ORDINANCE NO. 18-05

AN ORDINANCE introduced by Councilmembers Jeff Preisner, Clark Duffy, and John Nave amending City of Topeka Code § 26-297 and establishing § 26-297.5 regarding buildings and building regulations, and repealing said original section.

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

Section 1. City of Topeka Code § 26-297, Work exempt from permit, is hereby amended to read as follows:

Work-exempt from permit Permit Required.

Section R-105.2, Work exempt from permit, is hereby amended to read as follows:

Permits shall not be required for the following. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

Building:

4. One (1) story detached accessory structures, provided the floor area does not exceed one-hundred-fifty square feet (150 ft.²).

2. Fences not over six feet (6 ft.) (1829 mm) high.

3. Retaining walls that are not over four feet (4 ft.) (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed five thousand gallons (5,000 gal) (18,927 L) and the ratio of height to diameter or width does not exceed two (2) to one (1).

5. Sidewalks and driveways not more than thirty inches (30 in.) (762 mm) above adjacent grade and not over any basement or story below.

6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

7. Prefabricated swimming pools that are less than twenty-four inches (24 in.) (610 mm) deep.

8. Swings and other playground equipment accessory to a one (1) or two (2) family dwelling.

9. Window awnings supported by an exterior wall which do not project more than fifty-four inches (54 in.) (1,372 mm) from the exterior wall and do not require additional support.

10. Any deck less than one hundred fifty feet (150 ft.) in area which is not more than thirty inches (30 in.) above grade and projecting ten feet (10 ft.) or less from the structure.

11. Ordinary repairs that are nonstructural and do not include the addition to or alteration of the existing construction. This only applies to building construction, and work done to the plumbing, mechanical, or electrical areas are covered by their appropriate codes.

Section R-105.1 Required, is hereby amended to read as follows:
1. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

2. Notwithstanding any other provision of this code, for the period commencing upon the effective date of this Ordinance until December 31, 2006, a building permit to construct, enlarge, alter, repair, move, demolish or change the occupancy of any residential property originally constructed before 1978 may be issued if the building official has been provided a document signed by the contractor certifying that he or she has provided the occupant of the property where the work is to be performed, with a copy of the United States Environmental Protection Agency (EPA) pamphlet titled, “Protect Your Family From Lead In Your Home.”

3. Beginning January 1, 2007, a mechanical, plumbing or electrical trade contractor license or a commercial or residential contractor license may be issued if the building official has been provided a document signed by the contractor certifying that he or she will provide the occupant of any residential property originally constructed before 1978 where the work is to be performed, with a copy of the United States Environmental Protection Agency (EPA) pamphlet titled, “Protect Your Family From Lead In Your Home.”

Section 2. City of Topeka Code § 297.5, is hereby amended by the addition of the following language:

Work exempt from permit.
Section R-105.2, Work exempt from permit, is hereby amended to read as follows:

Permits shall not be required for the following. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

Building:

1. One (1) story detached accessory structures, provided the floor area does not exceed one hundred fifty (150) square feet.

2. Retaining walls that are not over four (4) feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.

3. Water tanks supported directly upon grade if the capacity does not exceed five thousand (5,000) gallons (18927 L) and the ratio of height to diameter or width does not exceed two (2) to one (1).

4. Sidewalks and driveways not more than thirty (30) inches (762 mm) above adjacent grade and not over any basement or story below.

5. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

6. Prefabricated swimming pools that are less than twenty-four (24) inches (610 mm) deep.

7. Swings and other playground equipment accessory to a one (1) or two (2) family dwelling.
8. Window awnings supported by an exterior wall which do not project more
than fifty-four (54) inches (1372 mm) from the exterior wall and do not require additional
support.

9. Any deck less than one hundred fifty (150) square feet in area which is not
more than thirty (30) inches above grade and projects ten (10) feet or less from the
structure.

10. Ordinary repairs that are nonstructural and do not include the addition to or
alteration of the existing construction. This only applies to building construction, and work
done to the plumbing, mechanical, or electrical areas are covered by their appropriate
codes.

Section 3. Original City of Topeka Code § 26-297 is hereby specifically repealed.

Section 4. 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 April 4, 2006

William W. Bunten, Mayor

ATTEST:

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE 3/15/06 BY DBC
TO BE CODIFIED X
NOT TO BE CODIFIED ___________________________