ORDINANCE NO. 18533

AN ORDINANCE introduced by City Manager Neil Dobler, relating to the administration and enforcement of violations, amending §§ 2 and 3 of City of Topeka Ordinance 18449 and Topeka City Code §§ 26-53, 26-58, and 26-255 and repealing Topeka City Code §§ 26-382, 26-424, and 26-501, and specifically repealing said original sections.

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

Section 1. That City of Topeka Ordinance No. 18449 § 2 is hereby amended to read as follows:

Administrative and other fees.

(a) Permit Fees

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 for work which is not done under a duly issued building permit: . . . $50.00

Commercial trade permit without for work which is not done under a duly issued building permit for projects up to $200,000.00 total cost: . . . $100.00

Commercial trade permit without for work which is not done under a duly issued building permit for projects from $200,000.00 up to $500,000.00 total cost: . . . $500.00

Commercial trade permit without for work which is not done under a duly issued building permit for projects exceeding $500,000.00 total cost: . . . $1,000.00
Driveway permit without for work which is not done under a duly issued building permit: ... $50.00

Sidewalk permit without for work which is not done under a duly issued building permit: ... $30.00

Parking lot permit plan review and inspection for work which is not done under a duly issued building permit (per hour): ... $50.00

Homeowner permit for work which is not done under a duly issued building permit: ... $50.00

Reinspection charge: ... $50.00

Onsite consultation--No permit (per hour): ... $50.00

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 for work which is not done under a duly issued building permit or exceeds 1 hour (per hour): ... $50.00

Electrical inspection service clearance for existing structures (per hour): ... $50.00
(b) **Additional Permit Fee In The Municipal Service Area**

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 outside the City’s boundaries and within the City’s municipal service area as defined in Chapter 134.

(c) **Fees For Trade Contractor Work Commenced Without A Permit**

Any work commenced by a trade contractor without having first obtained the required permit shall be charged a fee of five hundred dollars ($500.00), in addition to the fee for the permit.

**Section 2.** That City of Topeka Ordinance No. 18449 § 3 is hereby amended to read as follows:

**Section 107, Fees of the Uniform Building Code, 1997 Edition.**

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 city manager to a lesser amount, such modification not to exceed twenty-five percent (25%) of the scheduled fees provided the chief administrative officer city manager 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 outside the City's boundaries and within the City’s
municipal service area as defined in Chapter 134.

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:
94 Annual passenger elevator certificate per unit: . . . $50.00
95 Annual freight elevator certificate per unit: . . . $50.00
96 Annual escalator certificate per unit: . . . $35.00
97 Annual dumbwaiter certificate per unit: . . . $20.00
98 Annual access lift certificate per unit: . . . $20.00
99 Full load test: . . . $200.00
100 Reinspection fee: . . . $50.00
101 107.8 Administrative fees.
102 In addition to the permitting and other fees permitted in this section, the following
103 fees and charges for services shall also apply.
104 Certification of occupancy--Duplicate: . . . $50.00
105 Compliance letter: . . . $100.00
106 Flood plain verifications: . . . $30.00
107 Technology improvement for each permit or license: . . . $3.00
108 Section 3. That City of Topeka Code § 26-53, Inspections and investigations, is
109 hereby amended to read as follows:
110 \textbf{Inspections and investigations reinspections.}
111 a. It shall be the responsibility of the contractor though through his designated
112 master or his designated agent to make arrangements for field inspections at appropriate
113 times for required inspections of permitted work; this includes a final inspection prior to
114 occupancy. Whenever any work for which a permit is required has been commenced
115 without first obtaining such permit, a special investigation shall be made before a permit
116 may be issued. An investigation fee in addition to the permit fee shall be collected, whether
or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee.

b. It shall be the responsibility of the contractor through his designated master or designated agent to promptly arrange for reinspection of any work which failed an inspection. All reinspections must be completed within thirty (30) days of the original inspection failure.

Section 4. That City of Topeka Code § 26-54, Not to issue to contractor with outstanding violations, is hereby amended to read as follows:

Not to issue to contractor with outstanding violations.

No new permits shall be issued to a contractor where the contractor has any outstanding written violation notices which have not been corrected or appealed to the appropriate board created in article V, division 2 of this chapter. A contractor shall have ten days to appeal a violation notice. In the event of an appeal, action by the building code enforcement division shall be stayed pending the outcome of the board’s decision. If a commercial or multifamily building is occupied while there are outstanding violations against the premises, the building code enforcement division may cause the discontinuance of utility services thereto.

Section 5. 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) All commercial, residential, trade, excavation, elevator, framing, 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. All residential contractors
shall show proof of broad form comprehensive general liability insurance 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 or she may obtain
a new contractor's license by providing evidence of current insurance coverage and paying
the license fee.

(b) Except as provided in subsection (c) below, any license contractor license,
extcept for trade contractor licenses issued after December 14, 2004, will be a provisional
license contingent upon the qualifying party either passing prior to December 14, 2005, the
appropriate examination selected by the development services director from a recognized
testing agency or alternatively providing the development services director with a certified
copy of a transcript from an accredited university, college or vocational school
demonstrating passing grades in at least thirty (30) hours of coursework directly related to
the license applied for. The provisional license designation will allow the individual to obtain
building permits until December 14, 2005. No contractor shall be allowed to pull any permit
after December 14, 2005, unless the contractor shall have achieved a passing score on the
appropriate examination or provided proof of meeting the educational requirements.

Notwithstanding the foregoing, no trade contractor shall be permitted to obtain a license
without achieving a passing score on the appropriate exam. There is no alternative educational requirement for trade contractors.

(c) Any commercial, residential, excavation, elevator, concrete, demolition, swimming pool, roofing, fire alarm, or fire sprinkler contractor who has, prior to December 31, 2005, pulled permits for and has passed final inspection for at least five jobs or work sites within the corporate limits of the City of Topeka during the period commencing January 1, 2000 through December 31, 2005, shall be grandfathered in under the license requirements of this section without the need to achieve a passing score on the appropriate examination or providing proof of satisfying the educational requirement.

(d) Commercial Contractor Type I, Commercial Contractor Type II, and Residential Contractors must provide documentation of having earned eight (8) continuing education units in a calendar year to maintain said license. Continuing education courses must be directly relevant to the contractors' licensed field and must be approved by the development services director.

(e) 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.

(f) 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 6. That City of Topeka Code § 26-382, Fees, is hereby specifically
repealed.

Fees.

Any work in which a building permit was issued—No fee.

Flat fee—On work which did not involve a building permit.

$20.00—Residential.

$50.00—Commercial.

Any work commenced without a permit for which a permit is required, ten times the
flat-fee amount.

Section 7. That City of Topeka Code § 26-424, Table 1-1, schedule of fees, is
hereby specifically repealed.

Table 1-1, schedule of fees.

Table 1-1, schedule of fees, is hereby amended to read as follows:

Any work in which a building permit was issued—No fee.

Flat fee—On work which did not involve a building permit.

$20.00—Residential
$50.00... Commercial

Plumbing work commenced without a permit for which a permit is required, shall be
assessed an enhanced fee ten (10) times the flat fee amount.

Unlicensed individuals doing plumbing work requiring a permit, shall be assessed an
enhanced fee ten times the flat fee amount.

Section 8 That City of Topeka Code § 26-501, Section 115, fees, is hereby
specifically repealed.

Section 115, fees.

Section 115 of the mechanical code adopted in this article is hereby amended to
read as follows:

Sec. 115. Fees.

Any work in which a building permit was issued—No fee.

Flat fee—On work which did not involve a building permit.

Residential... $20.00

Commercial... $50.00

Any work commenced without a permit for which a permit is required, ten (10) times
the flat fee amount.

Section 9 That original City of Topeka Ordinance No. 18449 §§ 2 and 3 and City
of Topeka Code §§ 26-53, 26-54, 26-58, 26-255, 26-382, 26-424, and 26-501 are hereby
specifically repealed.

Section 10 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 NOV 08 2005

William W. Bunten, Mayor

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY DATE 10/25/05 BY
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NOT TO BE CODIFIED

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