

1 (Published in the Topeka Metro News April 12, 2010)

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3 **ORDINANCE NO. 19404**

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5 AN ORDINANCE introduced by Councilmember John Alcala, creating a new City of  
6 Topeka Code § 26-5, concerning removal of debris after demolition  
7 of structures.  
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9 WHEREAS, it is in the best interest of the residents of the City that debris from  
10 the demolition of structures in the City of Topeka, be promptly removed so as not to  
11 cause a threat to public health and safety.

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

14 Section 1. That the Code of the City of Topeka, Kansas, is hereby amended  
15 by adding a section to be numbered 26-5, Demolition debris, which said section reads  
16 as follows:

17 **Demolition debris.**

18 (a) It shall be unlawful for the owner of a one or two family residence to fail to  
19 complete the following actions within fifteen (15) days of commencing demolition:

20 (1) Remove or cause to be removed all building material or debris  
21 resulting on the site.

22 (2) Fill or cause to be filled to grade level all holes or depressions in  
23 the ground.

24 (3) Remove or cause to be removed all pipes, conduits, piers, pilings,  
25 steps and other appurtenances above grade.

26 (b) It shall be unlawful for the owner of a building or structure that is not a one  
27 or two family residence to fail to complete the following actions within thirty (30) days of  
28 commencing demolition:

29                   (1)    Remove or cause to be removed all building material or debris  
30                   resulting on the site.

31                   (2)    Fill or cause to be filled to grade level all holes or depressions in  
32                   the ground.

33                   (3)    Remove or cause to be removed all pipes, conduits, piers, pilings,  
34                   steps and other appurtenances above grade.

35                   (c)    Exceptions. Notwithstanding the foregoing, the enforcement official may  
36                   grant an extension of time if removal within the aforementioned time period is not  
37                   practicable due to unfavorable weather conditions, remediation of environmental  
38                   hazards or other factors such as the size of the structure, amount of debris or the nature  
39                   of the site.

40                   (d)    Penalty. Violation of this section may be punishable as provided under  
41                   Topeka City Code § 1-7.

42                   Section 2.    This ordinance shall take effect and be in force from and after its  
43                   passage, approval and publication in the official City newspaper.

44                   Section 3.    All ordinances, resolutions or rules, or portions thereof, inconsistent  
45                   with the provisions of this ordinance are hereby rescinded or repealed.

46                   Section 4.    Should any section, clause or phrase of this ordinance be declared  
47                   to invalid by a court of competent jurisdiction, the same shall not affect the validity of  
48                   this ordinance as a whole, or any part thereof, other than the part so declared to be  
49                   invalid.

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PASSED AND APPROVED by the City Council April 6, 2010.

CITY OF TOPEKA, KANSAS

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William W. Bunten, Mayor

ATTEST:

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Brenda Younger, City Clerk