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ORDINANCE NO. 18751

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code § 26-523 and establishing § 26-524 regarding building and building regulations relating to demolition, and repealing said original section.

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

Section 1. City of Topeka Code § 26-523, Deposit, is hereby amended to read as follows:

Deposit.

(a) Every applicant demolition contractor or owner applying for a demolition permit shall, as a part of the application, deposit with the department of public works the sum of Five Hundred Dollars ($500.00), which bond deposit shall be cash, certified check or cashier's check payable to the city, the condition for the refund of such deposit being that the applicant demolition contractor or owner applying for such permit will guarantee that the sewer line is properly capped or plugged in accordance with the regulations of the city engineering division. If the private sewer is to be capped or plugged on a right-of-way or easement of the city, the capping or plugging shall be done by a licensed plumber whose name shall be furnished at the time of application for a demolition permit. Provided, however, an owner shall only be allowed to obtain a demolition permit for an accessory structure located on a lot on which the owner occupies a single family dwelling exclusively used for dwelling purposes.

(b) Upon the filing with the department of public works of a certificate of inspection and compliance issued by the engineering division, the city shall refund the deposit to such permit holder.
(c) If a sewer line is not properly capped or plugged within thirty (30) calendar days after the demolition of the structure is complete, the city engineer may request forfeiture of the bond to the water pollution control division as provided in subsection (d). Upon such request, the bond deposit shall be forfeited.

(d) All deposits forfeited in accordance with subsection (c) shall be transferred to the water pollution control division, which department will plug or cap the sewer line in an acceptable manner. The deposit shall be credited towards the actual cost to cap the sewer line incurred by the water pollution control division. The demolition contractor shall be responsible for reimbursing the water pollution control division for any costs which exceed the deposit. No portion of the deposit shall be refunded if the capping costs do not exceed the costs incurred by the water pollution control division.

Section 2. City of Topeka Code § 26-524, Reserved, is hereby amended by the addition of the following language:

Penalty for non-compliance.

Upon the failure to plug or cap a line, the demolition contractor will not be issued another demolition permit until the demolition contractor has reimbursed the water pollution control division for the actual expenses incurred by the city for capping the line plus an administrative fee in the amount of Fifty Dollars ($50.00) to reimburse the City for its staff time and expenditures.

Section 3. Original City of Topeka Code § 26-523 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 November 14, 2006.

CITY OF TOPEKA, KANSAS

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William W. Bunten, Mayor

ATTEST:

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Iris E. Walker, City Clerk