

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

ORDINANCE NO. 19404

AN ORDINANCE introduced by Councilmember John Alcala, creating a new City of Topeka Code § 26-5, concerning removal of debris after demolition of structures.

WHEREAS, it is in the best interest of the residents of the City that debris from the demolition of structures in the City of Topeka, be promptly removed so as not to cause a threat to public health and safety.

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

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

Demolition debris.

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

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

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

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

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

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

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

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

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

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

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

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45 with the provisions of this ordinance are hereby rescinded or repealed.

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

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

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk