ORDINANCE NO. 18479


WHEREAS, effective April 12, 2005, the City of Topeka, pursuant to Charter Ordinance No. 94, adopted by the City Council on July 20, 2004, and approved by the electors of the city on November 2, 2004, is governed by a city manager form of government; and

WHEREAS, the city manager form of government adopted pursuant to Charter Ordinance No. 94 provides for the city manager to assume responsibility for administrative duties; and

WHEREAS, the city manager form of government adopted pursuant to Charter Ordinance No. 94 does not provide for the position of Chief Administrative Officer; and

WHEREAS, the adoption of Charter Ordinance No. 94 necessitates amendments to the code of the City of Topeka.

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

Section 1. That City of Topeka Code § 18-32, Animal control officer, is hereby amended to read as follows:

Animal control officer.

(a) There is hereby created an office to be known as animal control officer for the enforcement of ordinances relating to animals.
(b) The animal control officer shall be appointed by the mayor by and with the advice and consent of the city council city manager or designee. The animal control officer shall receive such salary as may be provided by ordinance and shall be responsible to the chief of police.

Section 2. That City of Topeka Code § 26-57, Grounds for mandatory permit denial, is hereby amended to read as follows:

Grounds for mandatory permit denial.

The following shall constitute grounds for mandatory denial of a residential or commercial building permit under this chapter:

(1) The owner of the premises for which a residential or commercial building permit has been requested owes any delinquent debt or has any delinquent outstanding financial obligations to the city relating to the premises for which the residential or commercial building permit has been sought.

(2) The owner of the premises for which a residential or commercial building permit has been requested owes any delinquent real estate taxes, personal property taxes or special assessments on the premises for which the residential or commercial building permit has been sought.

(3) The owner of the premises for which a residential or commercial building permit has been requested owes any delinquent real estate taxes or special assessment to the City of Topeka on any parcels of real estate located in the City of Topeka boundaries or within the three-mile area adjacent to the City of Topeka boundaries contained in the same subdivision.
for which the final plat approval has been given by the city. The mayor or a designee may waive the restrictions imposed by this paragraph three. All waivers shall be reported to the city council.

(4) Nothing contained in this section shall prohibit the issuance of a residential or commercial building permit to perform repairs to an existing structure which is unsafe within the meaning of this chapter if the public works director or his or her designee determines such repairs should be performed immediately to protect the safety of either the building's occupant or the public.

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 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 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 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 § 34-38, Review of Application, is hereby amended to read as follows:

Review of application.

(a) In the case of an application for an initial franchise or for a renewal franchise that is not governed by the formal renewal provisions of the cable act:

(1) After receiving a complete application, along with the required application fee, the city will issue a request for proposal, unless (i) the applicant is not the true party in interest; (ii) the applicant does not intend to abide by the provisions of this chapter; or (iii) the applicant submits a
proposal under subsection (a)(3) of this section, in which case the city need not issue a request for proposals.

(2) The request for proposals ("RFP") will require the applicant to provide information required under this section. The city promptly will conduct proceedings and commission any studies required to identify future cable-related needs and interests and to establish requirements that are to be included in a request for proposals, and promptly issue an RFP following the conclusion of those proceedings and studies.

(3) In the alternative, an applicant may submit a proposal containing the information required in section 34-39.

(4) The city may advertise for additional applicants to respond to an RFP or to any proposal submitted by an applicant under subsection (a)(3).

(5) The city will give prompt public notice when it receives a properly completed franchise proposal. After receiving a proposal that contains the required information, the city will schedule a meeting or meetings to determine whether a franchise should be granted. In making this determination, the city will consider:

a. The extent to which an applicant for renewal has substantially complied with the applicable law and the material terms of any existing cable franchise for the city.

b. Whether the quality of an applicant for renewal's service under its existing franchise, including signal quality, response to
customer complaints, billing practices and the like, has been reasonable in light of the needs of the community.

c. Where the applicant has not previously held a franchise for the city, whether the applicant's record in other communities indicates that it can be relied upon to provide high-quality service throughout any franchise term.

d. Whether the applicant has the financial, legal and technical ability to provide the services, facilities and equipment set forth in a proposal satisfying any minimum requirements established by the city.

e. Whether the applicant's proposal is reasonable to meet the future cable-related needs and interests of the city, taking into account the cost of meeting such needs and in light of the requirements established by the city.

f. Whether issuance of a franchise is warranted in the public interest considering the immediate and future effect on streets and private and public property that will be used by the applicant's cable system, including the extent to which installation or maintenance as planned would require replacement of property, or involve disruption of property, public services, or interfere with the use of public property or streets; the effect of granting the franchise on the ability of cable to meet the cable-related needs and interests of the
community; and the comparative superiority or inferiority of competing proposals received by the city.

(6) The city need not review any proposal that does not include information required by this chapter.

(b) Applications for renewal governed by the formal renewal provisions of the cable act shall be submitted in accordance with this section. An operator that is entitled to exercise rights under 47 U.S.C. section 546(a)–(g) must submit a notice in writing to the city in a timely manner clearly stating that it is activating the formal renewal procedures of the cable act. At the same time it submits this notice, it must also submit the information and application fee required by section 34-37(b).

(c) This chapter is not intended and shall not be interpreted to grant any applicant or grantee standing to challenge the issuance of a franchise to another, nor, unless otherwise provided by the franchise, shall it limit the legal rights of the applicant or grantee. Nothing in this section prohibits the city from relying on studies or proceedings previously conducted in drafting a request for proposals if the chief administrative officer, city manager or designee concludes that those studies or proceedings continue to reflect community needs and interests. Nothing in this section prohibits an applicant for renewal from submitting a proposal under 47 U.S.C. section 546(h). However, an applicant which submits a request for a renewal franchise, the review of which would be governed by 47 U.S.C. section 546(a)–(g), may not, while that application is pending, also submit a proposal which would be governed by subsection (a) of this section, and vice versa.

(d) If, considering the factors set forth in this section, the city determines that a franchise should issue to an applicant, the chief administrative officer, city manager or
designee shall promptly prepare a final franchise agreement for approval and signature by
the applicant and the city. In addition to other matters that may or must be addressed
therein consistent with the cable act, the franchise agreement shall specify:

(1) The franchise area for which the franchise is awarded, and the terms
and conditions under which the grantee must extend service to persons
within that franchise area;

(2) The term of the franchise;

(3) Requirements for cable system design and performance;

(4) Equipment and facilities requirements; and

(5) Requirements related to channels, facilities and equipment, and the
use and support of channels, facilities and equipment for public, educational
and governmental use (including institutional uses).

The franchise area may be larger, smaller or the same as the franchise area
identified by an applicant. No franchise shall be effective or shall issue until an applicant
has entered into a franchise agreement with the city, the franchise agreement has been
approved by the city, and the grantee has filed an unconditional acceptance of the
franchise, in a form acceptable to the city attorney.

Section 5. That City of Topeka Code § 34-39, Contents of proposal and review, is
hereby amended to read as follows:

Contents of proposal and review.

(a) Every request for proposals ("RFP"), including a request for a renewal
proposal issued pursuant to 47 U.S.C. section 546(b), shall specify minimum requirements
that an applicant must satisfy for facilities and equipment, including access facilities and
equipment; channel capacity for public, educational and governmental use; and such other
requirements as the city may establish in an RFP under the cable act. The RFP shall
attach a draft franchise agreement, and shall invite comments on that draft franchise
agreement. In addition, the RFP shall require each applicant to provide at least the
information required to determine the degree to which granting the franchise is likely to
result in damage to streets or public or private property; disrupt use of or require
replacement of streets or public or private property; and information required in order to
permit the city to determine whether the applicant has the financial, legal and technical
qualifications to operate a cable system in the city. The RFP shall require each applicant to
provide information required to assess its proposal. It may also contain or refer to other
information that may assist an applicant in preparing a proposal. The information sought
shall include at least the following:

(1) Changes to the information submitted with the application.

(2) The names and addresses of the ten largest holders of an ownership
interest in the applicant, and all persons with two percent or more ownership
interest, including the names and addresses of parents or subsidiaries
holding such ownership interests, directly or indirectly; the persons who
control the applicant; all officers and directors of the applicant; any other
business affiliation and cable system ownership interest of each named
person; and a statement describing the applicant, its officers and directors,
partners or major shareholders, indicating business experience and other
pertinent information, including experience and performance in the cable
television system and service field showing any interest in other franchises,
the date such franchises were granted and the status of installation and 
operation thereof, and the value, size and character of the operations under 
the other franchises.

(3) Information showing that the applicant, and any person controlling the 
applicant, and any other entity which will constitute a cable operator of the 
cable system under the cable act, are legally qualified to hold the franchise, 
applying the standards set forth in section 34-70.

(4) A demonstration of the applicant's technical and financial ability to 
construct and/or operate the proposed cable system, including identification 
of key personnel.

(5) A statement prepared by a certified public accountant regarding the 
applicant's financial ability to perform as proposed.

(6) A detailed description of the physical facilities proposed, including 
channel capacity, technical design, performance characteristics, headend, 
and access facilities; such description should specify the model and make of 
the system components the applicant intends to use, or if the applicant has 
not selected a particular brand of equipment, the minimum manufacturer's 
specifications which the components used must meet.

(7) A detailed description of the procedures the applicant intends to follow 
in constructing, operating and maintaining the system. If the applicant plans 
to upgrade or rebuild an existing system, the description should explain the 
steps which will be taken to upgrade the system, describe the service 
disruptions which are expected to result, and describe the steps the applicant
intends to take in order to minimize cable service disruptions and how it intends to compensate affected subscribers for those service disruptions.

(8) An estimate of plant mileage that will be installed and its location, the proposed construction schedule, and information on the availability of space in conduits and on poles in the areas to be served, including an estimate of the cost of any necessary rearrangement of existing facilities.

(9) A schedule of the maximum initial rates and charges to subscribers, including late fees, disconnect fees and fees for each cable service the operator intends to provide, and a description of the service that will be provided for those rates.

(10) A narrative description of the future cable-related needs and interests of the city, and a showing that the proposal will adequately meet those needs and interests, including, particularly, how the proposed system will be upgraded or rebuilt to take advantage of changes in technology during the franchise term; and a copy of any community needs assessment conducted or relied upon by the applicant.

(11) Pro forma financial projections for the proposed cable system for ten years, including a statement of projected revenue and a schedule of planned capital additions, with all significant assumptions explained in notes or supporting schedules.

(12) An affidavit or declaration of the applicant or authorized officer certifying the truth and accuracy of the information in the application,
acknowledging the enforceability of application commitments, and certifying that the proposal meets all federal and state requirements.

(13) If an applicant proposes to provide cable service to an area already served by an existing cable franchisee, the identification of the area where the overbuild would occur, and the potential subscriber density in the area which would encompass the overbuild.

(14) The effect construction of the cable system is likely to have on the public streets, and public or private property in the streets that will be used by the applicant's cable system; and the extent to which construction, installation or maintenance as planned would require replacement of property, or involve disruption of property, public services (including cable service), or use of the streets; and the expected effect of granting the franchise on the ability of cable to meet the cable-related needs and interests of the community.

(15) A declaration by the applicant that the application is true and complete, and that no person not shown in the application has any interest in the application for a franchise.

(b) The city council shall authorize the issuance of any request for proposal by resolution.

(c) The city attorney shall prepare instructions and furnish the same to all interested parties stating how a proposal shall be submitted, and will answer questions concerning the requirements of this section.
(d) It is the obligation of an applicant to submit a proposal that shows that, if granted a franchise, the applicant will meet the reasonable cable-related needs and interests of the community. An applicant shall submit additional information it deems appropriate to the consideration of its proposal, whether the information is required or not.

(e) The chief administrative officer, city manager or designee shall establish a deadline for the receipt of proposals from any interested applicants. Each applicant shall submit 15 copies of its proposal. Each proposal shall be accompanied by a bid bond in the amount of $75,000.00. If a franchise is not awarded to an applicant, the applicant's bid bond will be returned. If the franchise is awarded, the bond will be used to pay all reasonable costs incurred by the city in evaluating the applicant's proposal, and the remainder shall be returned. The chief administrative officer, city manager or designee may waive or reduce the bid bond requirement if comparable alternative arrangements are made in the franchise agreement.

(f) The city may request additional information from any applicant as required to understand or evaluate the applicant's proposal.

Section 6. That City of Topeka Code § 34-92, Operation and consumer protection—generally, is hereby amended to read as follows:

Operation and consumer protection—Generally.

(a) Customer service.

(1) Every grantee must meet or exceed requirements for customer protection established by the city, whether the franchise was issued before or after March 9, 1993. The standards initially applicable shall be attached to the ordinance from which this chapter derives. The
The city manager may from time to time propose amendments to the rules as necessary to ensure that high quality customer service is provided by each grantee. The chief administrative officer city manager shall provide a copy of amendments to the standards to every person holding such a franchise, and every person which has a pending application for a cable franchise at the time the draft standards are developed. The chief administrative officer city manager shall provide each such person the opportunity to submit at least written comments on the amendments to the standards. After reviewing the comments, the chief administrative officer city manager shall submit the standards to the city council for approval.

(2) In the case of any franchise issued after March 9, 1993, the franchise agreement shall provide for enforcement of specified customer service standards of the grantee, which standards must meet or exceed the standards established by the city under subsection (a)(1) of this section in effect at the time the franchise agreement is executed. The franchise agreement may provide for "reopeners" or clauses which require periodic discussion and negotiation concerning customer service standards and other matters.

(3) Nothing in this section shall be read to limit the city's right to adopt other consumer protection laws.

(4) The standards developed under subsection (a)(1) of this section shall be designed to ensure a uniform level of service to all cable customers within the city at a reasonable cost. In ensuring a uniform level of service, the
standards against which service is measured may differ depending on the size of the system and the density of the area served by the system.

(5) Any grantee which fails to satisfy the standards adopted by the city under subsection (a)(1) of this section shall give notice that it may be found to have failed to provide adequate service within the meaning of 47 U.S.C. section 546(c)(1)(A) or (B), as appropriate.

(b) *Maintenance and complaints.*

(1) A grantee shall render efficient service, make repairs promptly and interrupt service only for good cause and for the shortest time possible.

(2) Complaints concerning billing, employee courtesy, programming, safety or a grantee's operational policies, as well as all other complaints, including complaints about outages, signal quality and service disruptions, shall be recorded. For purposes of this section, a customer request for information shall not be considered a complaint. A grantee will maintain records of complaints for five years. Copies of the complaint records shall be provided to the city on request. A grantee may remove all information which identifies specific customers if required by federal law.

(3) Each grantee shall maintain a sufficient repair force of technicians to respond promptly to subscriber complaints, loss of service, or requests for service. Each grantee shall have in place at all times the equipment required to locate and correct system malfunctions.

(4) All subscribers and members of the general public in the city may direct complaints and inquiries regarding a grantee's service or performance.
to the city. Upon the request of the complaining party or the grantee concerning which the complaint was filed, the city's chief administrative officer, city manager or designee shall act as a board of review of a complaint or dispute, and recommend action for resolution. A grantee may not disconnect service to any subscriber until the complaint or dispute is resolved. A grantee may not levy or accrue late charges, administrative charges or other similar charges during the first 14 days the complaint or dispute is pending review or until the complaint or dispute is resolved, whichever occurs first. Any charges or fees thereafter levied or assessed shall be immediately refunded with interest if the complaint or dispute is resolved in the subscriber's favor. Interest shall be at the rate established for judgements in the state. A grantee's good faith or lack thereof in attempting to resolve complaints in a fair and equitable manner will be considered in connection with any renewal application filed by the grantee.

(5) If a complaint or dispute directed to it is determined by the city to be a potential violation of this chapter, and after written notification to the grantee of that determination, the city may exercise any of its other rights and remedies under the franchise.

(b) Nondiscrimination.

(1) A grantee shall not, in its rates or charges, or in the availability of the services or facilities of its system, or in any other respect, make or grant undue preferences or advantages to any subscriber, potential subscriber, or group of subscribers or potential subscribers, nor shall a grantee subject any
such persons or group of persons to any undue prejudice or any disadvantage; provided, however, a grantee may offer temporary, bona fide promotional discounts in order to attract or maintain subscribers, provided that such discounts are offered on a nondiscriminatory basis to similar classes of subscribers throughout the city. A grantee shall not deny, delay, or otherwise burden service or discriminate against subscribers or users within its franchise area on the basis of age, race, creed, religion, color, sex, handicap, national origin, marital status or political affiliation, except for discounts for the elderly or handicapped that are applied in a uniform and consistent manner.

(2) A grantee shall not deny cable service to any group of potential subscribers because of the income of the residents of the area in which the group resides. No "redlining" will be tolerated.

(3) A grantee shall not refuse to employ, nor discharge from employment, nor discriminate against, any person in compensation or in terms, conditions or privileges of employment because of age, race, creed, religion, color, sex, handicap, national origin, marital status or political affiliation. The grantee shall comply with federal, state and local laws and regulations governing equal employment opportunities.

(4) A grantee shall not discriminate against minority-owned businesses in contracting for or otherwise procuring goods or services. A grantee shall use its best efforts to purchase goods and services from minority-owned businesses. Within 45 days of the effective date of its franchise, and before
letting any contract for the construction, upgrade or rebuild of the cable system required under its franchise, grantee shall develop an affirmative action plan which shall include at least the following elements: Detailed plans for advising minority-owned businesses of opportunities for the provision of goods and services to grantee; and goals for use of goods and services provided by or through minority-owned businesses. The fact that the plan is to include these elements does not mean that the plan is to be restricted to these elements. The affirmative action plan shall be regularly reviewed for effectiveness.

Failure to meet any goal established in the affirmative action plan will not in itself be deemed proof that a grantee is discriminating against minority-owned businesses, but may be reviewed by the city as one factor, along with its hiring and procurement practices, in determining whether a grantee is in compliance with its obligation not to discriminate.

(d) Parental control device. Upon request, grantee shall provide parental control devices to any subscriber. Grantee shall charge no more than its cost for the parental control devices it provides. Grantee must provide subscribers an opportunity to obtain the device within 30 days of initial installation or subscription to the cable system. No additional installation charge may be made for this service if obtained within 30 days of initial installation or subscription. The grantee may charge a reasonable installation fee if the parental control device is obtained after 30 days of the initial installation or subscription.

Section 7. That City of Topeka Code § 34-94, Cable service rate regulation, is hereby amended to read as follows:

Cable service rate regulation.
(a) Authority; establishment. Pursuant to the cable act of 1992 and Federal Communications Commission (FCC) regulations, the city hereby establishes the following rate regulation procedures. These rate regulation procedures shall be interpreted consistently with FCC regulations and are intended to supplement, not replace, FCC regulations. All terms and phrases shall have the meanings ascribed to them by FCC regulations. FCC regulations or rules on any rate regulation matters not specifically addressed by this section are hereby incorporated by reference.

(b) Procedures.

(1) Pursuant to FCC rules, an operator must file its schedule of rates for the basic service tier and accompanying equipment with the city within 30 days after receiving notice that the city has been certified by the FCC to regulate rates or the effective date of this section, whichever occurs later. The operator shall also submit, with the rate schedule, any necessary supporting materials. Likewise, an operator seeking an increase in basic service tier rates shall submit notice of the proposed rate increase to the city and subscribers at least 30 days prior to the proposed effective date of the rate increase. Notice to subscribers shall be made during the billing cycle which is at least 30 days prior to the date the proposed increase is to go into effect.

(2) If the city council, by resolution, determines that the current rate schedule or a proposed increase is reasonable under FCC rules, the rates, and the requested increase, if appropriate, will go into effect 30 days after filing with the city.
(3) If the chief administrative officer city manager of the city determines that more time is needed to evaluate the proposed rates, the city is unable to determine whether the proposed rates for the basic service tier and accompanying equipment are reasonable, based on the material submitted with the rate schedule, or if the operator has submitted a cost-of-service showing seeking to justify a rate above the reasonable level, the city may toll the effective date of the proposed rates for an additional period of time to request additional information pursuant to subsection (b)(10) of this section and evaluate the information submitted by the operator in order to make a final determination. Specifically, the city may toll the effective date of the proposed rates for 90 additional days if it needs additional time to ensure that a proposed rate is within the FCC's reasonableness standard. Further, the city may toll the effective date of the proposed rates for 150 days to evaluate a cost-of-service showing seeking to justify a basic service rate or rate increase above the FCC's reasonable level. To toll the effective date of the proposed rates, the chief administrative officer city manager must issue a brief order, within the initial 30-day period, explaining that the city needs additional time to review the proposed rates, the reason for the tolling, and granting the operator the opportunity to cure any deficiencies in its original filing.

(4) If the operator submits a proposed rate increase for review that appears to exceed the presumptively reasonable level and does not include a cost-of-service showing to justify the rate, the chief administrative officer...
city manager must inform the operator of this possibility and must permit the
operator to cure this deficiency and submit a cost-of-service showing within
the time periods established in subsection (b)(4) above. The burden of proof
is on the operator to demonstrate that its initial rates for the basic service tier
and accompanying equipment, or proposed increases in these rates is
reasonable pursuant to FCC standards.

(5) If the city fails to take action within the time periods established above,
the proposed rates will go into effect, subject to subsequent refund orders.
The city council, by resolution, may issue a written decision after the
additional 90 or 150 days have lapsed and order refunds for any portion of
the proposed rates that are found to be unreasonable and are not sufficiently
justified. In such situations, the city council, by resolution, may issue a brief
written order at the end of the 90- or 150-day periods requesting the operator
to keep accurate account of all amounts received by reason of the proposed
rate and on whose behalf such amounts are paid.

(6) The city council shall issue a written decision by resolution to the
public and give public notice of such decision whenever it disapproves, in
whole or in part, either initial rates for the basic service tier and
accompanying equipment, or a request for an increase in those rates, or
approves a proposed rate over the objections of interested parties.

(7) If, after a review of basic service tier and equipment rates, the city
determines that the rates for the basic service tier or equipment exceed
permitted levels, the city council may, by resolution:
a. Order a prospective reduction of those rates to bring them into compliance with FCC rate standards. In addition, reductions below the permitted basic service tier rate may be ordered based upon a cost-of-service showing.

b. Prescribe a reasonable rate in place of the proposed unreasonable rate, including the establishment of a rate level to which the city would not object if the proposal were resubmitted. The prescribed rate may not be lower than the FCC's permitted rate. The city may prescribe a rate different from the proposed rate provided that, after giving the operator an opportunity to participate, it issues a written decision affirmatively demonstrating why the proposed rate is unreasonable and why the prescribed rate is reasonable.

c. Order refunds in the following situations:

1. An operator has failed to comply with a rate decision and continued to charge unreasonable rates. Refunds may be ordered back to the effective date of the city's rate order.

2. As part of its initial review of existing rates, the city may order refunds for unreasonable rates that exceed the permitted levels and are not supported by a persuasive cost-of-service showing by the operator. The permissible refund period commences on the date the
operator implements a prospective rate reduction and goes back in time to the effective date of the FCC rules on this matter or one year, whichever is shorter.

3. If the city has tolled a proposed rate increase for 90 or 150 days, as provided above, and has not completed its review by the end of these time periods, the proposed rates may go into effect subject to a refund, if portions of the rates are later found to be unreasonable. The permissible refund period commences on the date the city releases its accounting order, as provided in subsection (b)(5) of this section, and ends on the date the operator implements a prospective rate reduction ordered by the city or one year, whichever is a shorter time period.

d. In ordering a refund, the city must afford the operator due process by giving it notice and an opportunity to participate before refunds may be ordered. If a refund is ordered and the operator can without undue burden identify actual subscribers who paid the unreasonable charge, the operator must refund the overage specifically to those subscribers. However, where such a refund process creates an undue burden, the operator may implement the refund through a one-time credit issued to
the class of subscribers that was charged the unreasonable rate.

(8) The operator must provide the city 30 days of advance notice of any rate change which it contends are automatic adjustments outside the city's regulatory review. Likewise, the operator must provide subscribers with similar notice at least 30 days prior to the effective date, i.e. at the billing cycle that is at least 30 days before any proposed increase is effective. The notice shall identify which rate changes the operator proposes and the basis for that contention. This designation is not intended to resolve disputes as to the scope of regulation, but will allow the city to identify areas of potential dispute and to evaluate any claims the operator may have that a specific rate or rate change is not subject to regulation. The notice should also identify any planned changes in services or terms and conditions of service, even where the changes are not scheduled to become effective on the same date as the change in rate levels.

(9) Rate increases based on automatic adjustments items, as defined by the FCC are presumed reasonable. Therefore, the city shall, within 30 days of such a rate increase notice, inform the operator of its approval of the proposal or of its disapproval of the proposal as an automatic adjustment item. The failure of the city to act within this 30-day period shall be deemed an automatic approval. The operator may seek FCC review of a decision to disapprove.
(10) The city shall have the right to require the operator to provide additional information, including proprietary information, to make a rate determination in those cases where this information is reasonably necessary to allow the city to make its rate determination, where an operator has submitted initial rates, or where the operator has proposed increases that exceed the FCC’s presumptively reasonable level. A party submitting material which it wishes to remain confidential, i.e. not subject to public disclosure, must request confidentiality with respect to specific portions of the material and make a showing, by a preponderance of the evidence, that nondisclosure is consistent with the provisions of the Freedom of Information Act, 5 U.S.C. section 552. A denial by the city of confidentiality may be reviewed by the FCC, with a release of the submitted information stayed pending review.

(11) Once the city has issued a rate decision, interested parties, including the operator, may appeal the decision as provided by FCC rules.

Section 8. That City of Topeka Code § 50-43, Clerk of the municipal court; appointment; powers and duties; execution of bond, is hereby amended to read as follows:

Clerk of the municipal court; appointment; powers and duties; execution of bond.

The governing body of the city manager may provide for the office of clerk of the municipal court. The municipal judge shall appoint such clerk or if no clerk is provided for, the judge shall also serve as clerk. The clerk shall issue all process of the court, administer oaths, file and preserve all papers, docket cases and set same for trial and shall perform
such further acts as may be necessary to carry out the duties and responsibilities of the
court. The clerk shall receive, account for and pay to the city treasurer monthly all fines and
forfeited bonds paid into the court.

The clerk of the municipal court, or the municipal judge if no clerk is appointed,
within ten days after selection, and before entering upon the duties of office, shall execute
to the city such bond as the governing body city manager may require, which shall be
approved by the governing body city manager, and filed in the office of the city clerk,
conditioned for the faithful performance of the duties required of such clerk by law, and for
the faithful application and payment of all moneys that may come into such clerk's hands in
the execution of the duties of the office. The city shall pay the cost of such bond.

Section 9. That City of Topeka Code § 50-46, Law enforcement officers;
employment; powers, is hereby amended to read as follows:

Law enforcement officers; employment; powers.

The governing body city manager may employ law enforcement officers who shall
have power to execute all process issued by any municipal judge within the state and
delivered to him or her for that purpose, to detain persons, to place them in custody, and to
arrest them, pursuant to the terms of this Act.

The powers of law enforcement officers with respect to the code of criminal
procedure shall not be reduced by this code.

Section 10. That City of Topeka Code § 86-118, Same – Duties generally, is
hereby amended to read as follows:

Same--Duties generally.

It shall be the duty of the equal opportunity officer to:
(1) Conduct periodic departmental reviews to determine compliance with
the city's affirmative action program;
(2) Report to the city manager, human relations commission and the city
council results obtained with the affirmative action program, problems
encountered, resistance or failure to implement the policy of the city, and
recommend remedies; and
(3) Serve as a consultant to the city manager, mayor, city council and
department heads in the development of recruitment programs, selection
procedures, training programs or other personnel functions necessary to
implement the city's affirmative action program.

Section 11. That City of Topeka Code § 86-133, Affirmative action programs, is
hereby amended to read as follows:

Affirmative action programs.

(a) Submission of program. All persons seeking to enter into a contract with the
city shall submit in writing to the contracts and procurement division either an affirmative
action program, a certificate of compliance, or such other certificate as is acceptable to the
contracts and procurement division which evidences the adoption of an affirmative action
program. Such affirmative action program, certificate of compliance or other certificate shall
be approved and on file with the contracts and procurement division, or such plan shall be
submitted with the contract bid. If no affirmative action plan is submitted with the contract
bid, the bid will be considered nonresponsive and will not be accepted. If any person shall
fail or refuse to submit an affirmative action program as required by this division, such
person shall be ineligible to enter into any city contract until the person has so complied.
(b) Review by contracts and procurement division.

(1) Affirmative action program. The contracts and procurement division shall receive and review affirmative action programs submitted to it, and shall approve any such program or shall specify in writing any modification of the program needed to make it conform to the requirements of this division; provided, that prior to final rejection of the program, the contracts and procurement division shall advise and consult with the person submitting such program for the purpose of assisting the person to develop an acceptable affirmative action program.

(2) Certificates of compliance. The contracts and procurement division shall receive and accept certificates of compliance as conforming with the terms of this division respecting submission of affirmative action programs.

(3) Program review committee. A program review committee shall be established for the purpose of reviewing and evaluating the city's minority business enterprise, women business enterprise and disadvantaged business enterprise utilization. The committee members shall be designated by the chief administrative officer city manager. There shall be at least three members of the committee and other members may be added by the chief administrative officer city manager. The executive director of the human relations commission, the director of the public works department, and the director of the contracts and procurement division shall all be members of the committee. All recommendations and determinations of the review committee may be appealed to the chief administrative officer city manager, whose...
decision shall be final and binding. The committee shall have the following duties and responsibilities:

a. Establish, on an annual basis, percentage goals for the utilization of minority business enterprise, women business enterprise and disadvantaged business enterprise participation on city contracts. Goals shall be established upon consideration of the following factors: The number and type of contracts to be awarded, the number and type of minority, women, and socially and economically disadvantaged contractors available, and past results of the city's minority business enterprise, women business enterprise and disadvantaged business enterprise utilization.

b. Review and analyze, on a quarterly basis, minority business enterprise, women business enterprise and disadvantaged business enterprise requirements, to include evaluating the methods for achieving utilization goals and the guidelines for ascertaining contractors' compliance with the city's policies and procedures.

c. Report to the city council on a quarterly basis through the chief administrative officer, city manager, the findings from the review and analysis of minority business enterprise, women business enterprise and disadvantaged business enterprise participation and utilization. The city council shall consider goals for the
city's minority business enterprise, women business enterprise and disadvantaged business enterprise utilization in conjunction with the annual setting of budget priorities.

Section 12. That City of Topeka Code § 86-136, Access to information, is hereby amended to read as follows:

Access to information.

Every person subject to this division is hereby deemed to agree to permit the chief administrative officer, city manager or duly authorized agents or employees access, at all reasonable times, to all such persons, books, papers, records, reports or accounts in the possession of or under the control of such person, as may be necessary to ascertain compliance with this division, and to furnish such further information as may be required of such person, all within ten days of the date requested in writing.

Section 13. That City of Topeka Code § 90-28, Commission, badge, oath, is hereby amended to read as follows:

Commission, badge, oath.

Each police officer appointed under this article shall be issued a commission, signed by the mayor, city manager and attested by the city clerk, and a badge of office. Each such officer and member of the department shall, before entering upon the duties of the office, take and subscribe an oath of office and such other oath as may be required by law, and such oath shall be filed with the city auditor.

Section 14. That City of Topeka Code § 110-42, Planning department, is hereby amended to read as follows:

Planning department.
(a) Created. There is hereby established and created the Topeka planning department, which shall act as the staff of the Topeka Planning Commission. The director of such department shall be known as the planning director and shall be hired by the mayor, city manager. The termination of the planning director's employment may be initiated by the mayor.

(b) Planning director. The planning director shall have a master's degree from a college or university in city or regional planning or other related field, plus five years of planning experience. Waiver of this requirement must be approved by the city council.

(c) Upon the direction of the Topeka Planning Commission, the planning department shall be responsible for preparing, developing, directing, implementing and administering short and long range planning programs to ensure the orderly growth and harmonious development of the city, and the city's three mile extraterritorial jurisdiction and promote efficient use of city resources in compliance with ordinances, resolutions, statutes, policies and procedures pertaining to land use, development, zoning, and economic development. The planning director shall advocate for and monitor the implementation of the comprehensive metropolitan plan and facilitate the update of the comprehensive metropolitan plan annually.

(d) The planning director shall actively participate in the development and update of the capital improvement programs for the city.

(e) The Topeka Planning Department shall provide the city council such advice as appropriate regarding all proposed annexations in conformance with the provisions of Chapter 12, Article 5 of the Kansas Statutes Annotated and amendments thereto.
Section 15. That City of Topeka Code § 130-207, Removal of barricades, is hereby amended to read as follows:

Removal of barricades.

It shall be unlawful for any person to break or tear down, remove or interfere with any barricade erected by order of the commissioner of streets and public improvements director of public works around any condemned sidewalk or areaway or any portion thereof.

Section 16. That § 1 of City of Topeka Ordinance No. 18365 is hereby amended to read as follows:

Application required.

(a) The city will not consider the granting of any tax exemption under this article unless the business submits a full and complete application, and provides such additional information as may be requested by the council. The chief administrative officer city manager or a designee is hereby authorized and empowered to prepare a standard application form which, upon completion, will provide the council with adequate and sufficient information to determine whether a tax exemption should be granted and the amounts thereof. The accuracy of the information provided in the application shall be verified by the applicant. Any misstatement of or error in fact may render the application null and void and may be cause for the repeal of any ordinance adopted in reliance on such information. No application shall be received or considered after the start of construction for improvement on which the exemption is sought, provided; however, that an applicant who misses the filling deadline may submit a written statement to the chief administrative officer city manager requesting permission to file the application within the
calendar year wherein the construction or improvement is commenced. The applicant must show excusable neglect and reliance upon the tax exemption as an incentive. Upon a finding by the chief administrative officer city manager that there was excusable neglect and that the applicant relied upon the tax exemption as an incentive for the construction or improvement the application will be received and considered.

Section 17. That § 2 of City of Topeka Ordinance No. 18365 is hereby amended to read as follows:

Initial review procedure.

On receipt of the completed application form and the required fee, the chief administrative officer city manager or a designee shall determine whether the application is complete and sufficient for review, and whether the applicant's business is eligible for an exemption under the state constitution, this article and any other applicable laws. If the application is incomplete, the chief administrative officer city manager or a designee shall immediately notify the applicant, noting the need for such changes or additions as deemed necessary. If questions arise as to whether the business is legally eligible for an exemption, the matter shall be referred to the city attorney, who shall consult with the applicant. If the application is found complete, and is for a purpose which appears to be authorized by law, the chief administrative officer city manager or a designee shall so notify the administrative review committee.

Section 18. That § 3 of City of Topeka Ordinance No. 18365 is hereby amended to read as follows:

Administrative review committee.
There is hereby created an administrative review committee, which shall be composed of the mayor or mayor's designee, city manager or a designee, who shall serve as chair, the deputy mayor, chief administrative officer or a designee, a representative of the affected school district, and the member of the city council whose district is affected by the request for tax exemption. The committee shall meet on call of the chair. The purpose of the administrative review committee shall be to receive and review requests and applications for tax exemptions, to gather and review such additional information as may be deemed necessary to conduct preliminary negotiations with the applicant business and to make such recommendations as deemed advisable to the council. Administrative review committee records, including applications for tax exemptions, may be withheld from public disclosure as provided for under the Open Records Act (K.S.A. 45-215 et seq.), but shall be available for public inspection when otherwise required by law. The committee is authorized to issue administrative letters of intent when requested by the applicant upon a finding that the public interest requires confidentiality in order to successfully negotiate the location of the prospective business within the city or an expansion of an existing business. Such administrative letters of intent shall not be binding on the council and shall be superseded by any final action of the council or by any letter of intent issued by the council.

Section 19. That § 6 of City of Topeka Ordinance No. 18365 is hereby amended to read as follows:

Annual renewal.

(a) The extent and term of any tax exemption granted shall be subject to annual review by the city council to insure that the ownership and use of the property and any other qualifying criteria of the business for the tax exemption continue to exist. Information
justifying the continued exemption will be submitted annually to the chief administrative officer (CAO) city manager or a designee for review and approval. The CAO city manager will advise the council of all annual determinations. The CAO city manager determinations may be reversed if the council places the matter on an agenda and so votes.

(b) Upon the failure of any business to fully and timely pay the taxes due as may be required or to provide reports or other information requested by the city and reasonably necessary for the implementation of this article, the city shall either revoke or not renew the authorization of such an exemption.

Section 20. That City of Topeka Code § 138-96, Transfer of general fund monies to the arts fund for economic development, is hereby amended to read as follows:

Transfer of general fund monies to the arts fund for economic development.

(a) Each year the chief administrative officer city manager, or his or her designee, shall calculate the amount of the city’s pro rata share of tax revenue it would have received from the tax exemptions reduced by the city council under the provisions of Topeka City Code section 138-84(c),

(b) The mayor city manager shall, as part of his budget, include the amount of $100,000.00 as an appropriation to the arts fund for economic development in the City of Topeka.

(c) The city council may, in its sole discretion, each year as part of the budget approval process authorize the transfer of general funds to the arts fund in the full amount identified as economic tax exemption savings in the mayor’s city manager’s proposed budget or such lesser amount as the council may authorize.
Section 21. That City of Topeka Code § 142-270, Towing and storage fees, is hereby amended to read as follows:

**Towing and storage fees.**

Fees for towing and storage shall be established by the chief of police and approved by the city manager of the city. A schedule of all fees shall be filed with the city clerk and posted prominently at police headquarters and the impoundment lot.

Section 22. That City of Topeka Code § 142-808, Notice to city and other officials, is hereby amended to read as follows:

**Notice to city and other officials.**

Immediately upon the issuance of a parade permit, the chief of police shall send a copy thereof to the following:

(1) The **city manager**;
(2) The city attorney;
(3) The traffic engineer;
(4) The fire chief; and
(5) The general manager or responsible head of each transportation utility, the regular routes of whose vehicles will be affected by the route of the proposed parade.

Section 23. That City of Topeka Code § 146-28, Water superintendent, is hereby amended to read as follows:

**Water superintendent.**
(a) Position created. There is hereby created the position of water superintendent in the city. The water superintendent shall have charge of the waterworks and all property connected therewith, and shall manage and control the waterworks under the supervision of the director of public works.

(b) Specific duties and responsibilities.

1. The water superintendent is responsible for directing the total operation of the water utility; oversees the inspection and maintenance of facilities; hiring, firing and training of employees (union/nonunion); is involved in negotiating the union contract; and personally directs staff.

2. The water superintendent initiates and supervises the development of plans for new facilities at the treatment plant; authorizes installation of water mains; oversees preparation of plans and specifications and compilation of cost estimates; negotiates contract terms; and oversees plans for infrastructure replacement in the older sections of the city.

3. The water superintendent prepares the water and street lighting division budgets and administers the funds; is responsible for the internal accounting systems, computerized water billing and collection systems; and oversees all purchases.

4. The water superintendent coordinates the waterworks operation with federal, state and other regulatory agencies and is responsible for distribution of water to all qualified consumers including townships and rural water districts.
(5) The water superintendent prepares/reviews all water division ordinances and/or resolutions prior to presentation to the mayor or chief administrative officer, director of public works; screens state legislative material which might affect a water utility; serves on committees and is active in various associations within the waterworks field.

(c) **Required knowledge, abilities and skills.** The water superintendent shall possess considerable knowledge of the principles and practices of water utility management; good knowledge of the principles of planning and financing of public water utilities; good knowledge of the principles and practices of the design, construction and operation of public water utilities; some knowledge of federal and state laws and agencies involved in the production, distribution and testing of water; and some knowledge of the principles and practices of administering and directing the activities of technical, skilled, unskilled and clerical personnel in a municipal utility. The water superintendent shall have the ability to apply concepts of management to departmental operation; to supervise and inspect construction, maintenance and repair work on water system facilities and equipment; to supervise the proper operation and maintenance of water facilities; to establish and maintain effective working relationships; and to prepare and interpret technical and general reports. The water superintendent shall have skill in the application of concepts of management to water utility operations; in providing leadership and direction to utility personnel; and in planning and implementing programs to satisfy the city's need for potable water.

(d) **Desired training and experience.** The water superintendent must have ten years' administrative experience in a water or similar utility. Administrative experience shall
include, but not be limited to, budget control, personnel management and operational
experience. Formal training is preferred in addition to experience in the area of public
works, water resources or related fields.

(e) *Bond.* The water superintendent shall give a good and sufficient surety
company bond to the city in the sum of $5,000.00, conditioned for the faithful discharge of
the duties of the office and to save the city harmless from all loss caused by neglect of duty
or malfeasance in office.

**Section 24.** That City of Topeka Code § 146-38, Water, water pollution control,
and stormwater utility, is hereby amended to read as follows:

**Water, water pollution control, and stormwater utility.**

(a) The City Council of the City of Topeka, Kansas hereby authorizes the
combination of the City's Water and WPC Utility and the city's stormwater utility into a
single utility to be known as the water, water pollution control, and stormwater utility of the
City of Topeka, Kansas.

(b) The chief administrative officer of the city city manager is hereby authorized
to take such further actions as may be necessary to effectuate the creation of such water,
water pollution control, and stormwater utility herein authorized and the mayor and city
clerk are hereby authorized to execute any and all documents necessary to effectuate such
purpose.

(c) The rates, fees, and charges of the water division, water pollution control
division, and stormwater division of the water, water pollution control, and stormwater utility
shall be set by the governing body to provide for the payment of the costs of operating and
maintaining such divisions of the water, water pollution control, and stormwater utility and
paying the principal of and interest on all bonds and other obligations of the water, water
pollution control, and stormwater utility in order that such rates, fees, and charges of the
water division, water pollution control division, and/or stormwater division of the water,
water pollution control, and stormwater utility not be set or otherwise established so that
the rates, fees, or charges of one such division subsidize the other.

(d) The revenues of the water, water pollution control, and stormwater utility are
hereby pledged to the payment of any revenue bonds or other obligations issued or
incurred by the city in connection with the city's water, water pollution control, and
stormwater utility.

Section 25. That City of Topeka Code § 146-341, Connection fees and monthly
rates/charges established, is hereby amended to read as follows:

Connection fees and monthly rates/charges established.

(a) Rates and charges for customers inside/outside the city operating under the
terms of this division for sewer maintenance, sewage transportation, and sewage treatment
shall be as now or hereafter established by ordinance of the city and such rates shall be
sufficient to pay costs and expenses of the following three (3) general classifications:

(1) Sewage disposal and treatment; and
(2) Sewage transportation; and
(3) Sewer operation and maintenance.

All such rates shall be reviewed at least every five (5) years or more frequently at
the discretion of the city, except rates for sewage disposal and treatment which rates shall
be reviewed, altered, or amended as other rates within the city limits.
(b) At the discretion of the chief administrative officer (CAO) or city manager, the connection fees listed in this section may be waived for economic development projects which, due to their unusual nature or magnitude, offer extraordinary benefits to the community. The CAO or city manager may waive up to twenty-five percent (25%) of the fees. City council approval shall be required for approval for any waiver in excess of twenty-five percent (25%).

(c) The public works director shall determine the system connection fee for each consumer making application for a new service connection. The system connection fee shall be paid prior to connection as part of the application process. Such system connection fees shall be based on the system's value, total capacity, and associated water meter size. Applications for sewer connections for which there is no associated water service application shall have a sewer connection fee which is calculated on the basis of projected flows from other sources approximating the water service size. System connection fees are in addition to other rates, charges, deposits, or fees established by law. The system connection fees for all classifications and meter sizes shall be paid prior to connection. These fees shall include all materials and labor by city personnel.

The system connection fees for meters larger than eight (8) inches shall be determined by the public works director based on projected flows.

(d) The following are established as the monthly sewer rates and charges to be paid to the city for discharging wastewater into the sanitary sewer system for bills rendered on or after January 1, 2004:

(1) **Residential and multifamily residences.** The rate shall be based on a calculated average water volume determined in accordance with Topeka City
Code §§ 146-137 and 146-142 for water used in the months of December, January, and February. The average water volume determined by this method shall be referred to as the three (3) month winter average. The three (3) month winter average water volume shall be recalculated each year following the three (3) month winter period and shall be in effect for the following twelve (12) month period. For a customer who has not established an average, the charge shall be the average of the residential three (3) month winter average for the applicable meter reading route.

(2) **Commercial and industrial.** The volume shall be based on the lesser of water volumes determined in accordance with Topeka City Code § 146-137 or actual metered sewer discharges. Credit shall be given for those metered flows which do not enter the sewer collection system. Those customers who discharge wastewater with a biological oxygen demand in excess of three hundred (300) milligrams per liter and/or suspended solids in excess of three hundred (300) milligrams per liter will be assessed the excess strength charge in accordance with the schedule of rates and charges in this subsection.

(3) **Schedule of rates and charges.**

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<td>Suspended solids, per mg/l</td>
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b. Outside city:

Domestic strength wastewater:

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(4) Adjustment of bills. The monthly rate and charge on a bill may be adjusted administratively by the water pollution control division to the actual or estimated volume or strength provided a significant change from normal conditions of discharge of waste or strength during the billing period can be demonstrated. In no event shall an adjusted monthly charge be less than the minimum rate as established in this section.
(5) Implementation. Rates and charges shall become effective with bills rendered on or after the effective dates shown in the schedule of rates and charges.

Section 26. That City of Topeka Code § 146-379, Findings, determinations and powers, is hereby amended to read as follows:

Findings, determinations and powers.

It is hereby found, determined and declared that those elements of the system which provide for the collection, treatment, storage and disposal of stormwater are of benefit and provide services to all property within the incorporated city limits, including property not presently served by the storm elements of the system. The beneficiaries of the system include all real properties within the city which benefit by the provision, operation and improvement of the system. Such benefits may include, but are not limited to, the provision of adequate systems of collection, conveyance, detention, treatment and release of stormwater; the reduction of hazards to property and life resulting from stormwater runoff; improvements in general health and welfare through reduction of undesirable stormwater conditions; and improvements to the water quality in the stormwater and surface water system and its receiving waters. The utility, under the direction of the director thereof, shall have the power to:

(1) Administer the acquisition, design, construction, maintenance and operation of the utility system, including capital improvements designated in the capital improvement program;

(2) Administer and enforce this article and all regulations and procedures adopted relating to the design, construction, maintenance, operation and
alteration of the utility system including, but not limited to, the quantity, quality and/or velocity of the stormwater conveyed thereby;

(3) Review private systems as necessary to determine the compliance of such systems with this article;

(4) Advise the mayor, city council, city manager and other city departments on matters relating to the utility;

(5) Prepare and revise a comprehensive drainage plan for adoption by the city council periodically;

(6) Review plans and approve or deny, inspect and accept extensions and connections to the system;

(7) Enforce regulations to protect and maintain water quality within the system in compliance with water quality standards established by state, regional and/or federal agencies as now adopted or hereafter amended;

(8) Analyze the cost of services and benefits provided, and the system and structure of fees, charges, fines and other revenues of the utility annually.


Section 28. This ordinance shall take effect and be in force after its passage, approval and publication in the official city newspaper.