

(Published in the Topeka Metro News January 14, 2019)

ORDINANCE NO. 20164

AN ORDINANCE introduced by City Manager Brent Trout, renaming the Planning Department and authorizing fee waivers; amending City of Topeka Code § 2.30.090; 2.50.010; 2.50.020; 14.20.060, subsection 109.6; 14.55.150, and repealing §§ 2.50.030, 2.50.040, and 2.50.060.

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

Section 1. That section 2.30.090, Planning department created, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Planning and development department created.

(a) There is hereby created a department of planning and development. The director of planning and development shall be appointed by the city manager. The city manager, pursuant to Charter Ordinance No. 94, Section 1 (Appendix A, Section A2-54), shall be responsible for supervising and evaluating the performance of the planning and development director of planning. The planning and development director shall be responsible for the overall operation of the department, including comprehensive planning, zoning, transportation planning, and development services.

~~The director of planning shall be responsible for the overall operation of the planning department.~~

(b) All references in the Code to “planning director” or “director of planning” shall mean the director of planning and development.

(c) All references in the Code to “planning department” shall mean the department of planning and development.

Section 2. That section 2.50.010, Created, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

29 **Created Development services division.**

30 There is hereby created a ~~building code enforcement~~ development services
31 division. This division shall be under the general supervision of the ~~planning director of~~
32 planning and development and as such shall be an administrative division within the
33 ~~planning department of planning and development.~~

34 Section 3. That section 2.50.020, Sections enumerated, of The Code of the
35 City of Topeka, Kansas, is hereby amended to read as follows:

36 **Sections enumerated Duties; director.**

37 (a) The building code enforcement development services division shall consist of
38 the following named sections: be responsible for all permit, inspection, and enforcement
39 functions related to building and trade codes.

40 ~~(a) Building Inspection. A building inspection section which shall consist of a~~
41 ~~building inspector and such number of assistant inspectors as may be authorized.~~

42 ~~(b) Electrical Inspection. An electrical inspection section which shall consist of an~~
43 ~~electrical inspector and such number of assistant inspectors as may be authorized.~~

44 ~~(c) Plumbing Inspection. A plumbing inspection section which shall consist of a~~
45 ~~plumbing inspector and such number of assistant inspectors as may be authorized.~~

46 ~~(d) Mechanical Inspection. A mechanical inspection section which shall consist of~~
47 ~~a mechanical inspector and such number of assistant inspectors as may be authorized.~~

48 (b) The director of development services shall be responsible for the discharge
49 of division duties imposed by this chapter and other ordinances imposing duties upon
50 the development services division. The director of development services shall be
51 responsible to the director of planning and development.

52 (c) The director of development services shall be authorized, subject to the
53 approval of the director of planning and development, to utilize expert technical advisors
54 when deemed necessary to determine any question arising under the ordinances
55 relating to the duties of the development services division.

56 Section 4. That section 2.50.030, of The Code of the City of Topeka, Kansas,
57 is hereby repealed.

58 **~~Code enforcement director — Devotion to duty.~~**

59 ~~The code enforcement director shall, during his term of office, devote full time to~~
60 ~~the official duties and shall not be engaged or employed directly in any building~~
61 ~~business, nor enter into any contract for the design or construction of any building for~~
62 ~~another or for furnishing any materials, drawings or specifications therefor.~~

63 Section 5. That section 2.50.040, of The Code of the City of Topeka, Kansas,
64 is hereby repealed.

65 **~~Powers and duties generally~~**

66 ~~(a) The director of development services shall be the head of the building code~~
67 ~~enforcement division and shall be responsible for the performance of the duties of the~~
68 ~~subordinate members and employees of the division. The director of development~~
69 ~~services shall be authorized and empowered to perform the duties imposed upon any~~
70 ~~inspector or assistant inspector of the building code enforcement division, any~~
71 ~~ordinance of the city to the contrary notwithstanding. In the discharge of duties, the~~
72 ~~director of development services shall be directly responsible to the planning director~~
73 ~~and shall make such reports of the affairs of the building code enforcement division as~~
74 ~~may be required by the planning director.~~

~~(b) The director of development services shall have such other duties as may be imposed by this chapter and other ordinances imposing special duties upon the building code enforcement division.~~

Section 6. That section 2.50.060, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~**Expert technical advisors.**~~

~~The code enforcement director shall be authorized, subject to the approval of the planning director, to utilize expert technical advisors when deemed necessary to determine any question arising under the ordinances relating to the duties of the building code enforcement division.~~

Section 7. That section 14.20.060, subsection 109.6, waiver of fees, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Waiver of fees

109.6 Waiver of fees. Building permit fees and plan review fees as required by this section for building projects with a total valuation of five million dollars (\$5,000,000.00) or more may be modified by the city manager to a lesser amount, such modification not to exceed twenty-five percent (25%) of the scheduled fees provided the 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 governing body. 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.

109.6.1 Building permit and plan review fees for projects identified by the governing body shall be waived provided and to the extent the Joint Economic Development Organization reimburses the City for such fees.

109.6.2. The city manager is authorized to consider fee waivers in cases of : (1) emergency situations; and (2) affordable or charitable housing projects where materials and labor are donated.

Section 8. That section 14.55.150, Schedule of permit fees, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Schedule of permit fees; waiver.

Section R108.2, Schedule of permit fees, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

(a) On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the following schedule:

New construction (this includes all permit fees):

| Type construction | Fee |
|--------------------------|----------|
| Single-family and duplex | |
| 0 – 1,500 | \$480.00 |
| 1,501 – 3,000 | \$660.00 |
| 3,001 and over | \$830.00 |

116 Room additions (this includes all fees):

| Area (sq. ft.) | Fee |
|----------------|----------|
| 0 – 100 | \$40.00 |
| 101 – 250 | \$75.00 |
| 251 – 500 | \$125.00 |
| 501 – 750 | \$200.00 |
| 751 – 1,000 | \$275.00 |
| 1,001 or more | \$325.00 |

117 Garage additions (this includes all fees):

| Type | Fee |
|--------|---------|
| Single | \$50.00 |
| Double | \$75.00 |
| Triple | \$75.00 |

118 Accessory structure: Only building fee: \$30.00.

119 Interior alteration (building fee only):

| Cost | | Fee |
|-----------------------------|----------|---------|
| \$0.00 – \$500.00 | | \$30.00 |
| \$501.00 – \$5,000.00 | | \$45.00 |
| \$5,001.00 – \$10,000.00 | \$60.00 | |
| \$10,001.00 and over | \$100.00 | |

120 **(b)** Working without permit. Whenever work that requires a permit has
121 commenced without a permit, an amount equal to twice the normal permit fee shall be
122 paid before the permit is issued.

123 **(c)** Investigation fee. All site investigations made by inspectors of work going
124 on without permits will require an additional \$50.00 investigation fee, in addition to any
125 other fees, be added to the final permit fee if it is determined that the work being done at
126 the site does indeed require a permit and no application has been made.

127 **(d)** The city manager is authorized to consider fee waivers in
128 cases of : (1) emergency situations; and (2) affordable or charitable
129 housing projects where materials and labor are donated.

130 **Section 9.** That original §§ 2.30.090; 2.50.010; 2.50.020; 14.20.060,
131 subsection 109.6; and 14.55.150 of The Code of the City of Topeka, Kansas, are
132 hereby specifically repealed.

133 **Section 10.** This ordinance shall take effect and be in force from and after its
134 passage, approval and publication in the official City newspaper.

135 **Section 11.** This ordinance shall supersede all ordinances, resolutions or rules,
136 or portions thereof, which are in conflict with the provisions of this ordinance.

137 **Section 12.** Should any section, clause or phrase of this ordinance be declared
138 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
139 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

143 PASSED AND APPROVED by the Governing Body on January 8, 2019.

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CITY OF TOPEKA, KANSAS

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Michelle De La Isla, Mayor

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ATTEST:

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Brenda Younger, City Clerk