

(Published in the Topeka Metro News November 9, 2009)

ORDINANCE NO. 19330

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., repealing City of Topeka Code Chapter 26, Article V and § 30-62 and creating Chapter 30, Article XV, all concerning Contractor Licenses and Requirements.

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

Section 1. That section 26-231, Definitions, of the Code of the City of Topeka, Kansas, is hereby repealed.

Definitions.

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Apprentice or helper* means an individual who works as an employee in training under the direct supervision of a journeyman or master. An apprentice or helper is not a licensed individual.~~

~~*Board* means that board appointed for each licensed trade for the purpose of reviewing code interpretations taken by the building code enforcement division, granting variances from the code, reviewing license applications and license suspensions and revocation.~~

~~*Code* means the National Electrical Code, Uniform Mechanical Code and Uniform Plumbing Code as adopted by the city, as the context of this article may require.~~

~~*Direct supervision* means that the apprentice is limited to the same structure and/or building site as the journeyman or master, except in the case of one- and two-~~

30 ~~family residential development, where the apprentice may be on the job site within 100~~
31 ~~feet of where the journeyman or master is working.~~

32 ~~*Journeyman* means an individual that holds a license issued pursuant to this~~
33 ~~article evidencing such person to be qualified to lay out, install, maintain and repair work~~
34 ~~in his area of expertise. A journeyman is responsible for the supervision of any~~
35 ~~apprentice assigned to work with him.~~

36 ~~*Laborer* means a nonregistered individual engaged in physical work requiring~~
37 ~~minimal training or skill. Work activities are limited to matters other than installation.~~

38 ~~*Licensed contractor* means a person that engages in the business of~~
39 ~~mechanical, electrical, plumbing or gas fitting.~~

40 ~~*Licensed trade or trade* means the mechanical, electrical, plumbing or gas~~
41 ~~fitting trade, as the context of this article may require.~~

42 ~~*Master* means an individual who holds a license issued pursuant to this article~~
43 ~~evidencing such person to be qualified to control and have authority of all technical work~~
44 ~~performed under the authority of the contractor's enterprise and assures quality control~~
45 ~~and is responsible for compliance with all applicable laws, codes and regulations.~~

46 ~~*Nonworking master* means a principal partner in a licensed contracting company~~
47 ~~who is not a licensed journeyman as of January 12, 1988. A nonworking master has all~~
48 ~~the rights and responsibilities of a master and is subject to the same renewal fees. A~~
49 ~~nonworking master license is nontransferable between individuals and shall not be~~
50 ~~issued to any individual who is not a principal partner in a licensed contracting~~
51 ~~company.~~

52 Section 2. That section 26-236, Boards for each trade created, of the Code of
53 the City of Topeka, Kansas, is hereby repealed.

54 **~~Boards for each trade created.~~**

55 ~~There is hereby created a board for each of the licensed trades: Board of~~
56 ~~electrical appeals, Board of plumbing examiners, and Board of mechanical examiners.~~
57 ~~Such boards shall be comprised of two (2) masters licensed in the particular trade, two~~
58 ~~(2) journeymen licensed in the particular trade, and an engineer, or equivalent,~~
59 ~~practicing in the particular trade, appointed by the mayor. For the purpose of the~~
60 ~~mechanical trade only the board shall be comprised of two (2) masters licensed in the~~
61 ~~particular trade; one engineer or equivalent, practicing in the particular trade; and two~~
62 ~~(2) persons who shall be a licensed journeyman, licensed master, or an engineer~~
63 ~~practicing in the particular trade; all of which shall be appointed by the mayor.~~

64 ~~The purpose of the boards shall be to review applications and approve the issuance of~~
65 ~~licenses in accordance with chapter 26 of the Code of the City of Topeka. The board~~
66 ~~shall be empowered to hear and determine interpretations of applicable codes and to~~
67 ~~permit exceptions, variances, or waivers therefrom, provided such exceptions,~~
68 ~~variances, or waivers meet the intent of the adopted code and do not endanger life,~~
69 ~~limb, property or public welfare. The boards shall conduct their business in accordance~~
70 ~~with chapter 26 of the Code of the City of Topeka.~~

71 Section 3. That section 26-237, Terms of members, of the Code of the City of
72 Topeka, Kansas, is hereby repealed.

73 **~~Terms of members.~~**

~~The terms of office for the members of the trade licensing boards shall be two years or until their successors have been duly selected and qualified.~~

Section 4. That section 26-238, Chairpersons, of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Chairpersons.~~

~~The chairpersons of the trade licensing boards shall be selected by a majority vote of the members thereof.~~

Section 5. That section 26-239, Licensing authority, of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Licensing authority.~~

~~The board shall approve and direct the building code enforcement division to issue licenses based upon experience and competency for the particular licensed trade. Competency shall be determined by examination prepared or approved by the board to establish the applicant's knowledge of the particular trade and the applicable code. The board shall review all initial applications prior to testing to determine eligibility. The board shall notify the applicant of the test results within seven working days after receipt of the test results. The board shall be responsible for determining the format and content of the examination.~~

Section 6. That section 26-240, Power to permit exceptions, variances, of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Power to permit exceptions, variances.~~

~~The board shall be empowered to hear and determine interpretations of the code and to permit exceptions, variances or waivers from the code provisions in cases or~~

~~situations in accordance with the purpose and intent of the code. An exception, variance or waiver shall not be granted except in those situations that will not endanger life or limb, health, property, or public welfare. All requests for interpretations, exceptions, variances or waivers shall be written. Such application shall be accompanied by a full written explanation of the rationale and reasoning for such request.~~

Section 7. That section 26-251, Required, of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Required.~~

~~It shall be unlawful for any person to conduct, carry on or engage in the business of commercial or residential construction or remodeling, excavation, elevator repair or construction, concrete work, demolition, swimming pool construction, roofing, fire alarm installation, fire sprinkler installation, water softener/conditioner, lawn irrigation system installation or mechanical, electrical, plumbing or gas fitting trades, without first obtaining the appropriate contractor's license.~~

Section 8. That section 26-252, Grandfather provisions for certain mechanical licenses, of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Grandfather provisions for certain mechanical licenses.~~

~~(a) Any individual who as of the effective date of this section has a current master mechanical license or journeyman mechanical license may renew the license in the category in which the current license was issued and in accordance with the provisions of Topeka City Code section 26-259. The categories of license are as follows:~~

~~(1) Comprehensive, all items covered by Code.~~

120 ~~(2) Combination warm heating system/air conditioning systems, including~~

121 ~~duct work and ventilation.~~

122 ~~(3) Refrigeration.~~

123 ~~(4) Boilers.~~

124 ~~(5) Commercial hoods.~~

125 ~~(6) Factory-built solid fuel burning appliances.~~

126 ~~There shall be no further issuance of new licenses for the mechanical trade by~~
127 ~~subcategories, except as outlined in parts (b) and (c) of this section commencing with~~
128 ~~the effective date of this section.~~

129 ~~(b) Individuals wanting a master's license for factory-built solid fuel or gas~~
130 ~~fireplace hearth appliances shall have passed both an approved fireplace hearth~~
131 ~~certification exam and a gas hearth appliance certification exam. Only those~~
132 ~~examinations developed by an independent, nationally recognized testing or~~
133 ~~educational institution and approved by the chief building inspector will be accepted.~~

134 ~~(c) Individuals wanting a sheet metal journeyman's license shall make application for~~
135 ~~that subcategory exam as given by Expeior in accordance with the provisions of the~~
136 ~~Topeka City Code sections 26-254 and 26-257.~~

137 Section 9. That section 26-253, Utility firms exempt, of the Code of the City of
138 Topeka, Kansas, is hereby repealed.

139 **Utility firms exempt.**

140 ~~Any gas utility company doing business under a franchise with the city shall not~~
141 ~~be required to secure a license or file a bond when engaged in the performance of~~
142 ~~duties, obligations or rights conferred upon such utility by the franchise. The employees~~

and agents of the utility shall comply with the requirements of this article in all respects when engaged in work required by the further provisions to be performed by gas fitters.

Section 10. That section 26-254, Application and examination, of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Application and examination.~~

~~(a) Each initial application for examination for journeyman or master license shall be made on forms provided by the building code enforcement division and shall be accompanied by an administrative fee of \$20.00 for regularly scheduled examinations. Applications for examination shall be made to the board at least four weeks prior to the scheduled examination date. In addition, each applicant for examination shall be responsible for paying Experior directly for the cost of the exam where the board has adopted and approved the Experior exam.~~

~~(b) Examinations for the sheet metal journeyman, an unlimited mechanical journeyman and unlimited mechanical master shall be the Experior exam, by Experior Gainesville, Florida.~~

~~(c) The minimum passing score shall be 75 percent for any of the trade examinations.~~

~~(d) Fees for the licenses shall be as set out in section 30-62.~~

~~(e) Water softener/conditioner contractors and those employed to install or service softener/conditioning equipment shall be required to take an examination prepared and approved by the water softener committee, plumbing board of appeals and the city development services division. Examinations for both masters and journeymen shall be given by Experior, Gainesville, Florida.~~

~~(f) Lawn irrigation contractors and those employed to install, repair or service lawn sprinkler systems shall be required to take an examination approved by the development services division and given by Experior. Lawn irrigation contractors and their employees who will be replacing, repairing or testing backflow prevention devices will be required to obtain a certification from the State of Kansas in backflow prevention. This certification is required to be renewed every three years.~~

Section 11. That section 26-255, License qualifications and responsibilities—Contractor, of the Code of the City of Topeka, Kansas, is hereby repealed.

~~License qualifications and responsibilities—Contractor.~~

~~(a) All commercial, trade, excavation, elevator, framing, concrete, demolition, swimming pool, roofing, fire alarm, and fire sprinkler contractors shall show proof of broad form comprehensive commercial general liability insurance, including product/completed operations, in the amount of \$300,000.00 per occurrence. All residential contractors shall show proof of broad form comprehensive general liability insurance in the amount of \$300,000.00 per occurrence. As a precondition to the issuance of a contractor's license, all of the aforementioned contractors shall carry worker's compensation insurance as required by state law. The required insurance shall be in effect during the duration of the contractor's license. Failure to renew such insurance or cancellation of such insurance shall be cause for the immediate cancellation of the contractor's license. If the contractor renews his required insurance, he or she may obtain a new contractor's license by providing evidence of current insurance coverage and paying the license fee.~~

~~(b) Except as provided in subsection (c) below, any contractor license, except for trade contractor licenses issued after December 14, 2004, will be a provisional license contingent upon the qualifying party either passing prior to December 14, 2005, the appropriate examination selected by the development services director from a recognized testing agency or alternatively providing the development services director with a certified copy of a transcript from an accredited university, college or vocational school demonstrating passing grades in at least 30 hours of coursework directly related to the license applied for. The provisional license designation will allow the individual to obtain building permits until December 14, 2005. No contractor shall be allowed to pull any permit after December 14, 2005, unless the contractor shall have achieved a passing score on the appropriate examination or provided proof of meeting the educational requirements. Notwithstanding the foregoing, no trade contractor shall be permitted to obtain a license without achieving a passing score on the appropriate exam. There is no alternative educational requirement for trade contractors.~~

~~(c) Any commercial, residential, excavation, elevator, concrete, demolition, swimming pool, roofing, fire alarm, or fire sprinkler contractor who has, prior to December 31, 2005, pulled permits for and has passed final inspection for at least five jobs or work sites within the corporate limits of the City of Topeka during the period commencing January 1, 2000 through December 31, 2005, shall be grandfathered in under the license requirements of this section without the need to achieve a passing score on the appropriate examination or providing proof of satisfying the educational requirement.~~

210 ~~(d) Commercial contractor type I, commercial contractor type II, and residential~~
211 ~~contractors must provide documentation of having earned eight continuing education~~
212 ~~units in a calendar year to maintain said license. Continuing education courses must be~~
213 ~~directly relevant to the contractors' licensed field and must be approved by the~~
214 ~~development services director.~~

215 ~~(e) A licensed trade contractor shall be a master or have in his employ and so~~
216 ~~designate a master on a full-time basis. Before issuance of a trade contractor's license,~~
217 ~~the applicant shall submit the address of his place of business, business telephone~~
218 ~~number, name of the designated master and other information as may be required on~~
219 ~~forms provided by the development services division and pay all relevant fees. The~~
220 ~~contractor shall be ultimately responsible for the work done.~~

221 ~~(f) If a designated master is employed by more than one trade contractor, it~~
222 ~~shall be deemed that he is loaning his license and this shall be cause for the board to~~
223 ~~revoke such master's license. If the designated master for a contractor is terminated,~~
224 ~~resigns, retires, expires or changes employers, such licensed contractor shall secure~~
225 ~~the services of another master no later than 90 days after the departure of the first~~
226 ~~master. Any work in progress during the absence of a master may continue for such~~
227 ~~period of 90 days; however, no new permits shall be issued. Failure to secure the~~
228 ~~services of another master within such 90 days shall be cause for revocation of the~~
229 ~~contractor's license and all work in progress shall cease until the services of a master~~
230 ~~are acquired and a new contractor's license is issued.~~

231 Section 12. That section 26-256, Same--Master, of the Code of the City of
232 Topeka, Kansas, is hereby repealed.

Same--Master.

~~(a) The requirements to become a licensed master in the plumbing, electrical and mechanical trades shall be a minimum of three years' experience as a licensed journeyman within the trade and pass the master's examination or have seven years' experience owning/operating a shop and appear before the board to have his experience and knowledge reviewed. If the board determines after such review that the individual has the necessary experience and knowledge, the individual may take the master's examination. For the purpose of the mechanical trade only, a licensed master shall have a minimum of two years experience as a licensed journeyman, comprehensive only or grandfathered only, within the trade and pass the masters examination or have four years experience owning and operating a mechanical contractor's business and appear before the mechanical board to have their experience and knowledge reviewed. If the board determines after such review that the individual has the necessary experience and knowledge, the individual may take the masters examination. The requirements to become a licensed master in the water softener/conditioner trade shall be a minimum of one year of experience as a licensed journeyman within the trade and pass the masters' examination. To become a licensed master in the lawn irrigation trade, a person must work as a journeyman for two years within the trade and pass the master's examination. The city shall grant a master's license for those working in the lawn irrigation field in the capacity of a shop owner or manager for a period of five years before July 1, 2000. A master license holder shall be responsible to oversee all work activity to assure compliance with applicable codes and must have direct contact with the job site.~~

~~(b) Any owner of a licensed electrical contracting company as of one year prior to the effective date of the ordinance from which this article derives will be issued a master electrician license and shall be responsible for all requirements of a master outlined in this division. Work experience shall be verified by past and current employers on forms provided by the development services division.~~

~~(c) The principal partners of a contracting company formed by a partnership, as defined by state law, shall be licensed as masters, provided these partners fulfill the requirements of that license. If a principal partner is not a licensed journeyman as of the effective date of the ordinance from which this article derives, he shall be issued a nonworking master license.~~

~~(d) No licenses shall be issued pursuant to the provisions of subsections (b) and (c) of this section effective November 1, 1991, provided that the license applicant was otherwise qualified as of January 1, 1991.~~

~~(e) For the purposes of the mechanical trade only, a master's license is categorized as follows:~~

~~(1) Comprehensive, all items covered by the Code.~~

~~(2) Solid fuel-burning appliances.~~

~~A contractor employing a mechanical master with a noncomprehensive license shall be limited to that work which falls within the master's category. A mechanical contractor may employ more than one mechanical master.~~

Section 13. That section 26-257, Same--Journeyman, of the Code of the City of Topeka, Kansas, is hereby repealed.

Same--Journeyman.

279 ~~(a) The requirements to become a licensed journeyman in the plumbing,~~
280 ~~electrical and mechanical trades shall include, a minimum of four years' experience~~
281 ~~working within the trade in conjunction with training of a school approved by the~~
282 ~~appropriate board or a minimum of five years' experience working within the trade and~~
283 ~~pass the journeyman's examination. For the purpose of the mechanical trade only, the~~
284 ~~requirements to become a licensed journeyman, comprehensive or sheet metal, shall~~
285 ~~include a minimum of two years experience working within the trade in conjunction with~~
286 ~~training of a school approved by the board or a minimum of three years experience~~
287 ~~working within the trade. The requirements to become a licensed journeyman in the~~
288 ~~water softener/conditioner trade shall be a minimum six months experience in the trade~~
289 ~~and pass the journeyman's examination. To become a licensed journeyman in the lawn~~
290 ~~irrigation trade a person must work as an apprentice for one year within the trade and~~
291 ~~pass the journeyman's examination. The city shall grant a journeyman's license for~~
292 ~~those working in the lawn irrigation field in the capacity of an installer or service~~
293 ~~technician for a period of two years before July 1, 2000. Work experience shall be~~
294 ~~verified by previous and current employers on forms provided by the building code~~
295 ~~enforcement division.~~

296 ~~(b) For the purposes of the mechanical trade only, a journeyman license is~~
297 ~~categorized as follows:~~

- 298 ~~(1) Comprehensive, all items covered by the Code.~~
- 299 ~~(2) Solid fuel burning appliances.~~
- 300 ~~(3) Sheet metal journeyman, limited to perform the following types of~~
301 ~~installation:~~

a. ~~The placement and installation of the furnace, air conditioning or other air handling equipment. This does not include any connections of the line voltage electricity, fuel gas piping or refrigeration piping.~~

b. ~~The installation of the complete air distribution system.~~

c. ~~The installation of the products of combustion venting system.~~

Section 14. That section 26-258, ~~Same--Apprentice~~, of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Same--Apprentice.~~

~~An apprentice is an individual who is registered with the development services division as working within the licensed trades of electrical, mechanical, plumbing and lawn irrigation. The working ratio for licensed journeyman or master to registered apprentice shall be one to one, except the mechanical and lawn irrigation trades, wherein the ratio shall be one licensed journeyman or master to two registered apprentices.~~

Section 15. That section 26-259, When licenses and registrations expire, of the Code of the City of Topeka, Kansas, is hereby repealed.

~~When licenses and registrations expire.~~

~~All licenses and registrations shall expire the last working day before December 15. Failure by an individual to renew his/her license(s) by the aforementioned date will result in a fee double that of the standard fee for reinstatement of the delinquent license(s).~~

Section 16. That section 26-260, Suspension or revocation, of the Code of the City of Topeka, Kansas, is hereby repealed.

~~Suspension or revocation.~~

~~(a) The board shall be empowered to suspend a license holder for the following infractions:~~

~~(1) Failure to obtain a permit within 48 hours of initiating work on the project.~~

~~(2) Creating a hazardous situation which endangers life and/or property.~~

~~(3) Failure to correct a written violation notice within the allotted time.~~

~~(b) The board shall be empowered to revoke a license holder's license for the following infractions:~~

~~(1) Loaning of his license to another individual or company.~~

~~(2) Creating a hazardous situation which endangers life and/or property.~~

~~(3) Subsequent violations of failure to obtain a permit within 48 hours of initiating work on the project, creating a hazardous situation which endangers life and/or property, or failure to correct written violation notice within the allotted time after having been previously suspended for such violation.~~

~~(c) The board shall send written notice to the license holder setting forth the alleged infraction(s) and setting forth a time and place at which the matter of suspension will be heard by the board. The license holder may appear with or without counsel. After hearing the matter, the board shall make written findings and specify the length of suspension, if any. During the course of suspension all work shall cease except that work necessary to correct a hazardous situation or correct a written violation notice. In the case where a license holder is found to have committed any of the infractions listed in this section, the license shall be suspended for a minimum of two weeks, not to exceed a maximum of one year.~~

348 Section 17. That section 26-261, Display of all trade contractor's, master's and
349 journeyman's licenses, of the Code of the City of Topeka, Kansas, is hereby repealed.

350 **~~Display of all trade contractor's, master's and journeyman's licenses.~~**

351 ~~All plumbing, mechanical, electrical and water softener/conditioner, lawn~~
352 ~~irrigation contractors licensed pursuant to this division shall display or post the required~~
353 ~~license in their place of business. All master and journeyman tradepersons shall carry~~
354 ~~their licenses on their persons and exhibit the license on the demand of the inspector,~~
355 ~~his assistants or any officer of the city.~~

356 Section 18. That section 30-62, Contractors, masters, journeymen and
357 apprentices, of the Code of the City of Topeka, Kansas, is hereby repealed.

358 **~~Contractors, masters, journeymen and apprentices.~~**

359 ~~(a) Definitions.~~

360 ~~Commercial contractor type I shall entitle the holder of this license to contract for~~
361 ~~and to perform any act as a contractor to erect, construct, enlarge, or remodel any~~
362 ~~commercial, single or multiple dwelling residential buildings not exceeding three (3)~~
363 ~~stories in height and to perform non-structural remodeling, and tenant finishes.~~

364 ~~Commercial contractor type II shall entitle the holder of this license to contract~~
365 ~~for and to perform any act as a contractor for any structure.~~

366 ~~Concrete contractor shall entitle the holder thereof to contract for and perform~~
367 ~~any act as a contractor to pour and finish any floor, driveway, parking area, street, or~~
368 ~~sidewalk or to pour and finish any footer, basement, wall, or other structural building~~
369 ~~element.~~

370 ~~Demolition contractor shall entitle the holder thereof to demolish any building.~~

~~Elevator contractor shall entitle the holder thereof to contract for and perform any act as a contractor to install, repair and maintain any elevator, dumbwaiter, escalator, or moving walk.~~

~~Excavation contractor shall entitle the holder thereof to contract for and perform any act as a contractor to grade, excavate, fill, clear, and construct earth works.~~

~~Fire alarm contractor shall entitle the holder thereof to contract for and perform any act to install, maintain, repair, or alter any fire alarm system.~~

~~Fire sprinkler contractor shall entitle the holder to install, maintain, repair, alter or extend all piping for fire sprinkler systems, including the connection to the water service outlet provided for fire sprinkler systems.~~

~~Framing contractor shall entitle the holder to fabricate and install any wood product in a structure including, but not limited to rough framing, structural and nonstructural work, trusses, sheathing, paneling, trim, cabinetry, doors and windows and all hardware incidental thereto. A framing contractor may not contract for or install, maintain, repair or alter any concrete, masonry, roofing, dry wall or other work not specifically mentioned above. Further, the framing contractor may not act as a residential or commercial contractor, type I or II or secure permits to build any structure; however, a framing contractor may obtain permits to construct decks and accessory structures.~~

~~Residential contractor shall entitle the holder thereof to contract for and to perform any act as a contractor to erect, construct, enlarge, or remodel any one (1) or two (2) family residence and accessory buildings thereto.~~

~~Roofing contractor shall entitle the holder thereof to contract for and to install, repair and replace roofs. Work may include roof deck insulation, roof coating, painting and covering, and may include use of sheet metal and installation of other sheet metal products incidental to roofing work or other material in connection therewith, or any combination thereof.~~

~~Swimming pool contractor shall entitle the holder thereof to contract for and to excavate, construct, fabricate, install and equip all swimming pools, including the pumps, pool heaters, solar pool heaters, filters and chlorinators and that piping incidental to the recirculating system. A swimming pool contractor may do concrete work such as a patio incidental to the pool.~~

~~Trade contractor shall entitle the holder thereof to contract for and to perform any act as a contractor to construct, remodel, repair, or remove the plumbing, electrical, or mechanical facilities for which the contractor has passed the required examination or has in its employed the appropriate master.~~

~~(b) The original annual license or registration fees for contractors, masters, journeymen and apprentices in the electrical, mechanical, plumbing and gas fitting trades are:~~

~~(1) Contractor:~~

~~a. Commercial contractor type I . . . \$250.00~~

~~b. Commercial contractor type II . . . \$450.00~~

~~c. Concrete contractor . . . \$150.00~~

~~d. Demolition contractor . . . \$150.00~~

~~e. Elevator contractor . . . \$150.00~~

- 416 f. ~~Excavation contractor . . . \$150.00~~
- 417 g. ~~Fire alarm contractor . . . \$150.00~~
- 418 h. ~~Fire sprinkler contractor . . . \$150.00~~
- 419 i. ~~Framing contractor . . . \$150.00~~
- 420 j. ~~Residential contractor . . . \$200.00~~
- 421 k. ~~Roofing contractor . . . \$150.00~~
- 422 l. ~~Swimming pool contractor . . . \$150.00~~
- 423 m. ~~Trade contractors . . . \$250.00~~
- 424 1. ~~Master . . . \$100.00~~
- 425 2. ~~Journeyman . . . \$50.00~~
- 426 3. ~~Apprentice registration . . . \$30.00~~
- 427 (c) ~~Annual renewal of license for the trades listed in this section:~~
- 428 (1) ~~Contractor:~~
- 429 a. ~~Commercial contractor type I . . . \$200.00~~
- 430 b. ~~Commercial contractor type II . . . \$400.00~~
- 431 c. ~~Concrete contractor . . . \$100.00~~
- 432 d. ~~Demolition contractor . . . \$100.00~~
- 433 e. ~~Elevator contractor . . . \$100.00~~
- 434 f. ~~Excavation contractor . . . \$100.00~~
- 435 g. ~~Fire alarm contractor . . . \$100.00~~
- 436 h. ~~Fire sprinkler contractor . . . \$100.00~~
- 437 i. ~~Framing contractor . . . \$100.00~~
- 438 j. ~~Residential contractor . . . \$150.00~~

439 k. ~~Roofing contractor . . . \$100.00~~

440 l. ~~Swimming pool contractor . . . \$100.00~~

441 m. ~~Trade contractors . . . \$150.00~~

442 1. ~~Master . . . \$75.00~~

443 2. ~~Journeyman . . . \$30.00~~

444 3. ~~Apprentice registration . . . \$20.00~~

445 (d) ~~Registration for out-of-city licenses for the trade contractors listed in this~~
446 ~~section:~~

447 (1) ~~Master . . . \$100.00~~

448 (2) ~~Journeyman . . . \$50.00~~

449 (e) ~~In addition to the foregoing license or registration fees the following fees or~~
450 ~~charges shall also apply to all contractors' licenses.~~

451 ~~Change of designated master for trade contractors: . . . \$50.00~~

452 ~~Reinstatement fee: . . . \$30.00~~

453 ~~Change of address: . . . \$30.00~~

454 ~~Duplicate license: . . . \$30.00~~

455 ~~Exam application: . . . \$50.00~~

456 ~~Exam re-test: . . . \$50.00~~

457 ~~Grade verification letter: . . . \$50.00~~

458 Section 19. That Chapter 30, Article XV of The Code of the City of Topeka,
459 Kansas, is hereby created to be read as follows:

460 CONSTRUCTION AND BUILDING LICENSES

Section 20. That Chapter 30, Article XV of The Code of the City of Topeka, Kansas, is hereby amended to by adding a section, to be numbered 30-520, which said section reads as follows:

Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Apprentice or helper means an individual who works as an employee in training under the direct supervision of a journeyman or master. An apprentice or helper is not a licensed individual.

Contractor license means a license issued by the City allowing an individual to engage in the business or occupations of construction and building as set forth in this article.

Development services director shall mean the director of the development services division of the public works department or his or her designee.

Direct supervision means that the apprentice is limited to the same structure or building site as the journeyman or master.

Electrical trades means the construction, repair or installation of electrical systems.

Inactive master license shall mean a license issued by the City which demonstrates that the individual has been qualified to engage in a licensed trade but which does not currently allow the individual to perform any licensed work.

Inactive journeyman license shall mean a license issued by the City which demonstrates that the individual has been qualified to perform work as a journeyman but which does not currently allow the individual to perform any licensed work.

Journeyman means an individual that holds a license issued pursuant to this article evidencing such person to be qualified to lay out, install, maintain and repair work in mechanical, electrical and plumbing trades. A journeyman is responsible for the supervision of any apprentice assigned to work with him.

Laborer means a nonregistered individual engaged in physical work requiring minimal training or skill. Work activities are limited to matters other than installation.

Licensed trade contractor means a person that engages in the business of mechanical, electrical, or plumbing.

Licensed trade or *trade* means the mechanical, electrical, or plumbing trade, as the context of this article may require.

Limited masters license shall mean a license issued by the City to engage in an area within the licensed trades described in the license specified.

Limited journeyman license shall mean a license issued by the City to engage in a particular area within the licensed trades such as sheet metal, lawn irrigation, backflow testing/repair or water conditioner/softener.

Master means an individual who holds a license issued pursuant to this article evidencing such person to be qualified to control and have authority of all technical work performed under the authority of the contractor's mechanical, electrical or plumbing business and assures quality control and is responsible for compliance with all applicable laws, codes and regulations.

Mechanical trade means the construction, repair or installation of heating ventilation and air conditioning systems including, but not limited to, sheet metal, gas fitting, heating and cooling, and solid fuels.

Non trade contractor license means all contractor licenses except those for the licensed trades.

Plumbing trade means the construction, repair or installation of plumbing systems including, but not limited to, lawn irrigation, backflow testing/repair and water softener/conditioner systems.

Trade board means that board appointed for each licensed trade for the purpose of reviewing code interpretations taken by the development services division, granting variances from the code, reviewing license applications and license suspensions and revocation.

Trade code means the current version of the electrical, mechanical, and plumbing codes as adopted by the city council, as the context of this article may require.

Trade contractor shall entitle the holder thereof to contract for and to perform any act as a contractor to construct, remodel, repair, or remove the plumbing, electrical, or mechanical systems or facilities for which the contractor has passed the required examination or has in its employ the appropriate master.

Section 21. That Chapter 30, Article XV of The Code of the City of Topeka, Kansas, is hereby amended to by adding a section, to be numbered 30-521, which said section reads as follows:

Insurance.

528 (a) All commercial, residential, trade, excavation, elevator, framing, concrete,
529 demolition, swimming pool, roofing, fire alarm, and fire sprinkler contractors shall
530 provide the City with evidence of insurance in the amounts and for the type covered
531 required by this section.

532 (b) All commercial, trade, excavation, elevator, framing, concrete, demolition,
533 swimming pool, roofing, fire alarm, and fire sprinkler contractors shall have
534 comprehensive commercial general liability insurance, including product/completed
535 operations, in the amount of \$300,000.00 per occurrence.

536 (c) All residential contractors shall show proof of commercial general liability
537 insurance in the amount of \$300,000.00 per occurrence.

538 (d) All commercial, residential, trade, excavation, elevator, framing, concrete,
539 demolition, swimming pool, roofing, fire alarm, and fire sprinkler contractors shall carry
540 worker's compensation insurance as required by state law.

541 (e) The insurance required under this section shall be in effect during the
542 duration of the contractor's license and the contractor shall provide the development
543 services director with evidence of insurance which shall be on a standard accord form
544 or such other form as approved by the city attorney. Failure to renew such insurance or
545 cancellation of such insurance shall be cause for the immediate cancellation of the
546 contractor's license. If the contractor renews his or her required insurance, he or she
547 may obtain a new contractor's license by providing evidence of current insurance
548 coverage and paying the license fee.

549 Section 22. That Chapter 30, Article XV of The Code of the City of Topeka,
550 Kansas, is hereby amended to by adding a section, to be numbered 30-522, which said
551 section reads as follows:

552 **License required.**

553 It shall be unlawful for any person to conduct, carry on or engage in the business
554 of commercial or residential construction or remodeling, excavation, elevator repair or
555 construction, concrete work, demolition, swimming pool construction, roofing, fire alarm
556 installation, fire sprinkler installation, water softener/conditioner, lawn irrigation system
557 installation or mechanical, electrical or plumbing trades, without first obtaining the
558 appropriate contractor's license.

559 Section 23. That Chapter 30, Article XV of The Code of the City of Topeka,
560 Kansas, is hereby amended to by adding a section, to be numbered 30-523, which said
561 section reads as follows:

562 **Licenses and registrations term.**

563 All licenses and registrations shall be for a term of one year and shall expire the
564 last working day before December 15. In the event of the expiration of a license or
565 registration, no new license or registration shall be issued until one year after the
566 license or registration has expired. In the event the individual elects to be licensed
567 during this one year period, he or she will be required to pay the renewal fee, plus any
568 applicable late or other fees.

569 Section 24. That Chapter 30, Article XV of The Code of the City of Topeka,
570 Kansas, is hereby amended to by adding a section, to be numbered 30-524, which said
571 section reads as follows:

572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594

Fees.

(a) The original annual license or registration fees for contractors, masters, journeymen and apprentices in the electrical, mechanical, plumbing and gas fitting trades are:

(1) Contractor:

- a. Commercial contractor type I . . . \$250.00
- b. Commercial contractor type II . . . \$450.00
- c. Concrete contractor . . . \$150.00
- d. Demolition contractor . . . \$150.00
- e. Elevator contractor . . . \$150.00
- f. Excavation contractor . . . \$150.00
- g. Fire alarm contractor . . . \$150.00
- h. Fire sprinkler contractor . . . \$150.00
- i. Framing contractor . . . \$150.00
- j. Residential contractor . . . \$200.00
- k. Roofing contractor . . . \$150.00
- l. Swimming pool contractor . . . \$150.00
- m. Trade contractors . . . \$250.00
 - 1. Master . . . \$100.00
 - 2. Journeyman . . . \$50.00
 - (a) Certified backflow tester/repair technician . . . \$50.00
 - 3. Apprentice registration . . . \$30.00

- 595 **(b)** Annual renewal of license for the trades listed in this section:
- 596 **(1)** Contractor:
- 597 a. Commercial contractor type I . . . \$200.00
- 598 b. Commercial contractor type II . . . \$400.00
- 599 c. Concrete contractor . . . \$100.00
- 600 d. Demolition contractor . . . \$100.00
- 601 e. Elevator contractor . . . \$100.00
- 602 f. Excavation contractor . . . \$100.00
- 603 g. Fire alarm contractor . . . \$100.00
- 604 h. Fire sprinkler contractor . . . \$100.00
- 605 i. Framing contractor . . . \$100.00
- 606 j. Residential contractor . . . \$150.00
- 607 k. Roofing contractor . . . \$100.00
- 608 l. Swimming pool contractor . . . \$100.00
- 609 m. Trade contractors . . . \$150.00
- 610 1. Master . . . \$75.00
- 611 2. Journeyman . . . \$30.00
- 612 (a) Certified backflow tester/repair technician . . .
- 613 \$30.00
- 614 3. Apprentice registration . . . \$20.00
- 615 4. Inactive . . . \$30.00

(c) Registration fee for individuals holding trade licenses issued by another jurisdiction which has license requirements which comply with the provisions of Topeka City Code § 30-527:

(1) Master . . . \$100.00

(2) Journeyman . . . \$50.00

(d) In addition to the foregoing license or registration fees the following fees or charges shall also apply to all licenses.

Change of designated master for trade contractors: . . . \$50.00

Reinstatement fee: . . . \$30.00

Change of address (Failure to notify development services director): . . . \$10.00

Duplicate license: . . . \$10.00

Exam application: . . . \$50.00

Exam re-test: . . . \$20.00

Grade verification letter: . . . \$50.00

(e) Late registration or renewal fee in an amount equal to 25% of the renewal fee up to 15 days after the expiration of license. Late registration or renewal fee in an amount equal to 50% of the renewal fee 15 days or more after expiration.

Section 25. That Chapter 30, Article XV of The Code of the City of Topeka, Kansas, is hereby amended to by adding a section, to be numbered 30-525, which said section reads as follows:

Non trade contractor license.

(a) The following is a list of the non trade contractors license categories available from the City and the scope of the work allowed by such license:

Commercial contractor type I shall entitle the holder of this license to contract for and to perform any act as a contractor to erect, construct, enlarge, or remodel any commercial, single or multiple dwelling residential buildings not exceeding three (3) stories in height and to perform non-structural remodeling, and tenant finishes.

Commercial contractor type II shall entitle the holder of this license to contract for and to perform any act as a contractor for any structure.

Concrete contractor shall entitle the holder thereof to contract for and perform any act as a contractor to pour and finish any floor, driveway, parking area, street, or sidewalk or to pour and finish any footer, basement, wall, or other structural building element.

Demolition contractor shall entitle the holder of this license to demolish any building.

Elevator contractor shall entitle the holder thereof to contract for and perform any act as a contractor to install, repair and maintain any elevator, dumbwaiter, escalator, or moving walk.

Excavation contractor shall entitle the holder thereof to contract for and perform any act as a contractor to grade, excavate, fill, clear, and construct earth works.

Fire alarm contractor shall entitle the holder thereof to contract for and perform any act to install, maintain, repair, or alter any fire alarm system.

Fire sprinkler contractor shall entitle the holder to install, maintain, repair, alter or extend all piping for fire sprinkler systems, including the connection to the water service outlet provided for fire sprinkler systems.

Framing contractor shall entitle the holder to fabricate and install any wood, metal or composites product in a structure including, but not limited to rough framing, structural and nonstructural work, trusses, sheathing, paneling, trim, cabinetry, doors and windows and all hardware incidental thereto. A framing contractor may not contract for or install, maintain, repair or alter any concrete, masonry, roofing, dry wall or other work not specifically mentioned above. Further, the framing contractor may not act as a residential or commercial contractor, type I or II or secure permits to build any structure; however, a framing contractor may obtain permits to construct decks and accessory structures.

Residential contractor shall entitle the holder thereof to contract for and to perform any act as a contractor to erect, construct, enlarge, or remodel any one (1) or two (2) family residence and accessory buildings thereto as governed by the currently adopted International Residential Code.

Roofing contractor shall entitle the holder thereof to contract for and to install, repair and replace roofs. Work may include roof deck insulation, roof coating, painting and covering, and may include use of sheet metal and installation of other sheet metal products incidental to roofing work or other material in connection therewith, or any combination thereof.

Swimming pool contractor shall entitle the holder thereof to contract for and to excavate, construct, fabricate, install and equip all swimming pools, including the pumps, pool heaters, solar pool heaters, filters and chlorinators and that piping incidental to the recirculating system. A swimming pool contractor

685 may do concrete work, such as a patio or apron, incidental to the pool. A
686 swimming pool contractor may not perform work involving the installation of
687 electrical circuits, potable water supply lines, drain lines or gas lines.

688 (b) Any non trade contractor license shall require the qualifying party to pass
689 the appropriate examination selected by the development services director from a
690 recognized testing agency or alternatively providing the development services director
691 with a certified copy of a transcript from an accredited university, college or vocational
692 school demonstrating passing grades in at least 30 hours of coursework directly related
693 to the license applied for. No non trade contractor shall be allowed to obtain a license
694 unless the non trade contractor shall have achieved a passing score on the appropriate
695 examination or provided proof of meeting the educational requirements.

696 (c) Commercial contractor type I, commercial contractor type II, and
697 residential contractors must provide the development services division with
698 documentation of having earned eight (8) continuing education hours in a calendar year
699 to maintain said license. All continuing education courses must be directly relevant to
700 the contractors' licensed field and must be approved by the development services
701 director. Further, at least four (4) hours of the continuing education course work for
702 each year must be directly related to construction techniques or other provisions
703 contained in the applicable building code.

704 Section 26. That Chapter 30, Article XV of The Code of the City of Topeka,
705 Kansas, is hereby amended to by adding a section, to be numbered 30-526, which said
706 section reads as follows:

707 **Trade contractor license.**

(a) A licensed trade contractor shall be a master or have in his employ and so designate a master on a full-time basis. Before issuance of a trade contractor's license, the applicant shall submit the address of his place of business, business telephone number, name of the designated master and other information as may be required on forms provided by the development services division and pay all relevant fees. The trade contractor shall be ultimately responsible for the work done.

(b) If a designated master is employed by more than one trade contractor in the capacity of a designated master, it shall be deemed that he or she is loaning his or her license and this shall be cause for the board to revoke such master's license. If the designated master for a contractor is terminated, resigns, retires, expires or changes employers, such licensed contractor shall secure the services of another master no later than ninety (90) days after the departure of the first master. Any work in progress during the absence of a master may continue for such period of ninety (90) days; however, no new permits shall be issued. Failure to secure the services of another master within such ninety (90) days shall be cause for revocation of the contractor's license and all work in progress shall cease until the services of a master are acquired and a new contractor's license is issued.

Section 27. That Chapter 30, Article XV of The Code of the City of Topeka, Kansas, is hereby amended to by adding a section, to be numbered 30-527, which said section reads as follows:

Apprentice, journeyman and master registration and license.

(a) Each initial application for examination for journeyman or master license shall be made on forms provided by the development services division and shall be

731 accompanied by payment of the appropriate application fee. Applications for
732 examination shall be made to the development services director prior to the scheduled
733 examination date. In addition, each applicant for examination shall be responsible for
734 paying the cost of the exam to the testing agency designated in K.S.A. 12-1509, 12-
735 1542 and 12-1526. All applicants for trade examinations shall achieve a score of at
736 least seventy-five percent (75%) for any of the trade examinations. There shall be no
737 alternate education requirement for the trade examinations.

738 (b) All plumbing, mechanical, electrical and water softener/conditioner, lawn
739 irrigation contractors and certified backflow tester/repair technicians licensed pursuant
740 to this division shall display or post the required license in their place of business. All
741 master and journeyman tradepersons shall carry their licenses on their persons and
742 exhibit the license on the demand of the inspector, his assistants or any officer of the
743 city

744 (c) MASTER.

745 (1) To become a licensed master an individual shall meet the current
746 requirements found in K.S.A. 12-1509, and any amendments thereto, relating to
747 plumbing contractor; K.S.A. 12-1542, and any amendments thereto, relating to
748 mechanical contractor; and K.S.A. 12-1526, and any amendments thereto,
749 relating to electrical contractor. The requirements to become a licensed master
750 in the water softener/conditioner area within the plumbing trade shall be a
751 minimum of one year of experience as a licensed journeyman within the water
752 softener/conditioner trade and pass the water softener/conditioner masters
753 examination issued by the City of Topeka. To become a licensed master in the

lawn irrigation area within the plumbing trade, a person must work as a journeyman for two years within the lawn irrigation area within the plumbing trade and pass the master's examination. The requirement to become a licensed master in the solid fuel burning appliance in the mechanical trade shall pass the fireplace/hearth certificate exam and the gas hearth appliance certificate exam approved by the development services director. A master license holder shall be responsible to oversee all work activity to assure compliance with applicable codes and must have direct contact with the job site.

(2) A master shall be limited to that work which falls within the master's trade or specialty area within that trade for which he or she is licensed.

(3) Continuing Education.

a. Individuals possessing a master's license in plumbing, mechanical and electrical trades shall be required to meet the continuing education requirements set forth in K.S.A. 12-1509, and any amendments thereto, relating to plumbing contractor; K.S.A. 12-1542, and any amendments thereto, relating to mechanical contractor; and K.S.A. 12-1526 to renew their respective license(s). The continuing education courses may be provided by the local jurisdiction, a nationally recognized trade organization, a product manufacturer or other sources deemed acceptable to the development services director. Individuals holding multiple masters' licenses shall be required to obtain statutory continuing education hours for each license held; however, course work which

776 applies to more than one category of license may count towards the
777 continuing education requirement for each such license.

778 b. An individual with an expired or an inactive master's license
779 shall be required to provide proof of six (6) hours of continuing education
780 credits for each year such license was expired or inactive in order to
781 reactivate the license. However, in the event the master's license was
782 expired or inactive for a two year period or longer, only twelve (12) hours
783 of continuing education credit will be required for reactivation.

784 (d) JOURNEYMAN.

785 (1) To become a licensed journeyman in the plumbing, electrical and
786 mechanical trades an individual shall meet the current requirements found in
787 K.S.A. 12-1509, and any amendments thereto, relating to plumbing contractor;
788 K.S.A. 12-1542, and any amendments thereto, relating to mechanical contractor;
789 and K.S.A. 12-1526, and any amendments thereto, relating to electrical
790 contractor. To become a licensed journeyman in the lawn irrigation trade a
791 person must work as an apprentice for one year within the trade. Work
792 experience shall be verified by previous and current employers on forms
793 provided by the development services division.

794 (2) For the purposes of the mechanical trade only, a journeyman
795 license is categorized as follows:

796 a. Comprehensive, all items covered by the Code.

797 b. Sheet metal journeyman, limited to perform the following
798 types of installation:

799 1. The placement and installation of the furnace, air
800 conditioning or other air handling equipment. This does not
801 include any connections of the line voltage electricity, fuel
802 gas piping or refrigeration piping.

803 2. The installation of the complete air distribution
804 system.

805 3. The installation of the products of combustion venting
806 system.

807 (3) Continuing Education.

808 a. Individuals possessing a journeyman's license in the
809 plumbing, mechanical and electrical trades shall be required to meet the
810 continuing education requirements set forth in K.S.A. 12-1509, and any
811 amendments thereto, relating to plumbing trade license; K.S.A. 12-1542,
812 and any amendments thereto, relating to mechanical trade license; and
813 K.S.A. 12-1526, and any amendments thereto, relating to electrical trade
814 license to renew their respective license(s). The continuing education
815 courses may be provided by the local jurisdiction, a nationally recognized
816 trade organization, a product manufacturer or other sources deemed
817 acceptable to the development services director. Individuals holding
818 multiple journeymen's licenses shall be required to obtain the statutory
819 requirements for continuing education hours for each license held;
820 however, coursework which applies to more than one category of license

may count towards the continuing education requirement for each such license.

b. An individual with an expired or an inactive journeyman's license shall be required to provide proof of six (6) hours of continuing education credits for each year such license was expired or inactive in order to reactivate the license. However, in the event the journeyman's license was expired or inactive for a two year period or longer, only twelve (12) hours of continuing education credit will be required for reactivation.

(4) Certified backflow tester/repair technicians.

a. To become a licensed backflow tester/repair technician, the individual must successfully complete an accredited training session recognized by the Kansas Department of Health and Environment and the water superintendent and achieve a passing score on an examination. The holder of this license shall entitle the individual to test and/or repair backflow prevention devices or assemblies.

b. Individual holding a backflow tester/repair technician license shall be required to meet the continuing education and recertification requirements established by the water superintendent.

(e) APPRENTICE.

(1) An apprentice is an individual who is registered with the development services division as working within the trades of electrical, mechanical, plumbing and lawn irrigation. The working ratio for licensed journeyman or master to registered apprentice shall be one to one, except the

mechanical and lawn irrigation trades, wherein the ratio shall be one licensed journeyman or master to two registered apprentices.

Section 28. That Chapter 30, Article XV of The Code of the City of Topeka, Kansas, is hereby amended to by adding a section, to be numbered 30-528, which said section reads as follows:

Utility firms exempt.

Any utility company doing business under a franchise with the city shall not be required to secure a license when engaged in the performance of duties, obligations or rights conferred upon such utility by the franchise. The employees and agents of the utility shall comply with the requirements of this article in all respects when engaged in work subject to the applicable plumbing or electrical code adopted by the city.

Section 29. That Chapter 30, Article XV of The Code of the City of Topeka, Kansas, is hereby amended to by adding a section, to be numbered 30-529, which said section reads as follows:

Grandfather provisions for certain mechanical licenses.

(a) Any individual who as of the effective date of this ordinance has a current master mechanical license or journeyman mechanical license issued by the city may renew the license in the category in which the current license was issued. The categories of license are as follows:

(1) Comprehensive, all items covered by Code.

(2) Combination warm heating system/air conditioning systems, including duct work and ventilation.

(3) Refrigeration.

867 (4) Boilers.

868 (5) Commercial hoods.

869 (6) Factory-built solid fuel burning appliances.

870 There shall be no further issuance of new licenses for the mechanical trade by
871 subcategories, except as outlined in parts (b) and (c) of this section.

872 (b) Individuals wanting a master's license for factory-built solid fuel or gas
873 fireplace hearth appliances shall have passed both an approved fireplace hearth
874 certification exam and a gas hearth appliance certification exam. Only those
875 examinations developed by an independent, nationally recognized testing or
876 educational institution and approved by the development services director will be
877 accepted.

878 (c) Individuals wanting a sheet metal journeyman's license shall make
879 application for that subcategory exam as given by an independent, nationally
880 recognized testing agency approved by the development services director.

881 Section 30. That Chapter 30, Article XV of The Code of the City of Topeka,
882 Kansas, is hereby amended to by adding a section, to be numbered 30-530, which said
883 section reads as follows:

884 **Display of all contractor's licenses and business names.**

885 (a) All contractors licensed pursuant to this code shall display or post the
886 required license in their place of business. All licensed masters and journeymen shall
887 carry their licenses on their persons and exhibit the license on the demand of the
888 inspector, his assistants or any officer of the city,

(b) The name of contractor or his or her business name shall be displayed on any work or service vehicle operated by the contractor or his or her employees during the course of business operations. The name of the contractor or his or her business shall be posted on each side of the service or work vehicle by paint, decal or magnet in letters and or numbers not less than two (2) inches high.

Section 31. That Chapter 30, Article XV of The Code of the City of Topeka, Kansas, is hereby amended to by adding a section, to be numbered 30-531, which said section reads as follows:

Boards.

(a) Boards for each trade created.

There is hereby created a board for each of the licensed trades: Board of electrical appeals, Board of plumbing appeals, and Board of mechanical appeals. Such boards shall have five (5) members and shall be comprised of two (2) masters licensed in the particular trade, two (2) journeymen licensed in the particular trade, and an engineer, practicing in the particular trade, appointed in accordance with City of Topeka Code § 2-181 and Charter Ordinance codified at § A2-72. Provided however the two (2) positions designated to be filled by journeymen may be filled by licensed journeymen, licensed masters, or engineers practicing in that particular trade. The purpose of the boards shall be to hear appeals from administrative decisions and upon request from the administration to review applicants in accordance with this Article.

(b) Terms of members.

The terms of office for the members of the trade licensing boards shall be two years

(c) Chairpersons.

912 The chairpersons of the trade licensing boards shall be selected by a majority vote of
913 the members thereof.

914 (d) Licensing authority.

915 The board shall have the final authority to determine the experience and
916 competency to take the examination for the for the particular license. The development
917 services director shall review all initial applications prior to testing to determine eligibility
918 and shall notify the applicant of the test results within seven working days after receipt
919 of the test results. Any appeals from the licensing determination of the development
920 services director shall be made to the board.

921 (e) Authority to hear appeals, permit exceptions and grant variances or
922 waivers.

923 (1) The board shall have authority to hear and determine appeals from
924 interpretations or other determinations by the development services director of
925 the code.

926 (2) The board shall also have the authority to grant exceptions,
927 variances or waivers from the code provisions in cases or situations which meet
928 the purpose and intent of the code. An exception, variance or waiver shall only
929 be granted in those situations that will not endanger life or limb, health, property,
930 or public welfare. All requests for appeals from interpretation of the code by the
931 development services director, exceptions, variances or waivers shall be written.
932 Such application shall be accompanied by a full written explanation of the
933 rationale and reasoning for such request.

934 (3) Procedure for appeal and granting exceptions, variances or waivers
935 shall be in accordance with City Code § 2-486, et seq. Provided however,
936 appeals under this article shall be to the board and not to a hearing officer.
937 Further, the decision of the board shall constitute the final determination by the
938 city.

939 (f) Authority to suspend or revoke license.

940 (1) The board shall be empowered to suspend a license for infractions
941 including but not limited to the following:

942 a. Failure to obtain a permit prior to initiating work on the
943 project.

944 b. Creating a hazardous situation which endangers life and/or
945 property.

946 c. Failure to correct a written violation notice within the allotted
947 time.

948 (2) The board shall be empowered to revoke a license for infractions
949 including but not limited to the following:

950 a. Loaning of his license to another individual or company.

951 b. Creating a hazardous situation which endangers life and/or
952 property.

953 c. Subsequent violations of failure to obtain a permit prior to
954 initiating work on the project, creating a hazardous situation which
955 endangers life and/or property, or failure to correct written violation

notice within the allotted time after having been previously
suspended for such violation.

(3) The development services director shall send written notice to the
license holder setting forth the alleged infraction(s) and setting forth a time and
place at which the proposed suspension or revocation will be heard by the board.
Procedure for administrative hearings related to suspension or revocation shall
be in accordance with City Code § 2-486, *et seq.* to the extent applicable.
Provided however, appeals under this article shall be to the board and not to a
hearing officer. Further, the decision of the board shall constitute the final
determination by the city. During the course of suspension or revocation, all
work shall cease except that work necessary to correct a hazardous situation or
correct a written violation notice.

Section 32. This ordinance shall take effect and be in force from and after its
passage, approval and publication in the official City newspaper.

PASSED AND APPROVED by the City Council November 3, 2009.

CITY OF TOPEKA, KANSAS

William W. Buntten, Mayor

ATTEST:

Brenda Younger, City Clerk