

(Published in the Topeka Metro News January 19, 2026)

ORDINANCE NO. 20631

AN ORDINANCE introduced by City Manager Dr. Robert M. Perez, establishing a fee schedule and certain fees by adding § 3.05.060, § 5.60.010 and § 14.40.055; amending §§ 2.10.120, 3.10.030, 2.50.040, 5.10.020, 5.10.030, 5.60.010, 5.10.040, 5.10.060, 5.10.070, 5.10.180, 5.10.200, 5.10.230, 5.10.250, 5.10.260, 5.10.270, 10.65.210, 5.10.280, 5.75.090, 5.10.170, 5.100.030, 5.100.040, 5.115.030, 5.115.080, 5.115.140, 5.115.190, 5.160.020, 8.35.070, 10.70.050, 12.70.040, 13.30.090, 5.10.160, 5.10.190, 5.63.050, 3.05.040, 6.15.060, 6.15.080, 6.15.090, 6.15.170, 8.05.070, 8.55.060, 8.60.090, 8.65.050, 12.30.110, 12.45.040, 14.10.080, 14.20.040, 14.20.060, 14.20.100, 14.55.150, 14.70.150, 17.25.010, 18.10.050, 18.45.020, 18.210.035, 18.225.010(aa) and 18.245.070 of the Topeka Municipal Code and repealing original sections and repealing § 10.10.050 in its entirety.

WHEREAS, several fees assessed by the City, or the authority to set fees, are established by ordinance and codified in the Topeka Municipal Code; and

WHEREAS, after review of current fees, several were identified that had not increased in a long time; and

WHEREAS, the City Manager recommends creating a citywide Fee Schedule that can be reviewed, revised and adopted on an annual basis by Resolution; and

WHEREAS, amendments to ordinances are required in order to accomplish this creation.

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

Section1: The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 3.05.060, which said section reads as follows:

Fee schedule.

A fee schedule may be established by resolution, duly passed by the governing body, for various licenses, applications, permits and other city fees and charges as

identified in the Topeka Municipal Code to be prescribed by the City's Fee Schedule. The fee schedule may be amended from time to time by resolution of the governing body. A copy of the fee schedule shall be filed with the city clerk to be open to inspection and available to the public at all reasonable hours.

Section 2. That section 2.10.120, Copying and other fees, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Copying and other fees.

~~A fee of \$0.25 per page may be charged for black and white photocopies of public records, such fee to cover the cost of labor, materials and equipment. The records custodian may establish a fee schedule for production of records in other formats, such as color copies or records provided electronically. The records custodian may set flat fees for certain types of records. Additional fees, including any other costs incurred by the agency in connection with complying with a record request (e.g., mailing costs), may be assessed to the requester.~~ prescribe reasonable fees for providing access to or furnishing copies of public records. Pursuant to KSA 45-219, fees shall not exceed the actual cost of furnishing copies of public records, including the cost of staff time required to make the information available.

Section 3. That section 2.50.040, [Domestic Partnership] Procedure and fees, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Procedure and fees.

(a) The City Manager shall develop procedures and standard forms for the "registration of domestic partnership" and "notice of removal from the domestic partnership registry."

57 (b) ~~The City Manager, or his or her designee, shall determine a~~
58 ~~reasonable~~registration ~~fee based upon the cost of processing the forms and the City shall~~
59 ~~charge these fees to the persons~~for filing a declaration of domestic partnership shall be
60 as prescribed by the City's Fee Schedule. No fee shall be charged for filing a request for
61 removal from the domestic partnership registry.

62 (c) The City shall maintain the registry based upon the information provided by the
63 individuals filing the declaration of domestic partnership. The City shall have no duty to
64 independently verify the information provided by the individuals filing the declaration of
65 domestic partnership.

66 Section 4. That section 3.10.030, Engineering fees, of The Code of the City of
67 Topeka, Kansas, is hereby amended to read as follows:

68 **Engineering fees.**

69 (a) On all projects for which the Engineering Division is required to perform the
70 design services normally provided under contract by a consulting engineer, a fee equal
71 to the amount customarily paid to such consulting engineer shall be paid into the general
72 fund from the project fund concerned. Fees shall be determined and paid into the general
73 fund in accordance with the provisions of this title, except that the fee shall be based on
74 the total bid price of all work contracted. The Department of Public Works shall certify
75 statements of fees charged and actual costs to the Department of Administrative and
76 Financial Services, and the transfer of funds shall be made.

77 (b) The City shall be reimbursed for costs incurred on behalf of any developer
78 for staff time or professional consultants needed for any review or inspection relating to
79 services rendered by City to review, evaluate, process and consider a developer project.

Section 5. That section 5.10.020, Alcoholic beverages-Alcoholic liquor sales, of
The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Alcoholic beverages-Alcoholic liquor sales.

(a) There is hereby imposed upon all holders of the following licenses issued
by the State Director of Alcoholic Beverage Control under the provisions of the Kansas
Liquor Control Act (K.S.A. 41-101 et seq.) a biennial City occupation tax ~~in the following~~
~~amounts~~ as prescribed by the City's Fee Schedule for the following license types:

- | | | |
|-------|--|-----------------------|
| (1) | For a license to manufacture alcohol and spirits | \$5,000.00 |
| (2) | For a license to manufacture beer and cereal malt
beverage: | |
| (i) | For one to 100 barrel daily capacity or any part
thereof | \$400.00 |
| (ii) | For 101 to 150 barrel daily capacity | \$800.00 |
| (iii) | For 151 to 200 barrel daily capacity | \$1,400.00 |
| (iv) | For 201 to 300 barrel daily capacity | \$2,000.00 |
| (v) | For 301 to 400 barrel daily capacity | \$2,600.00 |
| (vi) | For 401 to 500 barrel daily capacity | \$2,800.00 |
| (vii) | For 501 or more barrel daily capacity | \$3,200.00 |

Provided, that the words "daily capacity" as used in this section shall mean the
average daily barrel production for the previous 12 months of manufacturing operations;
provided further, that if no such basis for comparison exists, the manufacturing licensee
shall pay in advance for operation during the first term of the license an occupation tax of
~~\$2,000~~ as prescribed by the City's Fee Schedule.

(3)	For a license to manufacture wine	\$1,000.00
(4)	For a spirits distributor's license for the first and each additional distributing place of business operated in the City by the same licensee and wholesaling and jobbing spirits	\$2,000.00
(5)	For a beer distributor's license, for the first and each additional wholesale distributing place of business operated in the City by the same licensee and wholesaling or jobbing beer and cereal malt beverage	\$1,400.00
(6)	For a retailer's license	\$600.00
(7)	For a nonbeverage user's license:2.	
	(i) For class 1	\$20.00
	(ii) For class 2	\$100.00
	(iii) For class 3	\$200.00
	(iv) For class 4	\$400.00
	(v) For class 5	\$1,000.00
(8)	For any private club or drinking establishment	\$500.00

(b) The biennial City occupation tax imposed upon holders of both a spirits distributor's license and a beer distributor's license shall be either of the applicable occupation taxes set forth in subsections (a)(4) and (a)(5) of this section, but not both. If one such occupation tax is higher than the other by virtue of multiple licenses, the higher tax shall be imposed.

Section 6. That section 5.10.030, Alcoholic beverages - Cereal malt beverage licenses, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

100 **Licenses: Alcoholic beverages - Cereal malt beverage licenses.**

101 (a) All applications for an off-premises retailer license shall be accompanied by a
102 license fee of ~~\$50.00 per year~~ as prescribed by the City's Fee Schedule, which fee shall
103 be in addition to any fee charged by the State of Kansas.

104 (b) All applications for an on-premises retailer license shall be accompanied by a
105 license fee of ~~\$200.00 per year~~ as prescribed by the City's Fee Schedule, which fee shall
106 be in addition to any fee charged by the State of Kansas.

107 (c) In addition to the foregoing license fee each applicant shall pay ~~the following~~
108 administrative fees for inspection or reinspection of the premises: as prescribed by the
109 City's Fee Schedule.

110 General inspection fee: ~~—~~ \$200.00

111 Reinspection : ~~—~~ \$50.00 for each trade inspection

112 Section 7. That The Code of the City of Topeka, Kansas, is hereby amended by
113 adding a section, to be numbered 5.60.010, which said section reads as follows:

114 **City temporary permit.**

115 (a) It shall be unlawful for any person to conduct an event under a state-issued
116 temporary permit without first applying for a local temporary permit at least seven days
117 before the event. Written application for the local temporary permit shall be made to the
118 city clerk and shall clearly state:

119 (1) Name of the applicant;

120 (2) The group for which the event is planned;

121 (3) The location of the event;

122 (4) The date and time of the event;

(5) Any anticipated need for police, fire or other municipal services.

(b) Upon presentation of a state temporary permit, payment of the temporary permit fee, not to exceed \$25, as prescribed by the City's Fee Schedule and a written application as provided for in subsection (a) of this section, the city clerk shall issue a local temporary permit to the applicant if there are no conflicts with any zoning or other ordinances of the city.

Section 8. That section 5.10.040, Ambulance service, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Ambulance service.

The fee for an ambulance service shall be as followsprescribed by the City's Fee Schedule for the following:

- | | |
|---|-----------------------|
| (a) Franchise application fee | \$1,500.00 |
| (b) Initial franchise fee: | |
| (1) Business fee | \$25.00 |
| (2) Plus, for each ambulance | \$275.00 |
| (c) Renewal for each ambulance (due January 1st of each year) | \$275.00 |

Section 9. That section 5.10.060, Auctioneers, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Auctioneers.

~~(a)~~ The license fee for auctioneers shall be as prescribed by the City's Fee Schedule.:

- | | |
|--------------|---------|
| (1) Per day | \$2.00 |
| (2) Per year | \$20.00 |

(b) Expert nonresident pedigreed livestock auctioneers when crying sales in

connection with local licensed auctioneers, at which pedigreed livestock is sold, shall not be required to pay a license fee.

Section 10. That section 5.10.070, Automobile bus, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Automobile bus.

(a) The annual license fee for an automobile bus shall be as prescribed by the City's Fee Schedule and based on the following capacities:

(1) Per vehicle of seating capacity less than six passengers ~~\$50.00~~

(2) Per vehicle, seating capacity of six or seven passengers ~~\$70.00~~

(3) Per vehicle, seating capacity of more than seven passengers ~~\$100.00~~

(b) The full amount of the license fee shall be required regardless of the time of the year in which application is made.

(c) Licenses under this section shall expire on September 10th next following the date of application.

Section 11. That section 5.10.180, Pawnbroker, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Pawnbroker.

The license fee for a pawnbroker shall be ~~\$140.00 per year~~ as prescribed by the City's Fee Schedule. Licenses shall expire on December 31st of each year.

Section 12. That section 5.10.200, Precious metals dealer, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Precious metals dealer.

The initial license fee and renewal fee for a precious metals dealer's license shall

be ~~\$35.00 per year~~ as prescribed by the City's Fee Schedule. Each license shall be renewed on or before July 1st of each year.

Section 13. That section 5.10.230, Secondhand dealer, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Secondhand dealer.

Secondhand dealers shall pay a license fee of ~~\$32.00 per year~~ as prescribed by the City's Fee Schedule. The license shall expire December 31st.

Section 14. That section 5.10.250, Sign erector, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Sign erector.

The license fee for a person engaged in the business of sign hanging and the erection of signs shall be ~~\$50.00 per year~~ as prescribed by the City's Fee Schedule.

Section 15. That section 5.10.260, Taxicab-Business license, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Taxicab-Business license.

The annual fee for a taxicab business license shall be ~~\$20.00 per taxicab~~ shall be as prescribed by the City's Fee Schedule. Licenses shall expire on December 31st of each year.

Section 16. That section 5.10.270, Taxicab-Driver, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Taxicab-Driver.

The license fee for a taxicab driver's license shall be ~~\$10.00 per year~~ as prescribed by the City's Fee Schedule. Licenses shall expire 12 months from their date of issuance.

188 Section 17. That section 10.65.210, Taximeter-Inspection, of The Code of the
189 City of Topeka, Kansas, is hereby amended to read as follows:

190 **Taximeter-Inspection.**

191 The City shall examine, inspect and seal, at least every six months, all taximeters
192 used in the City. If a complaint is made to the City Clerk that any taximeter registers
193 improperly or inaccurately, then it shall be the duty of the City Clerk to immediately cause
194 the taximeter to be inspected, and if it does not properly and accurately measure the
195 distance traveled and register the amount of fare to be determined and charged therefor,
196 then and in that event, it shall be unlawful for the owner or person in charge of such
197 taxicab to permit its use until such taxicab is equipped with a taximeter approved by the
198 City. For each inspection made by the City as provided in this section, there shall be paid
199 to the City Clerk a fee of ~~\$10.00~~ as prescribed by the City's Fee Schedule, by the owner
200 or operator of such taxicab. In the event a taximeter fails to pass inspection, the fee for
201 each reinspection shall be ~~an additional \$10.00~~ as prescribed by the City's Fee Schedule.
202 In case inspection is made upon complaint as provided in this section and such taximeter
203 is found to be correct, such inspection fee shall be paid by the person making the
204 complaint and not by the owner or operator of such taxicab.

205 Section 18. That section 10.70.050, Truck routes and truck delivery routes
206 established, of The Code of the City of Topeka, Kansas, is hereby amended to read as
207 follows:

208 **Truck routes and truck delivery routes established.**

209 (a) Truck route and truck delivery route designations shall be established by the
210 City Manager or his or her designee. A map of truck routes and truck delivery routes shall

be posted on the City website. It shall be unlawful for any person, firm, association, partnership or corporation to operate a truck, trailer, or semi-trailer with a registered gross vehicle weight rating in excess of 26,000 pounds on any street within the corporate limits of the City, other than on the designated truck routes. Public Works may provide an Overweight Bridge Load Review upon payment of a fee as prescribed by the City's Fee Schedule.

(b) The provisions of this section shall not be applicable to those vehicles which are designed and used primarily to carry passengers; emergency vehicles; vehicles engaged in repairing, maintaining or constructing streets or other public infrastructure; City or franchised utility vehicles; vehicles conducting refuse collections; any other City vehicles operating under the authority of the City or contractors' vehicles when engaged in projects for the City; vehicles carrying goods, wares or merchandise or other articles to and from any house, residence or business establishment within the City or vehicles providing equipment or materials necessary for repair or construction of any house, residence or business establishment; provided, that such vehicles take the most direct route to and from the facilities or locations served using the designated truck routes whenever possible. For the purposes of this section, taking the most direct route shall not be deemed to include the use of local streets when access can be obtained from an arterial or collector street.

(c) On streets and thoroughfares designated as truck routes, all drivers shall comply with bridge and culvert load limit signs and regulations, which take precedence over truck route designations.

Section 19. That section 5.10.280, Tree, shrub and vine service, of The Code of

the City of Topeka, Kansas, is hereby amended to read as follows:

Tree, shrub and vine service.

The annual license fee for every tree, shrub and vine service, as well as the fee for single service of dead tree removal, shall be as prescribed by the City's Fee Schedule:-

(a) ~~Generally~~ \$100.00

(b) ~~Single service of dead tree removal~~ \$10.00

Section 20. That section 5.75.090, [Going-out-of-Business] Fees, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Fees.

Any applicant for a permit under this article shall submit to the City Clerk with the application a permit fee of ~~\$75.00~~ as prescribed by the City's Fee Schedule. Any applicant for a renewal permit under this article shall submit to the City Clerk with the renewal application a renewal permit fee of ~~\$120.00~~ as prescribed by the City's Fee Schedule.

Section 21. That section 5.10.170, Mobile home park, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Mobile home park.

(a) The annual license fee for a mobile home park shall be ~~\$40.00 per park plus \$2.00 per unit~~ as prescribed by the City's Fee Schedule. ~~The maximum license fee shall be limited to \$240.00.~~

(b) The full amount of the mobile home park license fee shall be required regardless of the time of the year in which the application is made, and the licensee shall only be authorized to operate under the license for the remainder of the period to July 1st following the date on which the license is issued.

Section 22. That section 5.100.030, Application-Fee-Issuance-Renewal [Mobile Home Park], of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Application-Fee-Issuance-Renewal.

The initial application for a mobile home park license shall be filed with the Development Services Division, and shall be accompanied by a nonrefundable filing fee of ~~\$25.00 plus \$5.00 per unit space~~ as prescribed by the City's Fee Schedule. Upon investigation and certification by the Code Enforcement Director, the license shall be issued by the Code Enforcement Director, upon payment of the fee prescribed by TMC 5.10.170. The application for a license shall be made on a printed form furnished by the Development Services Division and shall include the name and address of the owner in fee of the tract (if the fee is vested in some person other than the applicant, a duly verified statement by that person that the applicant is authorized by him to construct or maintain the mobile home park and make the application shall be included), and a legal description of the premises upon which the mobile home park is or will be located, which description will readily identify and definitely locate the premises. Applications for the renewal of a license shall be made to the Code Enforcement Director, and the renewed license shall be issued by the Code Enforcement Director after payment by the licensee of the annual license fee; provided, that when a renewal application or fee for licensed mobile home park is more than 60 days past due, the license shall be deemed to have expired and a new application shall be required and all requirements of this chapter shall be met prior to the issuance of the new license. The Development Services Division shall send written notice of the license renewal to the last known address of the licensee.

Section 23. That section 5.100.040, Investigation of violations, fee, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Investigation of violations, fee.

If, upon inspection of a mobile home park, a violation is found and cited by the Development Services Division, an additional per hour fee shall be charged to the mobile home licensee in the amount of ~~\$30.00 per hour~~ as prescribed by the City's Fee Schedule for time spent investigating such violation. Imposition of the ~~\$30.00~~ per hour fee shall be limited to the following:

(a) Electrical service size as owned by the mobile home park;

(b) Streets;

(c) Sidewalks;

(d) Lighting;

(e) Gas line installations as owned by the mobile home park;

(f) Septic tanks;

(g) Sewerage system as owned by the mobile home park; and

(h) Water line system as owned by the mobile home park.

Section 24. That section 5.115.030, Transient vendor, peddler, solicitor-License application-Fee-Duration, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Transient vendor, peddler, solicitor-License application-Fee-Duration.

(a) Application shall be made to the City Clerk on a form provided by the City Clerk. In addition to paying the license fee, the applicant shall attest to the truthfulness of the application and shall complete the application in full, providing the following

information:

(1) Name and permanent address of the applicant and the business. If the applicant is not an individual, the names and permanent addresses of the officers of the corporation or the members of the partnership, firm, limited liability company, or other business entity.

(2) The applicant's Kansas sales tax certificate number, if applicable.

(3) A brief description of the licensed activity, including the nature of the applicant's business and the merchandise or services being offered.

(4) The location of any structure, building or conveyance to be used in the course of the licensed activity, including a site plan.

(5) A statement indicating whether or not the applicant has had a transient vending license or a peddler's or solicitor's license revoked by the City or another municipality within the two preceding years prior to the date of application.

(6) For peddlers and solicitors, a statement whether or not within 10 years immediately preceding the date of making application the applicant has been convicted of any felony or misdemeanor involving crimes against persons as those crimes are defined in Chapter 21, Article 54, Kansas Statutes Annotated, and theft, burglary, and criminal use of a financial card as those crimes are defined in Chapter 21, Article 58, Kansas Statutes Annotated. Criminal background reviews will be conducted by the Police Chief or designee.

(7) For transient vendors, written authorization from the owner or lessee of private property that the applicant may conduct activities at the identified site.

(b) *License Fees – Duration.* The following license fees shall not be prorated or

refundable for any reason, including denial of an application or license revocation:

(1) Transient vendor: ~~\$10.00 per day~~ The per day fee shall be as prescribed by the City's Fee Schedule. A transient vendor license shall be valid only for the day(s) set out in the license; except that the license is not valid on days during which special events permitted pursuant to Chapter 12.70 TMC occur unless the participation of the licensee has been approved by the special event sponsor.

(2) Peddler or solicitor: ~~\$250.00~~ The annual fee shall be as prescribed by the City's Fee Schedule, plus the cost of the criminal background review. A peddler or solicitor license shall expire on December 31st of the year in which it is issued.

Section 25. That section 5.115.080, Sidewalk vendor-License application-Fee-Duration, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Sidewalk vendor-License application-Fee-Duration.

(a) Application shall be made to the City Clerk on a form provided by the City Clerk. In addition to paying the license fee, the applicant shall attest to the truthfulness of the application and shall complete the application in full, providing the following information:

(1) Name and permanent address of the applicant and the business. If the applicant is not an individual, the names and permanent addresses of the officers of the corporation or the members of the partnership, firm, limited liability company or other business entity.

(2) The applicant's Kansas sales tax certificate number, if applicable.

(3) A brief description of the licensed activity, including the nature of the

applicant's business and the merchandise or services being offered.

(4) The location of the activity.

(5) A statement indicating whether or not the applicant has had a sidewalk vending license revoked by the City or another municipality within the two preceding years prior to the date of application.

(6) Written permission of the property owner or tenant and immediately adjacent property owner(s) or tenant(s) if the applicant is conducting business in front of a retail business.

(7) A certificate of insurance from the applicant demonstrating general liability coverage in an amount not less than \$500,000 per single incident.

(b) *License Fees*. The fee shall be ~~\$10.00 per day~~ as prescribed by the City's Fee Schedule and shall not be pro-rated or refundable for any reason, including denial of an application or license revocation. The license shall be valid only for the day(s) set out in the license; except that the license is not valid on days during which special events permitted pursuant to Chapter 12.70 TMC occur unless the participation of the licensee has been approved by the special event sponsor.

Section 26. That section 5.115.140, Flea market promotor-License application-Fee-Duration, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Flea market promotor-License application-Fee-Duration.

(a) Application shall be made to the City Clerk on a form provided by the City Clerk. In addition to paying the license fee, the applicant shall attest to the truthfulness of the application and shall complete the application in full, providing the following

information:

(1) Name, permanent address and contact information for the applicant. If the applicant is not an individual, the names and permanent addresses of the officers of the corporation or the members of the partnership, firm, limited liability company or other business entity.

(2) The location or address of the flea market and the zoning district.

(3) A statement indicating whether or not the applicant has had a flea market license revoked by the City or another municipality within the two preceding years prior to the date of application.

(4) Name of the property owner on which the flea market will be operated and written permission of the property owner if the applicant is not the property owner.

(5) The period of time for which the flea market will be in operation.

(b) *License Fee – Duration.* The license fee shall be ~~\$100.00~~ as prescribed by the City's Fee Schedule and shall not be prorated or refundable for any reason, including denial of an application or license revocation. The license shall expire on December 31st of the year in which it is issued.

Section 27. That section 5.115.190, Mobile food vendor-License application-Fee-Duration, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Mobile food vendor-License application-Fee-Duration.

(a) Application shall be made to the City Clerk on a form provided by the City Clerk. In addition to paying the license fee, the applicant shall attest to the truthfulness of the application and shall complete the application in full, providing the following

information:

(1) Name and permanent address of the applicant and the business. If the applicant is not an individual, the names and permanent addresses of the officers of the corporation or the members of the partnership, firm, limited liability company or other business entity.

(2) The name of the owner and the type, make and registration number of the vehicle(s).

(3) A brief description of the nature of the business and the food/beverage being offered for sale.

(b) The applicant shall pay a license fee in the amount of ~~\$300.00~~ prescribed by the City's Fee Schedule, which shall not be prorated or refundable for any reason, including denial of an application or license revocation.

(c) A mobile food vendor license is valid until December 31st of the year in which it is issued; except that the license is not valid on days during which special events permitted pursuant to Chapter 12.70 TMC occur unless the participation of the licensee has been approved by the special event sponsor.

Section 28. That section 5.160.020, [Tobacco/Novelty] Regulation, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Regulation.

(a) *License Required.* From and after 30 days of the effective date of this chapter, it shall be unlawful for a person to sell or otherwise dispense tobacco and/or novelty items via retail unless the premises from which the items are sold or dispensed is licensed as provided herein.

418 (b) *Application for License.* Any person desiring to license a premises for the sale
419 of tobacco/drug paraphernalia and/or novelty items within the corporate limits of the City
420 of Topeka shall first make application at the City Clerk's office and submit an application
421 fee of ~~\$500.00~~ as prescribed by the City's Fee Schedule. Each such license shall be
422 effective for one calendar year from the date of issuance. The application shall be made
423 upon a form approved by the City Attorney and shall be completed by submitting the
424 following information:

425 (1) The name, address, and telephone number of the applicant and length
426 of time the applicant has resided at the address given;

427 (2) The name and address of the owner of the property upon which the
428 premises is located (if different from the applicant);

429 (3) The name, address, and telephone number of the location of the
430 premises desired to be licensed; and

431 (4) A sworn statement that the applicant is a citizen of the United States
432 and not less than 21 years of age, and that he or she has not within the last five
433 years immediately preceding the date of application been convicted of a felony or
434 misdemeanor involving the sale, distribution or use of tobacco, tobacco products,
435 tobacco paraphernalia, or of any controlled substance. A diversion granted for any
436 of the offenses enumerated in this section shall be considered a conviction.

437 (c) *Issuance of License.* Within 30 days of receiving the application, the City Clerk
438 shall notify the applicant as to whether the license has been granted or rejected. In the
439 event a license is rejected, the City Clerk shall refund any license fee paid and advise the
440 applicant in writing of the reasons for such action within 15 days of said denial.

441 (d) *Annual Reapplication*. Any person desiring to renew a license issued pursuant
442 to this chapter by the City shall make reapplication at the office of the City Clerk not more
443 than 60 days prior to the expiration of an existing license. Each such reapplication shall
444 be accompanied by a ~~\$500.00~~ license fee as prescribed by the City's Fee Schedule. The
445 reapplication shall be verified and made upon the same form as an application.

446 (e) *Transfer of License*. A license issued pursuant to this chapter shall not be
447 transferable to any other person or premises.

448 (f) *Receipt, Issuance and Display of License*. The City Clerk shall issue to the
449 license holder a receipt showing that the license application fees have been paid and that
450 such payment shall be the payment in full for the term of the license as shown by the
451 certified copy of the license as authorized by the City Clerk. The license shall be
452 prominently displayed at the licensee's premises.

453 (g) *Denial or Revocation of License*. The City may deny or revoke a license for
454 any of the following reasons:

455 (1) False or misleading information or data was given on any application or
456 material facts were omitted from any application;

457 (2) The fee required to be paid by this chapter is not paid in full; and/or

458 (3) The applicant or licensee has been convicted of any crime set forth in
459 subsection (b) of this section.

460 (h) *Sale to Minors Prohibited*. It shall be unlawful for a person to sell tobacco
461 paraphernalia and/or novelty items to a person under 18 years of age.

462 Section 29. That section 8.35.070, Fireworks, of The Code of the City of Topeka,
463 Kansas, is hereby amended to read as follows:

464 **Fireworks.**

465 (a) *Definitions.*

466 (1) “Fireworks” shall mean any composition or device for the purpose of
467 producing a visible or an audible effect for entertainment purposes by combustion,
468 deflagration, or detonation, that meets the definition of “consumer fireworks” or
469 “display fireworks” as set forth in this code. [NFPA 1124, 2006]

470 (2) “Consumer fireworks” shall mean any small fireworks devices
471 containing restricted amounts of pyrotechnic composition, designed primarily to
472 produce visible or audible effects by combustion that comply with the construction,
473 chemical composition, and labeling regulations of the U.S. Consumer Product
474 Safety Commission (CPSC), as set forth in
475 CPSC 16 CFR 1500 and 1507, 49 CFR 172, and APA Standard 87-1, Standard
476 for the Construction and Approval for Transportation of Fireworks, Novelties and
477 Theatrical Pyrotechnics [NFPA 1124, 2006]. Metal sparklers are specifically
478 excluded from the definition of consumer fireworks.

479 (3) “Display fireworks” shall mean large fireworks devices that are
480 explosive material intended for use in fireworks displays and designed to produce
481 visible or audible effects by combustion, deflagration, or detonation, as set forth in
482 CPSC 16 CFR 1500 and 1507, 49 CFR 172, and APA Standard 87-1, Standard
483 for the Construction and Approval for Transportation of Fireworks, Novelties, and
484 Theatrical Pyrotechnics.

485 (4) “Fire Chief” shall mean the duly appointed Chief of the City of Topeka
486 Fire Department or any person designated by said Chief to enforce the provisions

of this chapter.

(5) "Special event" shall mean an organized celebration, commemoration, occasion or other similar event sponsored by a nonprofit religious, educational or community service organization.

(b) *Metal Sparklers*. It shall be unlawful for any person to possess, transport, or ignite a metal sparkler within the City.

(c) *Possession/Discharge of Fireworks*. It shall be unlawful for any person to possess, transport, ignite, discharge or cause to be discharged any fireworks in the City except as specifically permitted in this section.

(1) Consumer fireworks may be discharged within the City of Topeka as follows:

(i) Between the hours of 10:00 a.m. and 11:00 p.m. on July 3rd of each year.

(ii) Between the hours of 10:00 a.m. and 11:59 p.m. on July 4th of each year.

(2) A person shall not recklessly or intentionally discharge, ignite or otherwise cause fireworks:

(i) To place another person in reasonable apprehension of immediate bodily harm;

(ii) To cause physical contact with another person; or

(iii) To deface or damage real or personal property of another person without the consent of any such other person.

(3) A person shall not ignite or discharge fireworks into, under, or from a

car or vehicle, whether moving or standing still, or on a public roadway or the right-of-way adjoining a public roadway.

(4) Fireworks shall not be discharged within 100 feet of any “place or institution,” as defined by National Fire Protection Association Standard No. 101, which is adopted by reference in K.A.R. 22-1-3, or any retail fireworks stand or facility where fireworks are stored.

(5) Fireworks shall not be discharged within 500 feet of the Colmery-O’Neil Veterans Affairs Medical Center building at 2200 S.W. Gage Boulevard.

(6) It shall be unlawful for any person to possess, ignite or otherwise cause the discharge of any fireworks that are not consumer fireworks or any fireworks which are prohibited by Federal or State statute or regulation.

(d) Sale of Fireworks.

(1) It shall be unlawful for any person to sell, hold for sale, or offer for sale at retail, any consumer fireworks in the City unless such person has first obtained a permit from the City as a retailer.

(2) Any person desiring to sell or offer for sale any consumer fireworks as a retailer shall make application to the City Clerk for a permit authorizing the same. Such application shall include the following information and such additional information as the Fire Chief shall deem necessary:

(i) The name and residence address of the applicant.

(ii) The location of the premises for which the permit is sought. If ownership of premises is different from the applicant, written consent of the owner is required.

(iii) When the permit is sought in a temporary structure or facility, the applicant shall provide a legal description of the premises, a description of the structure or facility to be used, and the location of such structure or facility upon the premises. All temporary structures, including tents, shall be posted with the approved NFPA 704 placards. A copy of subsection (c) of this section shall also be posted on all premises where fireworks are sold. Such notice shall be at least eight and one-half inches by 11 inches in size and printed in type no smaller than 12 characters per inch. After an inspection of the premises including review by appropriate City agencies such as the Fire Department and Development Services Director, and consideration of the information contained in the application for a permit, the Fire Chief may issue a permit therefor, conditioned upon reasonable safety measures to be specified in the permit and upon payment by the applicant of a fee of ~~\$280.00~~ as prescribed by the City's Fee Schedule to the City Clerk. Any permit issued under the provisions of this section shall be valid only for the period of June 29th through and including July 4th of the year in which issued and shall be issued in accordance with the International Fire Code article entitled "Permits." Persons responsible for the operations of fireworks stands in which fireworks are stored or handled shall be familiar with safety requirements for the materials being sold, and the appropriate actions necessary in the event of a fire. Additionally, each seller is required to give each purchaser of fireworks at the time of sale a written notice stating the following:

The discharge of fireworks is lawful in the City of Topeka on July 3, from the hours of 10:00 a.m. to 11:00 p.m., and on July 4 from 10:00 a.m. to 11:59 p.m. Discharge on any other day or during any other times is unlawful.

(e) *Confiscation of Fireworks.* Any fireworks in the immediate possession or control of a person violating any City ordinance controlling the use of fireworks may be confiscated by any sworn law enforcement official, the Fire Chief, or any member of the Fire Department who has been duly authorized by the Fire Chief. Confiscated fireworks must be retained by the confiscating agency and may only be destroyed upon approval by the court. The City Council encourages the Fire Department to continue public education efforts and encourages the Police Department to work internally and with the community to develop improved strategies for enforcement.

(f) *Adult Supervision Required.* At all times that it is lawful for any person over the age of 18 years to possess and discharge permitted consumer fireworks, it shall also be lawful for a person under the age of 18 years to possess and discharge permitted consumer fireworks when such person does so under adult supervision and in the physical presence of the adult. It shall be unlawful for any person over the age of 18 years to permit a person under the age of 18 to discharge fireworks without adult supervision and in the physical presence of the adult.

(g) *Rules and Regulations.* Display fireworks may be sold and ignited and/or discharged pursuant to rules and regulations established by the Chief of the Topeka Fire Department.

(h) *Special Events.* Consumer fireworks may be ignited and/or discharged for a

special event pursuant to rules and regulations established by the Fire Chief or designee.

(i) *Penalties.* Any person convicted of violating any of the provisions in this section shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$250.00 to a maximum amount of \$499.00 per violation. In addition to any fine, the individual may be sentenced up to 179 days in jail. The fine shall not be paroled.

Section 30. That section 12.70.040, Fees – Deposit for debris removal [Special Events], of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Fees – Deposit for debris removal.

(a) Application Fee. Except for governmental entities, an applicant for a special event permit shall submit a nonrefundable application fee of ~~\$50.00~~ as prescribed by the City's Fee Schedule to the City Clerk at the time of application. For block parties, the nonrefundable application fee shall be ~~\$25.00~~ as prescribed by the City's Fee Schedule for each block party.

(b) Debris Deposit. The applicant shall pay a deposit in ~~an~~ the amount ~~to be determined by the City Manager or designee~~ prescribed by the City's Fee Schedule. In the event the applicant fails to comply with TMC 12.70.090(c), all or a portion of the deposit will be used to reimburse the City for the costs of removing all debris from the property.

Section 31. That section 5.10.160, Private security firms, employees, agents and guards, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Private security firms, employees, agents and guards.

(a) The annual license fee for persons engaged in the private security business,

and employees, agents or guards of private security firms, shall be as ~~follows~~prescribed
by the City's Fee Schedule for the following:

(1) Employees, agents, and guards of private security firms:

(i) First year application ~~\$30.00~~

(ii) Annual renewal ~~\$25.00~~

(2) Private security firms:

(i) First year application ~~\$300.00~~

(ii) Annual renewal ~~\$100.00~~

(3) Temporary license ~~\$10.00~~

(b) Each applicant for a license under this section shall be individually
responsible for license fees and shall pay such fees as a condition to license processing.

Licenses shall expire 12 months from the initial date of application.

Section 32. That section 5.10.190, Alarm business, of The Code of the City of
Topeka, Kansas, is hereby amended to read as follows:

Alarm business.

The license fee for persons engaged in the alarm business shall be as follows:

(a) For businesses that sell, provide, alter, install, lease, maintain, repair, replace,
move, or service alarm systems or which cause any of these activities to take place, the
initial application fee ~~\$300.00~~, and the annual renewal fee shall be ~~\$100.00~~ as prescribed
by the City's Fee Schedule.

(b) For agents and employees of alarm businesses that actually perform the work
of altering, installing, leasing, maintaining, repairing, replacing, moving, or servicing an
alarm system or which causes any of these activities to take place, the initial application

fee ~~shall be \$30.00, and the annual renewal fee and fee to transfer agent license to~~
another alarm company shall be \$25.00 as prescribed by the City's Fee Schedule.

(c) For companies and their employees engaged solely and exclusively as an alarm monitoring business, the initial application fee and annual renewal fee shall be ~~\$25.00~~as prescribed by the City's Fee Schedule.

(d) Each applicant for a license under this section shall be individually responsible for license fees and shall pay such fees as a condition to license processing. Licenses shall expire 12 months from the initial date of application.

Section 33. That section 5.63.050, [Construction and Building Licenses] Fees, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Fees.

~~(a) The original annual license or registration fees for contractors, masters, journeymen and apprentices in the electrical, mechanical, plumbing and gas fitting trades set to expire on December 15, 2025, are:-~~

~~(1) Contractor:-~~

- ~~(i) Commercial Contractor Type I \$250.00~~
- ~~(ii) Commercial Contractor Type II \$450.00~~
- ~~(iii) Concrete Contractor \$150.00~~
- ~~(iv) Demolition Contractor \$150.00~~
- ~~(v) Elevator Contractor \$150.00~~
- ~~(vi) Excavation Contractor \$150.00~~
- ~~(vii) Fire Alarm Contractor \$150.00~~
- ~~(viii) Fire Sprinkler Contractor \$150.00~~

648	(ix) Framing Contractor	\$150.00
649	(x) Residential Contractor	\$200.00
650	(xi) Roofing Contractor	\$150.00
651	(xii) Swimming Pool Contractor	\$150.00
652	(xiii) Trade Contractors	\$250.00
653	(A) Master	\$100.00
654	(B) Journeyman	\$50.00
655	a. Certified backflow tester/Repair technician	\$50.00
656	(C) Apprentice Registration	\$30.00
657	(b) Annual renewal of license fees for all contractors, and masters, journeymen	
658	and apprentices in the electrical, mechanical, plumbing, and gas fitting trades which are	
659	set to expire on December 15, 2025, are:	
660	(1) Contractor:	
661	(i) Commercial Contractor Type I	\$200.00
662	(ii) Commercial Contractor Type II	\$400.00
663	(iii) Concrete Contractor	\$100.00
664	(iv) Demolition Contractor	\$100.00
665	(v) Elevator Contractor	\$100.00
666	(vi) Excavation Contractor	\$100.00
667	(vii) Fire Alarm Contractor	\$100.00
668	(viii) Fire Sprinkler Contractor	\$100.00
669	(ix) Framing Contractor	\$100.00
670	(x) Residential Contractor	\$150.00

671	(xi) Roofing Contractor	\$100.00
672	(xii) Swimming Pool Contractor	\$100.00
673	(xiii) Trade Contractors	\$150.00
674	(A) Master	\$75.00
675	(B) Journeyman	\$30.00
676	a. Certified backflow tester/Repair technician	\$30.00
677	(C) Apprentice Registration	\$20.00
678	(D) Inactive	\$30.00

679 (ea) The biennial license or registration fees for all contractors, and masters,
680 journeymen and apprentices in the electrical, mechanical, plumbing and gas fitting trades,
681 are as prescribed by the City's Fee Schedule for the following:

682 (1) Contractor:

683	(i) Commercial Contractor Type I	\$500.00
684	(ii) Commercial Contractor Type II	\$900.00
685	(iii) Concrete Contractor	\$300.00
686	(iv) Demolition Contractor	\$300.00
687	(v) Elevator Contractor	\$300.00
688	<u>(vi) Excavation Contractor</u>	
689	(vii) Fire Alarm Contractor	\$300.00
690	(viii) Fire Sprinkler Contractor	\$300.00
691	(viii) Framing Contractor	\$300.00
692	(ix) Residential Contractor	\$400.00
693	(xi) Roofing Contractor	\$300.00

694	(xii)	Swimming Pool Contractor	\$300.00
695	(xiii)	Trade Contractors	\$500.00
696	(A)	Master	\$200.00
697	(B)	Journeyman	\$100.00
698	a.	Certified backflow tester/Repair technician	\$100.00
699	(C)	Apprentice Registration-	\$60.00
700	(db)	The biennial renewal of license fees for all contractors, and masters,	
701		journeymen, and apprentices in the electrical, mechanical, plumbing, and gas fitting	
702		trades, are <u>as prescribed by the City's Fee Schedule for the following:</u>	
703	(1)	Contractor:	
704	(i)	Commercial Contractor Type I	\$400.00
705	(ii)	Commercial Contractor Type II	\$800.00
706	(iii)	Concrete Contractor	\$200.00
707	(iv)	Demolition Contractor	\$200.00
708	(v)	Elevator Contractor	\$200.00
709	(vi)	<u>Excavation Contractor</u>	
710	(vii)	Fire Alarm Contractor	\$200.00
711	(viii)	Fire Sprinkler Contractor	\$200.00
712	viii ix	Framing Contractor	\$200.00
713	(ix)	Residential Contractor	\$300.00
714	(xi)	Roofing Contractor	\$200.00
715	(xii)	Swimming Pool Contractor	\$200.00
716	(xiii)	Trade Contractors	\$300.00

717	(A)	Master	\$150.00
718	(B)	Journeyman	\$60.00
719	a.	Certified backflow tester/Repair technician	\$60.00
720	(C)	Apprentice Registration-	\$40.00
721	(D)	Inactive	\$60.00

722 (ec) Registration fee for individuals holding trade licenses issued by another
723 jurisdiction which has license requirements which comply with the provisions of
724 TMC 5.63.080 are as prescribed by the City's Fee Schedule for the following:

725	(1)	Master	\$100.00
726	(2)	Journeyman	\$50.00

727 (fd) In addition to the foregoing license or registration fees, the following fees or
728 charges as prescribed by the City's Fee schedule shall also apply to all licenses:

729	(1)	Change of designated master for trade contractors	\$50.00
730	(2)	Reinstatement fee	\$30.00
731	(3)	Change of address	
732		(failure to notify Development Services Director)	\$10.00
733	(4)	Duplicate license	\$10.00
734	(5)	Exam application	\$50.00
735	(6)	Exam re-test	\$20.00
736	(7)	Grade verification letter	\$50.00

737 (ge) Late registration or renewal fee ~~in an amount equal to 25 percent of the~~
738 ~~renewal fee up to 15 days after the expiration of licenses~~ shall be assessed as prescribed
739 by the City's Fee Schedule. ~~Late registration or renewal fee in an amount equal to 50~~

percent of the renewal fee 15 days or more after expiration.

(hf) Individuals may elect to split their biennial renewal fees pursuant to subsections (da) and (b) of this section into two equal payments with one-half of the fee due on the last working day before December 15th of the first year and the remaining one-half of the fee due on the last working day before December 15th of the second year. An ~~\$50.00~~ administrative fee as prescribed by the City's Fee Schedule shall be paid in addition to the renewal fee and accompany the first one-half renewal payment. Failure to pay the amount due under this subsection on the date that it is due shall result in late fees being assessed pursuant to subsection (ge) of this section.

Section 34. That section 3.05.040, Service charge for nonnegotiable or returned checks, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Service charge for nonnegotiable or returned checks.

Any person who gives the City or any of its departments an insufficient check shall be charged a ~~\$30.00~~ service charge, as prescribed by the City's Fee Schedule, as authorized by K.S.A. 60-2610 as amended.

Section 35. That section 6.15.060, [Dog, Cat, Pig Permit] Fees, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Fees.

(a) The permit fees required by this chapter, for each permit year, are as follows as prescribed by the City's Fee Schedule for the following sterilization statuses:

(1) For each unspayed female, or nonneutered male ~~\$20.00~~

(2) For each spayed female, or neutered male ~~\$8.00~~

(b) No permit fee shall be required of any animal shelter, humane society or

veterinary hospital.

(c) Permit fees for kennels, if any, are addressed in State statutes.

Section 36. That section 6.15.080, Obtaining permits after deadline-Enforcement procedure [Dog, Cat, Pig permit], of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Obtaining permits after deadline-Enforcement procedure.

(a) *Late Charge.* If a person obtains a permit within 30 days after either the expiration of an existing permit term or the date on which a permit is required, no late penalty will be charged; if, however, the applicant fails to make application within such 30-day period, a late charge of ~~\$2.00~~ as prescribed by the City's Fee Schedule shall be assessed ~~for each month the applicant is delinquent in making application, not to exceed a total of \$24.00.~~ The late charge shall be added to and collected with the regular permit. ~~Any portion of a month shall be considered as a full month for the purposes of late charge computation.~~

(b) *Application and Renewal Forms.* The Chief of Police shall be authorized to mail application forms for permits and reminder notices to any animal owner of which the Chief of Police has record.

(c) *Delinquency Notice.* A complaint alleging violation of the renewal provisions of a permit issued under this chapter and a notice to appear shall be issued against the owner of a dog, cat or miniature pot-belly pig subject to, but not in compliance with, such renewal provisions. A courtesy delinquency notice will be issued to the owner by electronic mail and/or United States mail, first class, postage prepaid, at the last known addresses of said owner. This notice shall include at least the following:

(1) A title that it is a delinquency notice;

(2) A statement of late payment charges the owner must pay; and

(3) A warning that failure to purchase the applicable permit will result in the issuance of a complaint and notice to appear and subject the owner to potential court costs.

(d) *Complaint and Notice to Appear.* The complaint and notice to appear as provided in this section shall charge the owner with violations of the particular applicable ordinance and order the owner to appear in Municipal Court at a particular date and time.

(e) *Fines.* Any person charged with a violation of this chapter shall, upon a plea or finding of guilt, be sentenced to a fine of not less than \$50.00. The sentence shall not be subject to a reduction or parole unless the person who is convicted or pleads guilty provides evidence that a permit was purchased prior to plea or finding of guilt. However, in no event shall the sentence be reduced or paroled to a fine of less than \$25.00.

Section 37. That section 6.15.090, Tag [Dog, Cat, Pig permit], of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Tag.

(a) Upon full compliance with the terms of this chapter, the Chief of Police or authorized agent shall issue a written permit to the applicant together with a durable permit tag stamped with an identifying number and so designed that it may be securely fastened to a collar or harness.

(b) The permit tag issued pursuant to this section shall be securely attached to the collar or harness of the dog, cat or miniature pot-belly pig for which such permit and tag is issued and said collar or harness shall be worn at all times the pet is off the premises

of its owner; provided, however, that if a dog, cat or miniature pot-belly pig is not wearing a collar, the owner must be able to timely produce a valid permit tag upon request.

(c) If a permit tag issued for a dog, cat or miniature pot-belly pig is lost, a new tag may be obtained from the Chief of Police upon payment of a replacement fee of ~~\$1.00~~ as prescribed by the City's Fee Schedule.

(d) No person shall attach a permit tag to any dog, cat or miniature pot-belly pig other than the one for which the tag was issued.

Section 38. That section 6.15.170, Dangerous dogs, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Dangerous dogs.

(a) It shall be unlawful for any person to possess a dangerous dog or violate the provisions of this title. Any person found guilty of violating the provisions of this title shall be assessed, fined and the animal disposed of, as provided below:

(1) If the Municipal Court judge determines that a dog is dangerous pursuant to this chapter, the owner of the dangerous dog shall be required to comply with the following:

(i) Registration and Microchipping. The owner shall annually register the dangerous dog with the City, on such forms designated by the Police Chief, and shall have a microchip inserted into the dog by the humane society. The microchip shall detail the dangerous dog registration and such other information as may be appropriate to determine the ownership of the dog. The owner shall pay an ~~\$50.00~~ annual registration fee as prescribed by the City's Fee Schedule and shall pay all costs

associated with the microchip procedure and registration of the dog. The owner shall be responsible for maintaining with the Police Department the address of the owner and the dangerous dog. The owner shall notify the Police Department within seven days of a change in address for the owner and dangerous dog.

(ii) Confinement – Muzzle/Restraint. All dangerous dogs shall be confined within a secure enclosure, which can be either a building (i.e., Morton building, shed or garage) or a dwelling/residence. It shall be unlawful for any owner to maintain a dangerous dog upon any premises that does not have a secure enclosure, unless the owner keeps the dangerous dog inside his or her dwelling/residence. It shall be unlawful for any owner to allow a dangerous dog to be outside of the dwelling/residence of the owner or outside the secured enclosure unless it is necessary for the owner (A) to obtain veterinary care for the dangerous dog; or (B) for the limited purposes of allowing said dangerous dog to urinate or defecate; or (C) to surrender the dangerous dog to the humane society to be euthanized by a certified veterinarian; or (D) to respond to such orders of law enforcement officials as may be required. In such event, the dangerous dog shall be securely and humanely muzzled and restrained with a leash not exceeding four feet in length, and shall be under the direct control and supervision of the owner of the dangerous dog. The muzzle shall be made and used in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.

(iii) Sterilization. The owner shall pay for a licensed veterinarian to spay or neuter the dangerous dog before it will be released to the owner.

(iv) Transfer Prohibited. The owner shall not sell or give away the dangerous dog under any circumstances. If the owner no longer wishes to keep the dangerous dog, the dog must be surrendered to the humane society to be euthanized by a certified veterinarian.

(2) Upon conviction of keeping a dangerous dog, the owner shall comply with the provisions of this chapter within 15 days. The owner shall file proof of sterilization and microchipping, acceptable to the Municipal Court, with the clerk of the Municipal Court no later than 20 calendar days after conviction. Upon receipt, the clerk of the Municipal Court shall provide a copy of such proof to the Legal Department and the dog may then be released. If the owner fails to comply with the provisions of this chapter within the time provided, upon motion filed by the owner, the Municipal Court Judge may allow an extension of time to comply, after a finding of good cause, or order the dog to be destroyed. If the owner or keeper of the dog contests the determination, he or she may appeal within 14 days of the finding to the district court pursuant to law.

(3) The Municipal Court shall impose a fine of at least \$499.00 and not more than \$1,000 on a person who has been convicted of possessing a dangerous dog for an attack on a human being pursuant to TMC 6.05.010(h)(3). The Municipal Court shall have no authority to suspend the fine or any portion of the fine.

(4) The Municipal Court shall impose a fine of \$250.00 on a person who has been convicted of possessing a dangerous dog for an attack on a domestic animal pursuant to

878 TMC 6.05.010(h)(3). The Municipal Court shall have no authority to suspend the fine or
879 any portion of the fine.

880 (b) In the event that an animal control officer or law enforcement officer has
881 probable cause to believe that a dog is dangerous, as defined by TMC 6.05.010, the
882 animal control officer or law enforcement officer may seize and impound such animal at
883 the animal shelter or humane society. If an animal is ordered to be impounded pursuant
884 to this subsection, the person who owns, harbors, keeps or possesses such animal shall
885 be entitled to a hearing in the Municipal Court within 14 days of such impoundment to
886 review the propriety of such impoundment and whether a bond may be posted.
887 Impoundment expenses shall be assessed as court costs against a convicted owner and
888 any bond may be applied to such costs. If the owner is personally served with the citation
889 and fails to make an appearance to answer the charges within 72 hours after the failure
890 to appear, the court shall release the animal to the humane society or a proper holding
891 facility. If the citation is mailed to a presumed owner, and the presumed owner fails to
892 appear before the court to answer the charges, the court shall release the animal to the
893 humane society or a proper holding facility 20 days after the failure to appear. Upon any
894 failure to appear by the presumed owner thereafter, the court shall release the animal to
895 the humane society.

896 (c) Dogs seized in connection with dog fighting shall be housed in a secure
897 enclosure with proper exercise and care and held as evidence in the case until the
898 conclusion of the case and order from the court on the disposition of the dogs. Disposition
899 and release of dogs is determined in accordance to K.S.A. 21-6412 and 21-6414 and any
900 amendments thereto.

(d) Any police officer, reserve police officer or animal control officer of the City is authorized to issue a uniform complaint and notice to appear to any person who owns, harbors, keeps or possesses a dangerous dog when such officer has probable cause of an act or acts which are made unlawful by the provisions of this section have occurred.

(e) Dangerous Dog at Large. Any dog that has been found to be a dangerous dog or vicious dog under the previous Topeka City Code 18-8 or this section, that is not confined or registered as required pursuant to this chapter, shall be impounded by an animal control officer or a law enforcement officer. Upon conviction, in addition to all costs for impoundment, the owner or keeper shall pay a fine of at least \$250.00 but not more than \$499.00. For a second offense within 24 months, in which the dog is not confined or registered as required pursuant to this section, in addition to all costs for impoundment, the owner or keeper shall pay a \$499.00 fine and the animal control officer or law enforcement officer is empowered to impound the dog, and the dog shall be destroyed. The Municipal Judge shall have no authority to suspend the fine or any portion thereof.

(f) Dangerous Dog – Attack on Human. Upon conviction of this section, a dog may be destroyed if the dog attacks a human being which results in great bodily harm or death. Upon conviction of this section, the court may destroy a dog that has been previously determined to be a dangerous dog as defined at TMC 6.05.010.

(g) Dangerous Dog – Attack on Other Animal. Upon conviction of this section, a dog may be destroyed if the dog attacks a domestic animal which results in great bodily harm or death. Upon conviction of this section, the court may destroy a dog that has been previously determined to be a dangerous dog as defined at TMC 6.05.010.

(h) The impounded dog shall not be destroyed pending appeals of convictions

under this chapter. The dog shall remain impounded pending the determination of the complaint. If the court shall find that there shall not have been a violation, such dog shall be released to the custody of the owner. In addition to the fines provided in this section, the Municipal Judge shall have the authority to sentence the person adjudicated guilty of this chapter to serve up to a maximum of six months in jail.

(i) Notwithstanding any other provision of this chapter to the contrary and irrespective of whether the dog has been declared dangerous pursuant to this chapter, the Municipal Judge may order any dog destroyed if the Municipal Judge determines that the dog is an immediate threat to public health and safety and that confinement and registration of the dog by the owner or keeper of the dog as provided in this chapter will not adequately protect public health and safety. No person shall harbor, own, or possess a dog that is an immediate threat to public health and safety. In making such determination the Municipal Judge may consider the severity of the attack and such other relevant information. The Municipal Judge shall have the authority to sentence the person adjudicated guilty of this section to serve up to a maximum of six months in jail and to pay a fine not to exceed \$1,000.

Section 39. That section 8.05.070, False alarms [Police], of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

False alarms.

(a) "False alarm" shall be defined as an alarm signal eliciting a response by the police where an emergency situation does not in fact exist.

(b) Alarm users shall not be assessed any service charge for false alarms caused by interruption or failure of the service provided by public utilities, electrical or electronic

interruption or interference, acts of God, sonic booms, or traffic accidents.

(c) There shall be a grace period of six months from the date of the initial installation. For each false alarm not within the grace period, there shall be a service charge imposed of ~~\$25.00~~ per false alarm as prescribed by the City's Fee Schedule. Only the first four false alarms shall be deemed within the grace period even if otherwise covered by the grace period. Following the grace period, alarm system users shall not be assessed a fine for the first two false alarms in any one calendar year. For purposes of implementing this section, calendar year shall be deemed to be ~~the remainder of 1994 following the effective date of this section and thereafter calendar years shall be deemed to be~~ January 1st through December 31st.

(d) A service charge shall be paid by the alarm user to the City for each false alarm not otherwise exempted by this section. The proceeds from such false alarm service charges shall be deposited to the general fund of the City.

(e) Any service charge assessed pursuant to this section may, upon request of the alarm user, be reviewed by the Police Department in accordance with such review procedures as the Chief of Police may prescribe.

Section 40. That section 8.55.060, Fee assessment [False Fire Alarm], of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Fee assessment.

(a) Any person using an alarm system that reports, or causes to report, false alarms shall be assessed a fee based on the number of responses to false fire alarms within a calendar year. Calendar year shall be ~~deemed to be the remainder of 2018 following the effective date of this section and thereafter calendar year shall be~~ from

January 1st to December 31st. Fees for false alarm responses shall be prescribed by the City's Fee Schedule and based on the number of previous occurrences as follows:

FALSE ALARM RESPONSES	FEE
0 – 3	No charge
4 – 10	\$50.00 per occurrence
11 – 20	\$100.00 per occurrence
21 – 30	\$150.00 per occurrence
31 – 50	\$200.00 per occurrence
51 or more	\$500.00 per occurrence

(b) An invoice assessing a false alarm fee will be delivered to the alarm user by regular mail or by email and the fee is due within 30 days of the date of the invoice assessing the fee.

(c) Any person who receives an invoice imposing a fee, charge or penalty may, within 10 business days from the date of the invoice, appeal all or part of the fee, charge or penalty in accordance with TMC 2.45.020.

Section 41. That section 8.60.090, Section 107 – Violations [IPMC], of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Section 107– Violations.

Section 107.3, Prosecution of violation, is deleted in its entirety and the following provisions shall be substituted therefor:

(a) A person who fails to comply with a notice of violation served in accordance with Section 109.4, shall be guilty of a misdemeanor and, if convicted, may be punished in accordance with subsection (b). A violation of this chapter shall be deemed a strict

liability offense. Abatement of a violation by the Code Official shall not be a defense or excuse to a violation. The pendency of an administrative hearing pursuant to section 8.60.110 or section 8.75.040 shall not be a defense to a violation or prevent prosecution and adjudication in Municipal Court.

(b) Punishment for a violation of the International Property Maintenance Code (IPMC), adopted pursuant to TMC 8.60.010, shall be as follows:

(1) Upon a first conviction, a fine of not more than one thousand dollars;

(2) Upon a second conviction, a fine of not less than one hundred dollars nor more than one thousand dollars;

(3) Upon a third conviction, a fine of not less than five hundred dollars nor more than one thousand dollars;

(4) Upon a fourth or subsequent conviction, a fine of not less than one thousand dollars nor more than two thousand five hundred dollars;

(5) In addition to the preceding fines such person may be punished by a term of imprisonment which shall not exceed six (6) months, or by both such fines and imprisonment.

(c) For the purposes of determining whether a conviction is a first or subsequent conviction in sentencing under this section:

(1) conviction includes being convicted of a violation of the IPMC, and it is irrelevant whether an offense occurred before or after conviction for a previous offense.

(2) conviction includes being convicted of a violation of the IPMC or entering into a diversion agreement in lieu of further criminal proceedings on a complaint

alleging a violation of this section.

(3) any convictions occurring during the three years prior to the date of the occurrence shall be taken into account when determining the sentence to be imposed.

(d) Each day that any violation of this ordinance continues shall constitute a separate offense and be punishable hereunder as a separate violation.

(e) In addition to the penalties set forth above, the court may require that the owner register the property pursuant to Chapter 8.65 TMC.

Section 107.4, Violation penalties, is deleted in its entirety and the following provisions shall be substituted therefor:

Administrative penalties.

(a) There shall be an administrative monetary penalty of ~~\$100.00~~ as prescribed by the City's Fee Schedule imposed on the owner or, in the case of inoperative vehicles, the vehicle owner for each violation of this chapter that remains uncorrected after the time period stated in the notice of violation has elapsed.

(b) The administrative monetary penalty for a second or subsequent violation for which an administrative penalty has been imposed under this chapter that remains uncorrected after the time period stated in the notice of violation has elapsed for the same property within 36 months of the same or substantially same violation shall be ~~\$200.00~~ as prescribed by the City's Fee Schedule.

Section 107.5, Abatement of violations, is deleted in its entirety and the following provisions shall be substituted therefor:

(a) Abatement. Upon the expiration of the compliance period stated in the notice

of violation, the Code Official shall inspect the property. The Code Official may grant an extension of time if the owner demonstrates that due diligence is being exercised in abating the violation. If the owner has failed to comply within the compliance period or has failed to timely request an appeal hearing, the Code Official may abate the violation and assess the costs against the owner. If the costs are not paid within 30 days, the cost may be collected pursuant to K.S.A. 12-1,115 and amendments thereto and/or charged against the property pursuant to K.S.A. 12-1617e, K.S.A. 12-1617f, K.S.A. 12-1755, or K.S.A. 17-4759 and amendments thereto.

(b) Fees. The costs incurred by the City for abatement, including any administrative costs, shall be paid by the owner or, in the case of inoperative vehicles, the vehicle owner. The administrative costs shall be as prescribed by the City's Fee Schedule for the following:

General violations of the IPMC	\$140.00
Vegetation	\$140.00
Inoperative vehicles	\$175.00

Section 42. That section 8.65.050, Registration of vacant property, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Registration of vacant property.

(a) (1) Any owner of vacant property located within the City shall register the real property within 10 days after the property becomes vacant, or within 10 days after assuming ownership of the property, whichever is later.

(2) An owner of vacant property shall not be required to register the real property if the owner is performing renovation activities or has temporarily vacated the property for

a period not in excess of 180 days.

(b) Registration pursuant to this section shall contain at a minimum the name of the owner, the mailing address of the owner, email address, and telephone number of the owner, and, if applicable, the name and telephone number of the property manager and the manager's address, email address, and telephone number.

(c) If the owner resides outside a 60-mile radius of the City limits, the owner shall appoint an agent who resides within the City limits. The owner shall provide the agent's full name, property management company name (if applicable), email address (if applicable), telephone number and mailing address.

(d) If the property is sold or transferred, the new owner is subject to all the terms of this chapter. Within 10 days of the transfer, the new owner shall register the vacant property or update the existing registration, on a form provided by the Director.

(e) An owner shall notify the Director, on a form provided by the Director, when the property is no longer vacant.

(f) Failure of an owner to register is a violation of this chapter and shall be subject to a civil penalty of ~~not to exceed \$250.00~~ for each violation as prescribed by the City's Fee Schedule.

(g) If the civil penalty is not paid within 30 days from the payment date or, if appealed pursuant to Chapter 2.45 TMC, 30 days from the final decision of the Hearing Officer, the obligation may be collected in the same manner as a personal debt of the owner to the City and/or through placement of a lien upon the real property as a special assessment against the property. The City Clerk shall certify the unpaid portion of the penalty to the County Clerk who shall collect the assessment at the same time as ad

valorem property taxes.

Section 43. That section 10.10.050, Fees collected by the records section, of The Code of the City of Topeka, Kansas, is hereby repealed:

~~Fees collected by the records section.~~

~~(a) Employers. In all cases where the records section of the Police Department is requested and authorized to check and give information from its files regarding individuals who may be potential employees, or for any other purposes, a fee of \$5.00 shall be charged for each name checked, such fee to be due and payable at the time the check is made and the information is given.~~

~~(b) Accident Reports. In all cases where the records section of the Police Department is requested to provide traffic accident reports from its accident report files, a flat fee of \$5.00 shall be charged, such fee to be due and payable at the time the accident report is given.~~

~~In any case where the records section is requested to provide any other report from its files, a fee of \$2.00 shall be charged for reports not exceeding five pages. For reports exceeding five pages, the fee shall be \$2.00 for the first five pages, plus \$1.00 per page for each page over five pages, such fee to be due and payable at the time the report copy is given. Requests which require research of files older than one year will be charged a research fee of \$25.00 per person-hour. An estimated amount may be required to be paid for such research in advance.~~

~~(c) Photographs. In all cases where the records section of the Police Department is requested to provide copies of photographs taken by the Police Department, the following fees shall be charged:~~

- (1) ~~For each black and white picture requested:~~
- (i) ~~For a 4-inch by 5-inch picture—~~ \$2.00
 - (ii) ~~For a 5-inch by 7-inch picture—~~ \$2.50
 - (iii) ~~For an 8-inch by 10-inch picture—~~ \$5.00
 - (iv) ~~For an 11-inch by 14-inch picture—~~ \$6.50
 - (v) ~~For each Polaroid copy—~~ \$5.00
 - (vi) ~~For a 4-inch by 5-inch copy negative—~~ \$5.00
- (2) ~~For each color picture requested:~~
- (i) ~~For standard 127 and 35mm prints—~~ \$2.50
 - (ii) ~~For a 5-inch by 7-inch picture—~~ \$3.50
 - (iii) ~~For an 8-inch by 10-inch picture—~~ \$6.50
 - (iv) ~~For an 11-inch by 14-inch picture—~~ \$8.00
 - (v) ~~For each color Polaroid copy—~~ \$7.00
- (3) ~~For color slides:~~
- (i) ~~Minimum order for slides—~~ \$10.00
 - (ii) ~~Color slides from prints (each)—~~ \$1.25

Such fees are due and payable at the time the copies of photographs are requested.

~~(d) *Disposition.* All fees collected under the provisions of this section shall be paid into the City Treasury as provided by law.~~

Section 44. That section 12.30.110, Permit fees [Right-of-way], of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Permit fees.

(a) *Right-of-Way.* Right-of-way permit fees shall be ~~established~~ as prescribed by the ~~Director~~ City's Fee Schedule in an amount sufficient to recover the City costs for inspection and administration. No right-of-way permits shall be issued without payment of such fees unless the applicant agrees to pay such fees within 30 days of issuance. All permit fees shall be doubled during a probationary period. Permit fees that were paid for a permit that the Director has revoked for a breach as stated in TMC 12.30.200 are not refundable. All fees shall be deposited in the City's general fund.

1112 Section 45. That section 12.45.040, Application and permit required [Right-of-
1113 way], of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

1114 **Application and permit required.**

1115 (a) *Application.*

1116 (1) Any person desiring to obtain the City's permission to access the City's right-
1117 of-way or easements for the following purposes, including but not limited to: excavation;
1118 boring or tunneling; repair, construction or maintenance of a driveway, driveway approach
1119 or sidewalk; connection or disconnection with a water line or sewer line; or construction,
1120 repair or maintenance of an underground or overhead utility, shall first make application
1121 to the Development Services Director or designee and secure a permittherefor.

1122 (2) The application shall be on a form supplied by the Development Services
1123 Director and shall contain the following:

1124 (i) The specific location by each street address or place at which the work is to be
1125 performed;

1126 (ii) The purpose for which the work is intended;

1127 (iii) The dimensions: length, breadth and depth thereof;

1128 (iv) The time when the work is to be commenced thereon;

1129 (v) The time required to complete the work;

1130 (vi) An agreement that the applicant shall hold the City harmless from any and all
1131 claims for injury or damages whatsoever to persons or property that may result from the
1132 contractor's activities in the right-of-way or easement;

1133 (vii) An agreement that the applicant shall repair any defective work done by the
1134 applicant. Further, the applicant shall agree to reimburse the City for any costs incurred

by it to repair or replace the defective work should the applicant fail to do so; and

(viii) A statement that the applicant holds a current contractor's license under Chapter 5.63 TMC to do the work for which the permit is sought. Provided, however, any permit required by this article for the construction, repair or replacement of sidewalk, driveway or driveway approach may be issued to an unlicensed individual, provided the work to be done is for work at the applicant's single-family dwelling, including accessory building, used exclusively for living purposes, the individual is the owner of the premises, and occupies such premises. The individual shall be responsible for all materials, labor and obtaining all necessary inspections and shall submit plans that have to be approved prior to the issuance of a permit.

(b) *Permit.*

(1) If the application is approved by the Development Services Director under this article, the Development Services Director shall issue the permit applied for upon the payment of a fee as ~~established in a schedule maintained by the Public Works Director or his or her designee~~ prescribed by the City's Fee Schedule, therefor to cover in part the expense of regulating work in the right-of-way and issuing permits therefor, and such fee shall be paid to the Development Services Director.

(2) Where any work as set forth in this article, for which a permit is required, is commenced or proceeded with prior to obtaining such permit, the fee specified in this section shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of this article in the execution of such work, nor from any penalties prescribed by this article.

(3) Permits issued pursuant to this article shall be valid for a period of seven

calendar days. The seven-day period shall include an allowance of four days for inclement weather conditions. If work delay due to inclement weather exceeds four days, the Development Services Director may grant an extension of time. In emergency situations where excavation work must be started prior to obtaining a permit, such as during holidays or evenings, the contractor or utility company shall obtain the permit the next working day. If the work is not completed within seven days of the issuance of the permit, the permit may be extended by the Development Services Director for an additional fee equal to the amount of the original permit fee. Where the work is estimated to exceed seven days, not more than four days shall be granted for inclement weather delays.

(c) If any person shall persistently fail, refuse or neglect to comply with the provisions of this article, or any reasonable orders and directions of the Development Services Director in reference thereto, the Development Services Director may refuse to issue any further permits to such party.

Section 46. That section 13.30.090, Fees [Land Disturbance Activity permit], of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Fees.

All applications for a permit under this chapter shall be accompanied by a fee to cover the costs of plan review and inspection. Such fees shall be as prescribed by the City's Fee Schedule and in accordance with the following:

Removal or Increase of	LDA/Sq. Ft.	Fee
0 – 100 cubic yards	0 – 3,000	\$0
101 – 1,000 cubic yards	3,000 – 1 acre	\$70.00

Removal or Increase of	LDA/Sq. Ft.	Fee
1,001 – 5,000 cubic yards	1 – 5 acres	\$120.00
5,001 – 500,000 cubic yards	5 – 10 acres	\$220.00
500,001 or greater cubic yards	10+ acres	\$320.00

Section 47. That section 14.10.080, Administrative and other fees [Building & Construction], of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Administrative and other fees.

(a) *Permit Fees.* In addition to the permit and other fees specifically imposed under this title, the following fees and charges as prescribed by the City's Fee Schedule shall also apply:

Residential trade permit for work which is not done under a duly issued building permit: ~~\$50.00~~

Commercial trade permit for work which is not done under a duly issued building permit for projects up to \$200,000 total cost: ~~\$100.00~~

Commercial trade permit for work which is not done under a duly issued building permit for projects from \$200,000 up to \$500,000 total cost: ~~\$500.00~~

Commercial trade permit for work which is not done under a duly issued building permit for projects exceeding \$500,000 total cost: ~~\$1,000.00~~

Driveway permit for work which is not done under a duly issued building permit: ~~\$50.00~~

Sidewalk permit for work which is not done under a duly issued building permit: ~~\$30.00~~

Parking lot permit plan review and inspection for work which is not done under a duly issued building permit (per hour):	\$50.00
Homeowner permit for work which is not done under a duly issued building permit:	\$50.00
Reinspection charge:	\$50.00
	\$50.00
On-site consultation – no permit (per hour):	\$100.00
After hours inspection – weekend:	\$200.00
After hours inspection – holiday weekend:	\$50.00
Inspection requested after 4:00 p.m.:	\$50.00
Specified inspection time:	\$20.00
Water heater replacement – self inspection:	\$20.00
Heating, ventilation and air conditioning system replacement – self inspection:	\$50.00
Fire alarm test for work which is not done under a duly issued building permit or exceeds one hour (per hour):	\$50.00
Electrical inspection service clearance for existing structures (per hour):	\$50.00

(b) *Fees for Trade Contractor Work Commenced Without a Permit.* Any work commenced by a trade contractor without having first obtained the required permit shall be charged a fee of ~~\$500.00~~ as prescribed by the City's Fee Schedule, in addition to the fee for the permit.

Section 49. That section 14.20.040, Fence permit, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Fence permit.

Any person desiring to install any fence on private properties shall first secure a permit for such installation. The fee for a fence permit shall be ~~\$30.00~~ as prescribed by the City's Fee Schedule.

Section 50. That section 14.20.060, [IBC] Amendments, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Amendments.

Local amendments to the International Building Code are set out in this section.

(a) 101.1, Title, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

These regulations shall be known as the Building Code of the City of Topeka, Kansas, hereinafter referred to as "this code."

(b) 101.4.1, Gas, is hereby deleted in its entirety and the following provisions for Electrical shall be added:

Electrical. The provisions of the electrical code adopted by the City shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

(c) 101.4.2, Mechanical, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

The provisions of the mechanical code adopted by the City shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other

energy-related systems. All references to the International Mechanical Code contained herein shall instead refer to the mechanical code adopted by the City.

(d) 101.4.3, Plumbing, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

The provisions of the plumbing code adopted by the City shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. All references to the International Plumbing Code contained herein shall instead refer to the plumbing code adopted by the City.

(e) Section 103 is hereby deleted in its entirety.

(f) 105.2, Work exempt from permit, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

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

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than 120 square feet (11 m²).

2. Oil derricks.

1235 3. Retaining walls that are not over 4 feet (1,219 mm) in height measured from the
1236 bottom of the footing to the top of the wall, unless supporting a surcharge or impounding
1237 Class I, II or IIIA liquids.

1238 4. Water tanks supported directly on grade if the capacity is not greater than 5,000
1239 gallons (18,925 L) and the ratio of height to diameter or width is not greater than 2:1.

1240 5. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish
1241 work.

1242 6. Temporary motion picture, television and theater stage sets and scenery.

1243 7. Prefabricated swimming pools accessory to a Group R-3 occupancy that are
1244 less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18,925 L) and
1245 are installed entirely above ground.

1246 8. Shade cloth structures constructed for nursery or agricultural purposes, not
1247 including service systems.

1248 9. Swings and other playground equipment accessory to detached one- and two-
1249 family dwellings.

1250 10. Window awnings in Group R-3 and U occupancies, supported by an exterior
1251 wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not
1252 require additional support.

1253 11. Nonfixed and movable fixtures, cases, racks, counters and partitions not over
1254 5 feet 9 inches (1,753 mm) in height.

1255 Electrical:

1256 *Repairs and maintenance:* Minor repair work, including the replacement of lamps
1257 or the connection of approved portable electrical equipment to approved permanently
1258 installed receptacles.

1259 *Radio and television transmitting stations:* The provisions of this code shall not
1260 apply to electrical equipment used for radio and television transmissions, but do apply to
1261 equipment and wiring for a power supply and the installations of towers and antennas.

1262 *Temporary testing systems:* A permit shall not be required for the installation of
1263 any temporary system required for the testing or servicing of electrical equipment or
1264 apparatus.

1265 Gas:

- 1266 1. Portable heating appliance.
- 1267 2. Replacement of any minor part that does not alter approval of equipment or
1268 make such equipment unsafe.

1269 Mechanical:

- 1270 1. Portable heating appliance.
- 1271 2. Portable ventilation equipment.
- 1272 3. Portable cooling unit.
- 1273 4. Steam, hot or chilled water piping within any heating or cooling equipment
1274 regulated by this code.
- 1275 5. Replacement of any part that does not alter its approval or make it unsafe.
- 1276 6. Portable evaporative cooler.
- 1277 7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of
1278 refrigerant and actuated by motors of 1 horsepower (0.75 kW) or less.

1279 Plumbing:

1280 1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided,
1281 however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes
1282 defective and it becomes necessary to remove and replace the same with new material,
1283 such work shall be considered as new work and a permit shall be obtained and inspection
1284 made as provided in this code.

1285 2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures
1286 and the removal and reinstallation of water closets, provided such repairs do not involve
1287 or require the replacement or rearrangement of valves, pipes or fixtures.

1288 (g) Section 106, Floor and Roof Design Loads, is hereby deleted in its entirety.

1289 (h) Section 107, Submittal Documents, is hereby amended by the addition of the
1290 following provisions:

1291 107.1.1 Code footprint. A code footprint shall be included with each set of
1292 construction documents submitted for commercial building permit review and approval. A
1293 code footprint shall mean a building and life safety code compliance document that
1294 contains both graphic and narrative information and that meets the requirements of this
1295 code section and department policy regarding format and regulation.

1296 Each code footprint shall be prepared by an architect registered with the State of
1297 Kansas. A code footprint shall be prepared for all new buildings, new building additions,
1298 changes in occupancy, or building renovation, with the exception of buildings used solely
1299 as dwelling houses containing no more than two families.

1300 (i) Section 109, Fees, is hereby deleted in its entirety and the following provisions
1301 shall be substituted therefor:

1302 109.1 General. Whenever any person shall erect, construct, enlarge, alter, repair,
1303 move, improve, convert or demolish any building or structure, or cause the same to be
1304 done, an application shall be made to the development services office. A permit shall not
1305 be valid until the fees prescribed by law have been paid, nor shall an amendment to a
1306 permit be released until the additional fee has been paid.

1307 Exception: Repair or replacement of less than 50 percent (50%) of roof area will
1308 not require a roofing permit. Provided, however, repair or replacement of more than 5,000
1309 square feet of any sized roof shall require a roofing permit.

1310 109.2 Permit fees.

1311 109.2.1 The fee for each permit issued for work to be commenced within the City
1312 of Topeka boundaries shall be as prescribed by the City's Fee Schedule based on the
1313 total valuation ranges set forth in the Table in 109.7, except as provided in 109.6.

1314 109.2.2 The determination of value or valuation under any of the provisions of this
1315 code shall be made by the building official. The value to be used in computing the building
1316 permit and building plan review fees shall be the total value of all construction work for
1317 which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing,
1318 heating, air conditioning, elevators, fire-extinguishing systems and any other permanent
1319 equipment.

1320 109.3 Plan review fees. When submittal documents are required by Section 107,
1321 a plan review fee as prescribed by the City's Fee Schedule shall be paid to the City. ~~Said~~
1322 ~~plan review fee shall be 40 percent (40%) of the building permit fee as shown in Table~~
1323 ~~109.7.~~ The plan review fees specified in this section are separate fees from the permit
1324 fees specified in Section 109.2 and are in addition to the permit fees. When submittal

documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.1, an additional plan review fee shall be charged ~~at the rate shown in the Table~~ as prescribed by the City's Fee Schedule.

109.4 Expedited plan review. An applicant requesting a plan review by the division of development services may request an expedited plan review. Expedited plan review will be undertaken by qualified development services employees outside of normal working hours and will not interfere with normal plan review procedures or projects which have been submitted for plan review. An applicant seeking expedited plan review will compensate the City at the rate of two times the plan review fee for the expedited plan review.

109.5 Administrative and other inspection fees.

109.5.1 Administrative fees. In addition to the permitting and other fees permitted in this section, the ~~following~~ fees and charges as prescribed by the City's Fee Schedule for the following services shall also apply:

Compliance letter:	\$100.00
Floodplain verifications:	\$30.00
Technology improvement for each permit or license:	\$3.00

109.5.2 Other inspection fees. The following fees shall apply to inspections or certificates of elevators, dumbwaiters, escalators and moving walks:

Annual passenger elevator certificate per unit:	\$50.00
Annual freight elevator certificate per unit:	\$50.00

Annual escalator certificate per unit:	\$35.00
Annual dumbwaiter certificate per unit:	\$20.00
Annual access lift certificate per unit:	\$20.00
Full load test:	\$200.00
Reinspection fee:	\$50.00

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.

109.7 Table.

Building Permit Fees Total Valuation Ranges

TOTAL VALUATION	FEE
\$1.00 to \$500.00	\$23.50
\$501.00 to \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 to \$30,000,000.00	\$5,608.75 for the first \$1,000,000.00 plus \$3.65 for each additional \$1,000.00, or fraction thereof
\$30,000,001.00 or over	\$111,458.75

1360 109.8 Work commencing before permit issuance. Any person who commences
1361 any work on a building, structure, electrical, gas, mechanical or plumbing system before
1362 obtaining the necessary permits shall be subject to a fee ~~established~~ as prescribed by the
1363 ~~building official~~ City's Fee Schedule that shall be in addition to the required permit fees.

1364 109.9 Related fees. The payment of the fee for the construction, alteration, removal
1365 or demolition for work done in connection to or concurrently with the work authorized by

a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

109.10 Refunds. The building official is authorized to establish a refund policy.

(j) 110.3.9, Energy efficiency inspections, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

Inspections shall be made to determine compliance with Chapter 13 and shall include, but not be limited to, inspections for: envelope insulation R- and U-values and fenestration U-value.

(k) 111.1, Change of occupancy, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

When issuance of a building permit is required and building official inspection approval is obtained, building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

Exception: Certificates of occupancy are not required for work exempt from permits in accordance with Section 105.2.

111.1.1 Except as provided in section 111.1.2, no certificate of occupancy shall be issued unless the driveway approaches have been installed and sidewalks constructed along all adjoining rights-of-way of the subject lot or all lots or portions thereof joined to it

or are the subject of a contract as part of a benefit district created pursuant to K.S.A. 12-6a01 et seq. or Appendix A, Article XII of the Topeka Municipal Code.

111.1.2 The Director of Planning or designee may waive the requirement of section 111.1.1 if either of the following conditions applies:

(1) The sidewalk is the subject of a waiver granted in conjunction with approval of the subdivision plat.

(2) Unique circumstances exist where the Director of Planning or designee determine that the subject sidewalk link would not be part of a viable sidewalk system in that community or conditions exist whereby construction of the sidewalk is impractical.

(3) Weather conditions prevented installation of the driveway approaches or construction of the sidewalks. However, in such event, the property owner shall install driveway approaches and construct sidewalks within 90 days from the date of the final inspection.

111.1.3 Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances.

(l) Section 113, Means of Appeals, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

Appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code shall be in accordance with TMC 2.235.010.

(m) 509.4.2, Protection, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

Where Table 509.1 permits an automatic sprinkler system without a fire barrier, the incidental uses shall be separated from the remainder of the building by construction capable of resisting the passage of smoke. The walls shall extend from the top of the foundation or floor assembly below to the underside of the ceiling that is a component of a fire-resistance-rated floor assembly or roof assembly above or to the underside of the floor or roof sheathing, deck or slab above. Doors shall be self- or automatic-closing upon detection of smoke in accordance with Section 716.2.6.6. Doors shall not have air transfer openings and shall not be undercut in excess of the clearance permitted in accordance with NFPA 80. Walls surrounding the incidental use shall not have openings, air transfer openings, or duct openings unless provided with smoke dampers in accordance with Section 710.8.

(n) 703.5, Marking and identification, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

Where there is an accessible concealed floor, floor-ceiling or attic space, fire walls, fire barriers, fire partitions, smoke barriers, and smoke partitions required to have protected openings or penetrations shall be effectively and permanently identified with signs or stenciling in the concealed space. Such identification shall:

1. Be located within 20 feet of the end of each wall and at intervals not exceeding 75 feet measured horizontally along the wall or partition on one wall/partition side only.

2. Include lettering not less than 3 inches (76 mm) in height with a minimum 3/8-inch (9.5 mm) stroke in a contrasting color incorporating the suggested wording, "FIRE WALL AND/OR SMOKE PARTITION—PROTECT ALL OPENINGS" or commercially available sign approved by the building inspector.

(o) Commentary Figure 903.2 is hereby deleted in its entirety and the following provisions shall be substituted therefor:

Commentary Figure 903.2

SUMMARY OF OCCUPANCY-RELATED AUTOMATIC SPRINKLER THRESHOLDS

Occupancy	Threshold	Exception
All occupancies	Buildings with floor level $\geq$ 55 feet above Fire Department vehicle access and occupant load $\geq$ 30.	Open parking structures. F-2
Assembly (A-1, A-3, A-4)	Fire area $>$ 12,000 sq. Ft. or fire area occupant load $\geq$ 300 or fire area above/below level of exit discharge. Multitheater complex (A-1 only)	None
Assembly (A-2)	Fire area $>$ 5,000 sq. ft. or fire area occupant load $>$ 300 or fire area above/below level of exit discharge.	None
Assembly (A-5)	Accessory areas $>$ 1,000 sq. ft. Enclosed spaces under grandstands or bleachers $\leq$ 1,000 sq. ft. and not constructed in accordance with Section 1029.1.1.1 or $>$ 1,000 sq. ft.	None
Ambulatory care facility (B)	$\geq$ 4 care recipients incapable of self-preservation or any care recipients incapable of self-preservation above or below level of exit discharge.	None

Educational (E)	Fire area > 12,000 sq. ft. or below level of exit discharge. Fire area occupant load $\geq$ 300.	Each classroom has exterior door at grade.
Factory (F-1) Mercantile (M) Storage (S-1)	Fire area > 12,000 sq. ft. or building > three stories or combined fire area > 24,000 sq. ft. Woodworking > 2,500 sq. ft. (F-1 only). Manufacture > 2,500 sq. ft. (F-1), display and sale > 5,000 sq. ft. (M), storage > 2,500 sq. ft. (S-1) of upholstered furniture or mattresses. Bulk storage of tires > 20,000 cu. ft. (S-1 only).	Refer to Chapter 9 for thresholds and fire area criteria
High hazard (H-1, H-2, H-3, H-4, H-5)	Sprinklers required.	None
Institutional (I-1, I-2, I-3, I-4)	Sprinklers required.	Day Care at level of exit discharge and each classroom has exterior exit door.
Residential (R)	Sprinklers required.	Refer to 903.2.8
Repair garage (S-1)	Fire area > 12,000 sq. ft. or $\geq$ two stories (including basement) with fire area > 10,000 sq. ft. or repair garage servicing vehicles in basement or servicing commercial motor vehicles in fire area > 5,000 sq. ft.	None
Parking garage (S-1)	Commercial motor vehicles parking area > 5,000 sq. ft.	None
Parking garage (S-2)	Fire area > 12,000 sq. ft. or fire area > 5,000 sq. ft. for storage of	Not if beneath Group R-3

	commercial motor vehicles; or beneath other groups (enclosed parking)	
Covered and open malls (402.5)	Sprinklers required.	Attached open parking structures.
High-rises (403.3)	Sprinklers required.	Open garages; certain telecommunicati ons buildings
Unlimited area buildings (507)	A-3, A-4, B, F, M, S: one story. B, F, M, S: two story.	One story F-2 or S-2.
Note: Thresholds located in Section 903.2 unless noted. See also Table 903.2.11.6 for additional required suppression systems. For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m ² .		

(p) 903.2.1.2, Group A-2, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

An automatic sprinkler system shall be provided for Group A-2 occupancies where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet (464.5 m²).
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than the level of exit discharge.

(q) 903.2.8, Group R, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

Exceptions:

1. An automatic sprinkler system is not required for a building containing not more than two (2) single-family dwelling units in combination with other nonresidential occupancies; provided, however, that a fire alarm and detection system shall be installed in the residential units as well as the nonresidential occupancy areas.

2. An automatic sprinkler system is not required for buildings consisting solely of four (4) units or less.

(r) Chapter 11, Accessibility, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

Accessibility under this code, including all references within this code, shall be governed by the applicable City ordinances, State and Federal statutes and implementing regulations.

(s) Section 1808.1, General, is hereby amended by the addition of the following:

1808.1.1 Footing depth. Unless otherwise designed per provisions of a specific type of foundation, the minimum depth of footings shall be 36 inches (915 mm) below finished grade and bearing on undisturbed ground and shall conform to the design requirements per this section.

Exception: Only as determined and approved by the building official in accordance with design provisions of a specific type of foundation.

(t) 1809.1, General, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

Shallow foundations shall be designed and constructed in accordance with Sections 1808.1.1 and 1809.2 through 1809.13.

(u) Section 3001.4, Accessibility, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

Passenger elevators required to be accessible or to serve as part of an accessible means of egress shall be governed by the applicable City ordinances, State and Federal statutes and implementing regulations.

(v) 3104.1, General, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

This section shall apply to connections between buildings such as pedestrian walkways or tunnels, located at, above or below grade level, that are used as a means of travel by persons. The pedestrian walkway shall not contribute to the building area or the number of stories or height of connected buildings. Further, pedestrian walkways and tunnels which encroach into the City's right-of-way shall also comply with provisions of Chapter 32.

(w) 3107.1, General, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

Signs shall be designed, constructed and maintained in accordance with this code. Placement, type of sign, height and other requirements shall be governed by the Topeka Municipal Code.

(x) 3109.1, General, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

Swimming pools, spas and hot tubs shall comply with the International Property Maintenance Code adopted at TMC 8.60.010.

(y) 3201.3, Other laws, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

Regulation of public rights-of-way; encroachments. The City has a right to regulate public rights-of-way for the benefit of the public. Encroachments into the public right-of-way that solely benefit a private person or organization will not be allowed unless the applicant demonstrates that any private benefit is incidental and there is an overall benefit to the public.

(z) 3202.3, Encroachments 8 feet or more above grade, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

Encroachments 8 feet (2,438 mm) or more above grade shall comply with Sections 3202.3.1 through 3202.3.4.

3202.3.1 Awnings, canopies, and marquees. Awnings, canopies, and marquees shall be constructed so as to support applicable loads as specified in Chapter 16. Awnings, canopies, and marquees with less than 15 feet (4,572 mm) clearance above the sidewalk shall not extend into or occupy more than two-thirds the width of the sidewalk measured from the building. Stanchions or columns that support awnings, canopies, marquees and signs shall be located not less than 2 feet (610 mm) in from the curbline.

3202.3.2 Windows, balconies, architectural features, signs and mechanical equipment. Where the vertical clearance above grade to projecting windows, balconies, architectural features, signs or mechanical equipment is more than 8 feet (2,438 mm), 1 inch (25 mm) of encroachment is permitted for each additional 1 inch (25 mm) of clearance above 8 feet (2,438 mm), but the maximum encroachment shall be 4 feet (1,219 mm).

3202.3.3 Encroachments 15 feet or more above grade.

3202.3.3.1 Encroachment of awnings, canopies, or marquees 15 feet or more above grade. Awnings, canopies, and marquees shall be constructed so as to support applicable loads as specified in Chapter 16. Awnings, canopies, marquees and signs with 15 feet (4,572 mm) or more clearance above the sidewalk shall not extend into or occupy more than two-thirds the width of the sidewalk measured from the building. Stanchions or columns that support awnings, canopies, or marquees shall not be located or placed in the public right-of-way.

3202.3.3.2 Encroachments of windows, balconies, architectural features, signs, and mechanical equipment 15 feet or more above grade. Encroachment of windows, balconies, architectural features, signs, and mechanical equipment of 15 feet (4,572 mm) or more above grade shall be limited to 4 feet and the encroachment shall not be supported by columns, stanchions or other vertical supports placed or located in the public right-of-way.

3202.3.5 Pedestrian walkways. The vertical clearance from the public right-of-way to the lowest part of a pedestrian walkway shall be 15 feet (4,572 mm) minimum.

(aa) Chapter 35, Referenced Standards, is hereby amended to include the NFPA 54, National Fuel Gas Code, as a referenced standard.

Section 52. That section 14.20.100, Fees [Storage of Construction Materials on Public Property], of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Fees.

Any applicant for a building permit who requests encroachment upon public

streets, sidewalks or other property to be used during construction as an area for storage of materials of construction or machinery, or for the erection of fencing, barricades, sidewalks, passageways or construction offices, such area being used in such a manner as to deny the public the use of such street, alley or public property, shall pay to the Development Services Division a fee of a flat fee of \$35.00 plus \$0.50 per lineal foot of ~~barricade, fence or other enclosure~~ as prescribed by the City's Fee Schedule, in advance. Use of the public way during construction shall be limited to 10 working days. Subsequent permits may be issued as construction duration may require.

Section 53. The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 14.40.055, which said section reads as follows:

Chapter 1, Section 107.2, Schedule of permit fees, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

107.2 Schedule of permit fees. Where a permit is required, a fee as prescribed by the City's Fee Schedule for each permit shall be paid as required.

Section 54. That section 14.55.150, Schedule of permit fees – Waiver [International Residential Code], 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 as prescribed by the City's Fee Schedule for each permit shall be paid as required, ~~in accordance with~~ for the following schedule types of

1563 construction:

1564 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

1565 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

1566 Garage additions (this includes all fees):

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

1567 Accessory structure: Only building fee: ~~\$30.00.~~

1568 Interior alteration (building fee only):

Cost	Fee
\$0.00 – \$500.00	\$30.00

Cost	Fee
\$501.00 – \$5,000.00	\$45.00
\$5,001.00 – \$10,000.00	\$60.00
\$10,001.00 and over	\$100.00

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

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

(d) 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 55. That section 14.70.150, Application – Fee [Moving Building or Structure], of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Application – Fee.

(a) A person desiring a moving permit shall file an application with the Development Coordination Office on a form provided by such office. Along with the application, the applicant shall:

(1) Submit a written document from any affected utility stating whether it will be

necessary to cut and move, raise or in any way interfere with any wires, cables or other aerial equipment of any public or municipally owned utility, and if so, the application shall state also the name of such public or municipally owned utility, and the time and location that the applicant's moving operations shall necessitate the cutting, moving, raising or otherwise interfering with such aerial facilities.

(2) Submit a legal description of current and future locations of the structure.

(3) Submit a proposed map to be used in the moving of the structure.

(4) Submit the address of current and future locations of the structure.

(5) Submit the name of the moving company if applicable.

(6) Submit a fee for the moving permit in the amount of ~~\$75.00~~ as prescribed by the City's Fee Schedule.

(7) Submit proof of public liability insurance with limits of liability of not less than \$25,000 for bodily injury to any one person and \$50,000 for bodily injuries in any one accident to property in any one accident.

(8) Submit a schedule for moving of the structure as provided by the Police Department pursuant to TMC 14.70.030.

(b) If the structure is to be relocated within the City, the following additional requirements shall apply:

(1) Pay a relocation fee of ~~\$125.00~~ as prescribed by the City's Fee Schedule.

(2) Before the structure is removed, a footing and/or footing and foundation for the structure must be in place.

(3) Upon relocation of a one- or two-family dwelling, the structure must comply with the housing code, Chapter 8.60 TMC.

(Inspections for compliance with such standards may require on-site testing at the applicant's expense.)

(c) Upon submission of all required information, payment of the applicable fee and approval by the City Engineer and City Forester, the Development Coordination Office shall issue the moving permit.

Section 56. That section 17.25.010, Permit [Demolition], of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Permit.

Any person wishing to demolish any structure within the corporate limits of the City shall first secure a demolition permit therefor, which shall set forth any restrictions or special conditions to be met. The fee for a demolition permit shall be ~~\$30.00~~ as prescribed by the City's Fee Schedule for instances when no sewer cap inspection is required and ~~\$50.00 for a demolition permit~~ instances requiring a sewer cap inspection.

Section 57. That section 18.10.050, Sign permits and inspections, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Sign permits and inspections.

(a) Applicability.

(1) No sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until a sign permit is issued by the Planning and Development Director.

(2) Only those signs permitted in this chapter shall be granted a sign permit.

(3) Permits shall be issued only to sign hangers licensed by the City or to the property owner, provided the property owner carries public liability insurance with

coverage of \$500,000 or more.

(b) Exemptions.

(1) No sign permit is required for maintenance.

(2) Maintenance includes all care and minor repair needed to maintain a safe, attractive and finished structure, frame pole, brackets or surface and which does not enlarge or materially alter any face or display portion of the sign.

(3) This section does not prevent the maintenance, repainting, or posting of a legally established nonconforming billboard.

(4) Temporary Signs. A sign permit is required for any temporary balloon sign exceeding 12 cubic feet. A sign permit is not required for all other temporary signs.

(5) Repainting/Reposting. The sign surface of a billboard may be repainted or reposted without obtaining a new sign permit.

(6) A permit is not required for window signs.

(c) Applications.

(1) The Planning and Development Director shall prescribe forms and submittal requirements for sign permits as needed to administer this chapter. The form shall be made available at the Department's office during regular business hours and on the Department's public website.

(2) No sign shall be erected without the prior consent of the owner or the owner's authorized agent.

(3) At the time the applicant receives the permit the applicant shall pay an application fee in the amount ~~established by the Planning and Development Director~~as prescribed by the City's Fee Schedule.

(d) Inspections.

(1) All signs (including any footings) for which a permit is required are subject to inspection by the Building Official.

(2) All signs containing electrical wiring are subject to all applicable provisions of the electrical code adopted by the City.

Section 58. That section 18.45.020, Procedure for developer project, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Procedure for developer project.

The following procedure shall be followed when the public improvements are proposed to be completed as a developer project:

(a) All proposed street, sanitary sewer, storm sewer and sidewalk improvements to be installed by a subdivider or developer must first be approved by the City Engineer. A plan review fee of ~~\$42.00 per hour~~ as prescribed by the City's Fee Schedule shall be charged. Payment by the developer or subdivider of all plan review fees incurred shall be a condition precedent to the acceptance of the improvements.

(b) The City Engineer shall inspect all work done by the subdivider or developer and shall approve or reject as appropriate. A final inspection shall be requested in writing by the developer or subdivider when work is completed. The City Engineer's approval and payment by the developer or subdivider of all inspection fees incurred shall be a condition precedent to the acceptance of the improvements. The inspection fee shall be prescribed by the City's Fee Schedule.

(c) Upon approval of such work and payment of all fees, the City Engineer shall accept the improvement for maintenance by the City.

(d) The subdivider or developer shall furnish a surety bond conditioned that they shall maintain and make all necessary repairs to the improvements constructed by them, at their own expense, for a period of one year after the date of acceptance of the improvements, where repairs are necessary by reason of defective workmanship, imperfection in material used, or improper, imperfect or defective preparation of the ground upon which the improvement shall be laid. The surety shall be for the benefit of the public and in an amount equal to 10 percent of the total improvement cost, but in no case shall the amount be less than \$5,000.

(e) Unless and until such acceptance is made as provided for in this chapter, the City accepts no responsibility for any improvements.

Section 59. That section 18.210.035, Home occupations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Home occupations.

Home occupations shall be permitted provided the same do not detract from the residential character of a neighborhood and will not cause excessive traffic, nuisance or hazards to safety; provided further, that each home occupation shall comply with the following standards and permit requirements:

(a) Standards. The following shall apply to any home occupation:

(1) The use or activity shall be carried on by a resident of the dwelling.

(2) Not more than one employee not a resident of the dwelling is permitted at any one time.

(3) The exterior of the dwelling shall not be changed or modified in any way, nor shall any exterior signs be erected that will indicate any accessory use of the property or

adversely affect the residential character of the neighborhood.

(4) The sale of any commodity, goods or products on the premises is prohibited.

(5) All equipment, materials, work in progress and work areas shall be confined to the principal dwelling and not extend into an attached or detached garage or storage building.

(6) The projection of any obnoxious sound, odor, smoke, vibration, light or dust is prohibited.

(7) The home occupation shall not occupy more than 25 percent of the total floor area (including a basement) of the dwelling, excluding any attached garage.

(8) The home occupation shall not be available or open to the public except during the hours between 8:00 a.m. and 8:00 p.m.

(9) The home occupation shall not create a need for off-street parking, pedestrian and vehicular traffic, sanitary sewer and storm sewer usage, public water usage as well as other municipal services in excess of the normal and usual levels for other residential dwellings.

(10) Only one such accessory use or activity shall be carried on in a dwelling during the period authorized by a home occupation permit.

(b) Permit Required. Prior to the establishment of any accessory use or activity as defined herein as a home occupation, the owner(s) of the subject property shall make an application to the Planning Department. At such time as the Planning Director has determined that the proposed accessory use or activity meets the standards as set forth herein, a home occupation permit shall be issued. The permit fees shall be as prescribed by the City's Fee Schedule.

(1) The Planning Director shall have the authority to specify conditions and requirements as deemed necessary to assure compliance with the standards as set forth herein.

(2) The home occupation permit shall specify the conditions, requirements and duration of said permit. The permit shall be displayed within the interior of the dwelling and at the location of the proposed activity.

(3) A home occupation permit may be issued to a tenant or occupant of a dwelling who is to be engaged in the accessory use or activity, provided the owner(s) of record of the property have endorsed and/or certified the application.

(4) A home occupation permit shall not be transferable or assignable. Discontinuance or abandonment of the home occupation for a period of 60 days or more shall render the permit void.

(c) Enforcement. The enforcement and administration of this section shall rest with the Planning Director. Upon a finding that any of the foregoing provisions have not been complied with, the Planning Director shall direct the home occupation permit invalid and shall order the use therein to be vacated. The Planning Director shall have the right to inspect the premises at any reasonable time. Failure to allow periodic inspections by Planning Director at any reasonable time shall result in the immediate revocation of the home occupation permit. In the event of a revocation, one year shall elapse prior to an application by the same owner of the same residential dwelling structure for a new permit.

Section 60. That section 18.225.010(aa), Special use requirements (Short Term Residential Rental), of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

(aa) Short-Term Residential Rental, Type II.

(1) Specific Requirements. Each short-term residential rental, type II shall meet all of the following requirements unless waived as part of the conditional use permit process:

(i) The primary entrance to all rooms accessible to guests shall be within the dwelling. An original secondary exterior entrance opening onto a porch or balcony or from a basement unit is allowed.

(ii) The exterior of the dwelling and premises shall outwardly remain and appear to be a dwelling giving no appearance of a business use.

(iii) Individual guestrooms shall not contain cooking facilities.

(iv) The short-term residential rental, type II shall not be used for weddings, receptions, large parties or gatherings, business meetings, or similar activities.

(v) Signage shall comply with the sign regulations applicable to residential uses.

(vi) Only retail sales of a nature clearly incidental and subordinate to the primary use of the premises as a short-term residential rental shall be permitted.

(vii) Parking shall comply with the parking requirements of Chapter 18.240 TMC.

(viii) Parking of commercial vehicles by transient guests is not permitted.

(ix) Any short-term residential rental, type II in an R, M-1, or M-1a district established after March 1, 2021, shall be no closer than 500 feet from another short-term residential rental, type II or short-term residential rental, type III in an R, M-1, or M-1a district.

(x) In nonresidential zoning districts, the dwelling containing the short-term residential rental shall conform to the use standards of TMC 18.60.010 or be a legal nonconforming use.

(xi) The trash and recycling receptacles shall be of sufficient size and number to accommodate all refuse generated by the guests.

(xii) Outdoor activities shall not produce any excessive, unnecessary, unusual or loud noises which: (A) create a nuisance; or (B) interfere with the use or enjoyment of property of any person of reasonable sensibilities.

(2) Administrative Permit. Upon receipt of an application and payment of permit fee ~~to be determined by the Director~~ as prescribed by the City's Fee Schedule, the Director will determine whether the application meets the requirements in this subsection (aa). Upon approval, the Director will issue the permit and notify owners of all parcels adjacent to the subject property of the issuance of the permit. The administrative permit shall be valid for two years and may be renewed upon a finding of compliance with the requirements and payment of a fee to be determined by the Director. The Director may deny an application, revoke, or suspend a permit for failure to comply with this subsection (aa). The applicant or permit holder may appeal the Director's determination to the Board of Zoning Appeals. An administrative permit is not required if a conditional use permit is granted.

(3) Conditional Use Permit. In the event that a person cannot meet the requirements of subsections (aa)(1)(i) through (aa)(1)(vi) or (aa)(1)(viii) through (aa)(1)(xi) of this section, such person may apply for a conditional use permit pursuant to Chapter 18.215 TMC.

Section 62. That section 18.245.070, Filing fees, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Filing fees.

(a) All applications for amendments to the district map, conditional use permits, home occupation permits and appeals to the Board of Zoning Appeals shall be accompanied by the appropriate filing fee as ~~adopted by resolution of the Governing Body~~ prescribed by the City's Fee Schedule. Copies of the current ~~resolution~~ City's Fee Schedule establishing such fees shall be on file in the offices of the Planning Department and City Clerk.

(b) In the event an application for amendment to the district map or conditional use permit is withdrawn prior to submission to the Planning Commission or Governing Body, the applicant may recover the filing fee less the expenses incurred and the cost of the planning staff time expended in reviewing the application.

Section 63. That original §§ 2.10.120, 3.10.030, 2.50.040, 5.10.020, 5.10.030, 5.60.010, 5.10.040, 5.10.060, 5.10.070, 5.10.180, 5.10.200, 5.10.230, 5.10.250, 5.10.260, 5.10.270, 10.65.210, 5.10.280, 5.75.090, 5.10.170, 5.100.030, 5.100.040, 5.115.030, 5.115.080, 5.115.140, 5.115.190, 5.160.020, 8.35.070, 10.70.050, 12.70.040, 13.30.090, 5.10.160, 5.10.190, 5.63.050, 3.05.040, 6.15.060, 6.15.080, 6.15.090, 6.15.170, 8.05.070, 8.55.060, 8.60.090, 8.65.050, 12.30.110, 12.45.040, 14.10.080, 14.20.040, 14.20.060, 14.20.100, 14.55.150, 14.70.150, 17.25.010, 18.10.050, 18.45.020, 18.210.035, 18.225.010(aa) and 18.245.070 of The Code of the City of Topeka, Kansas, are hereby specifically repealed.

Section 64. Resolution No. 8327 is hereby rescinded.

Section 65. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 66. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 67. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the Governing Body on January 13, 2026.

CITY OF TOPEKA, KANSAS

ATTEST:

Spencer L. Duncan, Mayor

Brenda Younger, City Clerk