

1 (Published in the Topeka Metro News April 12, 2006)
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4 ORDINANCE NO. 18605
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6 AN ORDINANCE introduced by Councilmembers Jeff Preisner, Clark Duffy, and John
7 Nave amending City of Topeka Code § 26-297 and establishing § 26-
8 297.5 regarding buildings and building regulations, and repealing said
9 original section.
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11 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:
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13 Section 1. City of Topeka Code § 26-297, Work exempt from permit, is hereby
14 amended to read as follows:

15 **~~Work exempt from permit~~ Permit Required.**

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

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

21 ~~Building:~~

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

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

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

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

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

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

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

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

39 9. ~~Window awnings supported by an exterior wall which do not project more~~
40 ~~than fifty four inches (54 in.)(1372 mm) from the exterior wall and do not require additional~~
41 ~~support.~~

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

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

49 Section R-105.1 Required, is hereby amended to read as follows:

50 1. Any owner or authorized agent who intends to construct, enlarge, alter,
51 repair, move, demolish, or change the occupancy of a building or structure, or to erect,
52 install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or
53 plumbing system, the installation of which is regulated by this code, or to cause any such
54 work to be done, shall first make application to the building official and obtain the required
55 permit.

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

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

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

72 **Work exempt from permit.**

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

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

78 Building:

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

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

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

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

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

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

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

94 8. Window awnings supported by an exterior wall which do not project more
95 than fifty-four (54) inches (1372 mm) from the exterior wall and do not require additional
96 support.

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

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

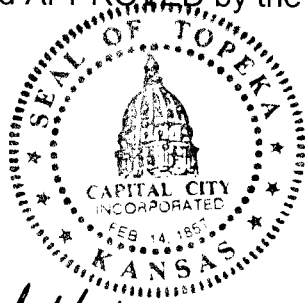
104 Section 3. Original City of Topeka Code § 26-297 is hereby specifically repealed.

105 Section 4. This Ordinance shall take effect and be in force from and after its
106 passage, approval and publication in the official city newspaper.

107 PASSED and APPROVED by the City Council April 4, 2006

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ATTEST:



Iris E. Walker
Iris E. Walker, City Clerk

William W. Bunten
William W. Bunten, Mayor

APPROVED AS TO FORM AND LEGALITY
DATE <u>3/15/06</u> BY <u>BBC</u>
TO BE CODIFIED <input checked="" type="checkbox"/>
NOT TO BE CODIFIED <input type="checkbox"/>