

(Published in the Topeka Metro News October 26, 2020)

ORDINANCE NO. 20266

AN ORDINANCE introduced by City Manager Brent Trout amending Section 1 and Section 2 of Ordinance No. 20257, codified at § 13.10.280 and § 13.20.130 of the Topeka Municipal Code, to repeal provisions allowing installation and repair of water and sewer lines by contractors licensed to install City utilities servicing certain developments.

WHEREAS, Ordinance No. 20257, passed and approved on August 18, 2020, adopted the 2018 Uniform Plumbing Code; and

WHEREAS, Ordinance No. 20257 was amended to add language that would allow contractors licensed to install City utilities to install and repair water and sewer lines servicing an industrial or commercial development; and

WHEREAS, some members of the community have expressed concerns and a desire that the Governing Body reassess the added language; and

WHEREAS, the Governing Body wishes to amend Ordinance No. 20257.

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

Section 1. That section 13.10.280, Repair and responsibilities of property owner and City, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Repair and responsibilities of property owner and City.

(a) The customer water service line shall be the responsibility of the property owner and shall be constructed, maintained, repaired or replaced at the sole cost of the property owner. All installation or repair work shall be done as required by the currently adopted plumbing code and other appropriate ordinances.

(b) All customer water service lines which are not located on public property,

public right-of-way or easement shall be the responsibility of the property owner and shall be repaired or replaced at the sole cost of the property owner. All installation or repair work shall be done as required by the currently adopted plumbing code and other appropriate ordinances.

~~(c) Any contractor licensed to install City utilities, including a plumbing contractor, may install or repair a water main, City water service line, or customer water line, servicing an industrial or commercial development project that has been designed by a licensed engineer. The contractor shall ensure that all connection and service lines are tested up to the cap outside each building.~~

~~(dc)~~ Property owner shall be responsible for any expenses incurred by the Water Division for the repair to the customer water service line, including, but not limited to, any materials, equipment, service, or labor, including the repair to public property, streets, alleys or other public utilities caused by the property owner's negligent or intentional actions.

~~(ed)~~ All City water service lines shall be the responsibility of the Water Division and shall be repaired only by the Water Division.

Section 2. That section 13.20.130, Permit -- Required, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Permit – Required.

(a) No sewer or drain of any kind shall be connected with the sewers constructed under authority of the City within any of the main sewer districts or sewer subdistricts of the City, except by written permission of the City Engineer and by compliance with all the rules, regulations and specifications provided for the proper construction and maintenance of such sewers or drains.

(b) Any person owning property within the City limits, which property is not within any lateral sanitary sewer district theretofore created, desiring to make connection to the sanitary sewage system, shall make application for a permit to the Utilities Department.

~~(c) Any contractor licensed to install City utilities, including a plumbing contractor, may install or repair any sewer line servicing an industrial or commercial development project that has been designed by a licensed engineer. The contractor shall ensure that all connection and service lines are tested up to the cap outside each building.~~

Section 3. That original § 13.10.280 and § 13.20.130 of The Code of the City of Topeka, Kansas, are hereby specifically repealed.

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

Section 5. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 6. 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 City Council on October 20, 2020.

CITY OF TOPEKA, KANSAS

Michelle De La Isla, Mayor

ATTEST:

Brenda Younger, City Clerk

ORD/Amend Ord 20257

Water,Sewer Installation&Repair 10/15/20