which shall set forth any restrictions or special conditions to be met. The fee for a demolition permit shall be thirty dollars ($430.00); in instances when no sewer cap inspection is required and fifty dollar ($50.00) for a demolition permit requiring a sewer cap inspection.

Section 11. That City of Topeka Code § 30-53, Same--Cereal malt beverage retailer, is hereby amended to read as follows:

Same--Cereal malt beverage retailer.

a. All applications for a license to sell cereal malt beverages at retail in original and unopened containers and not for consumption on the premises shall be accompanied by a limited retailer license fee of one hundred dollars ($100.00) per year.

b. All applications for the sale of cereal malt beverages for consumption on the premises shall be accompanied by a general retailer license fee of two hundred dollars ($200.00) per year.

c. In addition to the foregoing license fee any person desiring a cereal malt beverage license for consumption on or off premises shall pay the following administrative fees for inspection of the premises:

   General inspection fee: $50.00 per hour

   Expedited inspection fee with less than twenty-four (24) hour notice: $100.00 per hour
**Section 12.** That City of Topeka Code § 30-62, Contractors, masters, journeymen and apprentices, electrical, mechanical, plumbing and gas fitting trades, is hereby amended to read as follows:

**Contractors, masters, journeymen and apprentices, electrical, mechanical, plumbing and gas fitting trades.**

a. The original license or registration fees for contractors, masters, journeymen and apprentices in the electrical, mechanical, plumbing and gas fitting trades are:

1. Contractor........$250.00
2. Master..........none
3. Journeyman.......none
4. Apprentice registration.......4.00

**Definitions.**

*Commercial contractor type I* shall entitle the holder of this license to contract for and to perform any act as a contractor to erect, construct, enlarge, or remodel any commercial, single or multiple dwelling residential buildings not exceeding three (3) stories in height and to perform non-structural remodeling, and tenant finishes.

*Commercial contractor type II* shall entitle the holder of this license to contract for and to perform any act as a contractor for any structure.

*Concrete contractor* shall entitle the holder thereof to contract for and perform any act as a contractor to pour and finish any floor, driveway, parking area, street, or sidewalk or to pour and finish any footer, basement, wall, or other structural building element.
Demolition contractor shall entitle the holder thereof to demolish any building.

Elevator contractor shall entitle the holder thereof to contract for and perform any act as a contractor to install, repair and maintain any elevator, dumbwaiter, escalator, or moving walk.

Excavation contractor shall entitle the holder thereof to contract for and perform any act as a contractor to grade, excavate, fill, clear, and construct earth works.

Fire alarm contractor shall entitle the holder thereof to contract for and perform any act to install, maintain, repair, or alter any fire alarm system.

Fire sprinkler contractor shall entitle the holder to install, maintain, repair, alter or extend all piping for fire sprinkler systems, including the connection to the water service outlet provided for fire sprinkler systems.

Residential contractor shall entitle the holder thereof to contract for and to perform any act as a contractor to erect, construct, enlarge, or remodel any one (1) or two (2) family residence and accessory buildings thereto.

Roofing contractor shall entitle the holder thereof to contract for and to install, repair and replace roofs. Work may include roof deck insulation, roof coating, painting and covering, and may include use of sheet metal and installation of other sheet metal products incidental to roofing work or other material in connection therewith, or any combination thereof.

Swimming pool contractor shall entitle the holder thereof to contract for and to excavate, construct, fabricate, install and equip all swimming pools, including the pumps, pool heaters, solar pool heaters, filters and chlorinators and that piping incidental to the recirculating system. A swimming pool contractor may do concrete
work such as a patio incidental to the pool.

*Trade contractor* shall entitle the holder thereof to contract for and to perform any
act as a contractor to construct, remodel, repair, or remove the plumbing, electrical, or
mechanical facilities for which the contractor has passed the required examination or
has in its employed the appropriate master.

b. Renewal of license for the trades listed in this section:

1. Contractor . . . . . . 50.00
2. Master . . . . . . 50.00
3. Journeyman . . . . . . 15.00
4. Apprentice registration . . . . . . 4.00

The original annual license or registration fees for contractors, masters, journeymen and apprentices in the electrical, mechanical, plumbing and gas fitting trades are:

1. Contractor

   a. Commercial contractor type I $250.00
   b. Commercial contractor type II $450.00
   c. Concrete contractor $150.00
   d. Demolition contractor $150.00
   e. Elevator contractor $150.00
   f. Excavation contractor $150.00
   g. Fire alarm contractor $150.00
   h. Fire sprinkler contractor $150.00
   i. Residential contractor $200.00
i. Roofing contractor $150.00
k. Swimming pool contractor $150.00
l. Trade contractors $250.00

1. Master $100.00
2. Journeyman $50.00
3. Apprentice registration $30.00

c. Registration for out-of-city licenses for the trades listed in this section:

Annual renewal of license for the trades listed in this section:

1. Master $50.00 Contractor

a. Commercial contractor type I $200.00
b. Commercial contractor type II $400.00
c. Concrete contractor $100.00
d. Demolition contractor $100.00
e. Elevator contractor $100.00
f. Excavation contractor $100.00
g. Fire alarm contractor $100.00
h. Fire sprinkler contractor $100.00
i. Residential contractor $150.00
j. Roofing contractor $100.00
k. Swimming pool contractor $100.00
l. Trade contractors $150.00

2. Journeyman $15.00

1. Master $75.00
2. Journeyman $30.00
3. Apprentice registration $20.00

d. Registration for out-of-city licenses for the trade contractors listed in this section:

1. Master $100.00
2. Journeyman $50.00

e. In addition to the foregoing license or registration fees the following fees or charges shall also apply to all contractors’ licenses.

   Change of designated master for trade contractors: $50.00
   Reinstatement fee: $30.00
   Change of address: $30.00
   Duplicate license: $30.00
   Exam application: $50.00
   Exam re-test: $50.00
   Grade verification letter: $50.00

Section 13. That City of Topeka Code § 30-67, Mobile home park, is hereby amended to read as follows:

Mobile home park.

a. The annual license fee for a mobile home park shall be forty dollars ($440.00) per park plus two dollars ($2.00) per unit. The maximum license fee shall be limited to two hundred forty dollars ($240.00)

b. The full amount of the mobile home park license fee shall be required regardless of the time of the year in which the application is made, and the licensee
shall only be authorized to operate under the license for the remainder of the period of
July 1 following the date on which the license is issued.

Section 14. That City of Topeka Code § 30-71, Public dances, is hereby
amended to read as follows:

Public dances.

a. Each person proposing to hold public dances, or permit public dancing,
shall pay the following license fees:

1. For dances held for private gain in any hall or public place:
   a. Per dance ...... $ 5.00
   b. Per year ...... 50.00

2. For dances permitted in any restaurant or dining place which does
not dispense cereal malt beverages, per year ...... 50.00

3. For dances permitted in any restaurant or dining place where cereal
malt beverages are sold or dispensed, per year ...... 100.00

4. For dances permitted in any hall or public place solely operated by
and conducted under the supervision of any nonprofit religious, literary, scientific,
benevolent, charitable or social society, association, company, corporation, club
or institution, per year ...... 5.00

b. All annual licenses granted under this section shall be for the current
license year, no license fees shall be prorated by the city clerk, and all licenses shall
expire on December 31 of each year.

c. In addition to the foregoing license fees, any person proposing to hold
public dances or permit public dancing shall also pay the following administrative fees
for inspection of the facilities.

General inspection fee: $50.00 per hour

Expedited inspection fee with
less than twenty-four (24) hours notice: $100.00 per hour

Section 15. That City of Topeka Code § 66-103, Fees, is hereby amended to read as follows:

Fees.

All applications for a permit under this article shall be accompanied by a fee to cover the costs of plan review and inspection. Such fees shall be in accordance with the following:

<table>
<thead>
<tr>
<th>Removal or Increase of</th>
<th>Fee</th>
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<tr>
<td>0--100 cubic yards....</td>
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<tr>
<td>101--1,000 cubic yards....</td>
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<td>1,001--5,000 cubic yards....</td>
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<tr>
<td>5,001--500,000 cubic yards...</td>
<td>$200.00</td>
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<tr>
<td>500,001 or greater cubic yards....</td>
<td>$300.00</td>
</tr>
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Section 16. That City of Topeka Code § 118-59, Fees, is hereby amended to read as follows:

Fees.

Any person desiring a permit under the provisions of this division shall, at the time of receiving such permit, pay to the city the fees required as follows:

1. Wall sign or nonfreestanding sign . . . . . . $45.00 30.00
2. Freestanding sign . . . . $35.00 $60.00

3. Any advertising sign affixed to a trailer which is used solely for the transportation of the advertising sign and is not designed to carry any other load, a fee of ten dollars ($10.00) per year per sign. This fee will allow the sign to be placed by the owner for a period of one (1) year from date of issue at locations which comply with sign location requirements, when prior notice of the proposed location is given to the building code enforcement division and approval given by that division.

Section 17. That original Topeka City Code §§ 26-58, 26-123, 26-139.1.5, 26-204, 26-251, 26-255, 26-446, 26-454, 26-463, 26-521, 30-53, 30-62, 30-67, 30-71, 66-103, and 118-59 are hereby specifically repealed.

Section 18. 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 JUL 2 0 2004 .

James A. McClinton, Mayor

ATTEST:

Iris E. Walker, City Clerk