

1 (Published in the Topeka Metro News November 22, 2006)

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3 **ORDINANCE NO. 18751**

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5 AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending  
6 City of Topeka Code § 26-523 and establishing § 26-524 regarding  
7 building and building regulations relating to demolition, and  
8 repealing said original section.  
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10 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

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

13 **Deposit.**

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

26 (b) Upon the filing with the department of public works of a certificate of  
27 inspection and compliance issued by the engineering division, the city shall refund the  
28 deposit to such permit holder.

29 (c) If a sewer line is not properly capped or plugged within thirty (30) calendar  
30 days after the demolition of the structure is complete, the ~~city engineer may request~~  
31 ~~forfeiture of the bond to the water pollution control division as provided in subsection (d).~~  
32 ~~Upon such request, the bond~~ deposit shall be forfeited.

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

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

42 **Penalty for non-compliance.**

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

48 Section 3. Original City of Topeka Code § 26-523 is hereby specifically  
49 repealed.

50 Section 4. This Ordinance shall take effect and be in force from and after its  
51 passage, approval and publication in the official City newspaper.

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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