

(Published in the Topeka Metro News February 16, 2015)

ORDINANCE NO. 19938

AN ORDINANCE introduced by City Manager Jim Colson, concerning neighborhood relations and community development, amending City of Topeka Code § 2.25.200, § 2.25.250, § 2.105.020, § 2.105.040, § 2.105.070 through § 2.105.100, § 3.30.320, § 3.30.330, § 3.30.350 through § 3.30.380, § 3.30.400 through § 3.30.430, § 5.63.010, and § 8.60.030 and repealing said original sections as well as § 2.105.030 in its entirety.

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

Section 1. That section 2.25.200, Department of housing and neighborhood development created, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Department of ~~housing and neighborhood development~~ relations created.

There is hereby created a department of ~~housing and neighborhood development~~ relations. The director of the department of ~~housing and neighborhood development~~ shall be appointed by the city manager. ~~The director shall supervise the preparation of the annual Community Development Act assistance application; shall be responsible for developing a coordinated approach to community development; and shall manage city real estate.~~

Section 2. That section 2.25.250, Enforcing officer designated, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Enforcing officer designated.

The city manager designates the ~~police chief~~ director of the department of neighborhood relations or designee as the enforcing officer for purposes of administering the unsafe or dangerous structures law, K.S.A. 12-1750 et seq.

31 Section 3. That section 2.105.020, Department of housing and neighborhood
32 development, of The Code of the City of Topeka, Kansas, is hereby amended to read as
33 follows:

34 **Department of ~~housing and neighborhood development~~relations.**

35 ~~There is hereby created a department of housing and neighborhood development~~
36 ~~(HND).~~ The functions of the department of neighborhood relations shall ~~be as follows~~
37 include the following housing and neighborhood development functions:

38 (a) To administer all programs undertaken by the city pursuant to the
39 Community Development Act of 1974, as amended.

40 (b) To develop and prepare the consolidated action plan each year and a five-
41 year consolidated plan and other reports and submissions as required by HUD.

42 (c) To mobilize resources for housing, neighborhood, community and
43 economic development purposes, including but not limited to community development
44 block grant, HOME Investment Partnership, ~~American Dream Downpayment Initiative,~~
45 Shelter Plus Care, emergency ~~shelters~~solutions grants and other public and private
46 sources.

47 (d) To develop, negotiate and monitor all contracts made in furtherance of the
48 city's housing, neighborhood, community and economic development program.

49 (e) To promulgate regulations, subject to all applicable city ordinances,
50 federal legislative and administrative requirements and state statutes, with the approval
51 of the ~~mayer and city manager, who govern the activities of the program.~~

52 (f) To perform such other duties and functions ~~related to housing,~~
53 ~~neighborhood, community and economic development~~ as the mayor and city manager
54 may, ~~from time to time,~~ assign to the department.

55 (g) To work closely with the U.S. Department of Housing and Urban
56 Development (HUD) in the administration of the city's housing and neighborhood
57 development programs.

58 (h) To administer all social service and related programs funded ~~and assigned~~
59 by the city council.

60 Section 4. That section 2.105.030, Director of housing and neighborhood
61 development, of The Code of the City of Topeka, Kansas, is hereby repealed.

62 **~~Director of housing and neighborhood development.~~**

63 (a) ~~Job Classification Established. The job classification of director of housing~~
64 ~~and neighborhood development (HND) is hereby established, which position shall be~~
65 ~~considered a department head for all purposes.~~

66 (b) ~~Duties. The director of HND shall, under the administrative direction of the~~
67 ~~mayor or city manager, perform work of considerable difficulty in the direction and~~
68 ~~administration of the city's housing, neighborhood, community and economic~~
69 ~~development program, and perform related work as required.~~

70 (c) ~~Responsibilities. The director of HND shall be responsible for supervision~~
71 ~~and direction of the department of HND. The director shall supervise the preparation of~~
72 ~~the annual application for assistance under the Community Development Act; shall be~~
73 ~~responsible for developing a coordinated approach to housing, neighborhood,~~
74 ~~community and economic development in the city; shall maintain all required records;~~

75 ~~and shall represent the city in public and private meetings pertaining to housing,~~
76 ~~neighborhood, community and economic development. The director shall work under~~
77 ~~the administrative direction of the mayor and city manager.~~

78 ~~(d) Qualifications. Desirable qualifications for the director of HND are as~~
79 ~~follows:~~

80 ~~(1) Training and Experience. Bachelor's degree in urban planning,~~
81 ~~public administration, or a related field; and at least three years' experience in the~~
82 ~~field of planning, public administration or federal housing, housing and~~
83 ~~neighborhood development related programs, one of which must have been in an~~
84 ~~administrative or supervisory capacity.~~

85 ~~(2) Knowledge, Abilities and Skills. Comprehensive knowledge of~~
86 ~~housing, neighborhood, community and economic development programs and~~
87 ~~federal requirements; comprehensive knowledge of planning, research and~~
88 ~~physical program development; ability to supervise housing, neighborhood,~~
89 ~~community and economic development programs and staff; ability to analyze~~
90 ~~data and other information; ability to communicate both orally and in writing;~~
91 ~~ability to maintain an effective working relationship with city officials, private~~
92 ~~agencies and the community at large.~~

93 Section 5. That section 2.105.040, Citizen advisory council, of The Code of
94 the City of Topeka, Kansas, is hereby amended to read as follows:

95 **Citizen advisory council.**

96 There is hereby established a citizen advisory council (CAC) consisting of
97 persons representing broad community interests. The CAC will provide

98 recommendations to the department of ~~housing and neighborhood development~~
99 ~~(HND)~~relations on issues described in the CAC bylaws. The CAC shall consist of one
100 member elected by each certified neighborhood improvement association (NIA) and
101 three at-large members. The NIA representatives must be eligible voting members of
102 the NIA they represent. The NIA representative members will have three-year terms. No
103 person can be the NIA representative on the CAC for more than two consecutive terms.
104 NIA representatives to the CAC shall be elected at NIA annual meetings. An NIA may
105 also elect an alternate CAC representative who may represent the NIA in the event the
106 NIA's CAC representative cannot attend a CAC meeting. Except, in the event a
107 representative cannot complete their entire term, a substitute can be elected at any
108 regular NIA meeting.

109 ~~Within 30 days of the effective date of this section, each NIA shall meet to elect a~~
110 ~~representative to the transition CAC for the remainder of calendar year 2004. The term~~
111 ~~for members of the transition CAC will expire on December 31, 2004, and will not be~~
112 ~~considered in determining term limits for NIA representatives on the CAC.~~

113 The three at-large members of the CAC shall be appointed for three-year terms
114 by the mayor with confirmation by the city council. The at-large members will have
115 three-year terms. Members shall not serve beyond the end of their appointed term.
116 Upon expiration of a term the position shall remain vacant until a successor is
117 appointed. No at-large member of the CAC shall serve more than two consecutive
118 terms. One at-large member must come from a low and moderate income (LMI) area
119 not represented by a certified NIA or be a LMI citizen of Topeka not residing in an NIA
120 area and two at-large members must come from disciplines such as construction trades,

architecture, appraising, real estate sales, public finance, mortgage lending, legal, real estate development, residential property management, commercial banking construction material suppliers, fund raising, neighborhood planning, zoning, engineering or other disciplines relevant to housing and neighborhood development.

At the first annual meeting of the CAC the voting members will elect a chair to conduct the meetings in accordance with Robert's Rules of Order. The director of ~~housing and neighborhood development (HND)~~relations will establish bylaws and, in consultation with the CAC chair, prepare the agenda for each meeting. The CAC will meet quarterly each year unless a special meeting is requested by the director of ~~HND~~ or the city council. A quorum of the CAC shall consist of those voting members present, and a simple majority of voting members present shall decide any question. ~~HND~~Department staff shall keep attendance records and minutes of each meeting. Each NIA representative and each at-large member will have voting rights throughout their term.

The purpose of the CAC is to advise ~~HND~~the director of neighborhood relations of the community needs as they relate to the allocation of city, state, federal and Topeka housing trust funds.

Section 6. That section 2.105.070, Topeka housing trust fund, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Topeka housing trust fund.

The director of ~~housing and neighborhood development (HND)~~relations is hereby authorized to establish the Topeka housing trust fund. The purpose of the trust fund will be to allow the city to access other resources to address the community, neighborhood,

housing and economic development needs of the city that cannot be fully met with federal, state or local funds. Trust fund resources shall be used only for the following purposes: programs, education relating to housing and economic development for citizens and program participants, and, as a last resort, for emergency operations of ~~HND~~the department should other sources be discontinued or temporarily unavailable. All expenditure decisions will be made by the city council with recommendations by the director of ~~HND~~. The director of ~~HND~~ will seek advice from the citizen advisory council on the process for allocating program and education funds.

Section 7. That section 2.105.080, Housing and neighborhood development budget, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Housing and Department of neighborhood development relations budget.

~~Each year on or before August 31st, t~~The housing and neighborhood development ~~(HND)~~relations director shall submit a comprehensive budget of all funding sources for ~~HND~~ to the ~~mayor's office for review~~city manager. Such budget shall detail the costs of the conduct and administration of ~~HND~~the department and shall be submitted in a format consistent with that generally used by departments within the city in the preparation of the annual budget. ~~Upon approval of the mayor, such budget shall be submitted to the city council for consideration.~~The annual budget for ~~HND~~ will be presented and adopted concurrent with the annual consolidated action plan and the five-year consolidated plan as applicable.

Section 8. That section 2.105.090, Programs and targeting of resources, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Programs and targeting of resources.

(a) The department of housing and neighborhood development ~~(HND)~~relations is hereby authorized to operate programs, consistent with federal, state and local laws and ordinances, that are specifically set out in the five-year consolidated plan and the annual consolidated action plan; provided, however, that prior to the commencement of any such program, specifications which detail such programs, objectives, methodology and costs shall be approved by the city council through its adoption of the annual consolidated action plan and the ~~HND~~department budget. All actions taken by the city council relating to the five-year consolidated plan and the annual consolidated action plan are subject to approval by HUD.

(b) The director of ~~HND~~ is hereby authorized to develop, negotiate and present for approval by the ~~mayor and city manager~~ contracts or interagency agreements with other city agencies necessary for the implementation of programs specifically set out in the annual consolidated action plan and the ~~HND~~department's budget which are consistent with all federal, state and local laws and ordinances.

(c) Topeka's approved neighborhood plans establish the general framework for which funding decisions are considered. ~~HND~~The department will establish written criteria for how a target area should be defined in order to be considered for funding. The criteria shall include, but not be limited to, neighborhood plans, the neighborhood health map as published by the city planning department and the ~~Topeka-Shawnee County comprehensive metropolitan plan 2025~~, comprehensive plan and any amendments thereto. ~~HND~~The department will concentrate resources geographically to maximize collaborative investment from public and private funding sources. The major

emphasis of funding decisions will be to promote identifiable impacts and enhance neighborhood wealth. ~~HND~~The department shall invest its resources in areas where other recent and ongoing financial investment is present to further enhance current and future success. To the extent allowable by funding sources, multiple year commitments may be made to address needs identified in the five-year consolidated plan or the annual consolidated action plan. The concentration of resources into areas that have a reasonable potential for positive change will be a major consideration for investment strategies that will be outlined in the annual consolidated action plan. In addition, resources will be concentrated in the “intensive care” and “at risk” areas as defined in the neighborhood health map published by the city planning department, as being the areas where the majority of HUD resources will be allocated.

Section 9. That section 2.105.100, Program costs and administration fees, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Program costs and administration fees.

(a) No program costs shall be incurred against federal or state funds received except those to be deemed eligible costs by HUD or other appropriate federal or state agency.

(b) No identities of interest will be allowed between board members and employees of any nonprofit organization receiving funds through the department of ~~housing and neighborhood development (HND)~~relations. For purposes of this chapter, identities of interest are those created by blood, marriage or adoption including grandparents, parents, brothers, sisters, aunts, uncles, nieces, nephews, sons, daughters, grandsons, granddaughters, and in-laws of any type. Board members or

employees of a nonprofit organization that receives funds through ~~HND~~the department of neighborhood relations shall not receive any personal benefit from the ~~HND~~department of neighborhood relations funded activities of the nonprofit organization. No person serving on the citizen advisory council, or as an officer of a neighborhood improvement association or neighborhood association may receive a direct personal benefit from any program for which they may provide advice to ~~HND~~the department of neighborhood relations.

(c) Administration fees for operation of federal programs shall not exceed the maximum administration fees allowed by HUD or other appropriate federal agency.

(d) Administration fees for operation of city-funded programs shall not exceed 10 percent of the aggregate amount allocated by the city council for programs.

(e) Administration fees for operation of programs funded by noncity sources shall not exceed the amount allowed by the noncity funding source.

(f) ~~HND~~The department of neighborhood relations will not be subject to, or required to pay, expenses based upon any indirect cost rate formulas established by the city.

Section 10. That section 3.30.320, Exceptions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Exceptions.

(a) The director of ~~housing and neighborhood services~~relations or designee shall review and approve all transactions concerning urban renewal property administered by the department and right-of-way property for projects administered by the department of public works. All property involved in these transactions shall be

included in the city's real estate inventory. These transactions, however, shall not generally be subject to the acquisition or disposal procedures required by this article. This section does not change the council's authority to authorize all real estate transactions.

(b) Except as otherwise provided, this article shall not apply to property purchased and/or leased as part of a project financed by the issuance of industrial revenue bonds by the city. This exception shall not preclude the department of ~~housing and~~ neighborhood ~~services~~relations from keeping appropriate records of such transactions and including the involved properties in the city's real estate inventory.

Section 11. That section 3.30.330, Disposal of real property, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Disposal of real property.

(a) Any department with control of real property that is no longer needed shall provide written notification to the department of ~~housing and~~ neighborhood ~~development~~relations of the desire to dispose of the property as surplus. All city departments shall be notified of the availability of the property. A city department indicating a need for the real property shall notify the department of ~~housing and~~ neighborhood ~~development~~relations to ensure the appropriate transfer of the property. The transfer of the property shall be approved by the city manager.

(b) If no city department indicates an interest in the real estate offered as provided in this section, the subject property shall be sold in the manner as follows:

(1) The value of the property shall be ascertained by appraisal. Real estate appraisals may be made by staff or by independent fee appraisers as

determined by the director of ~~housing and neighborhood development~~relations.
Zoning, utilities, existing structures, extent of improvements, and location shall be
considered in the appraisal process. The selection of independent appraisers
shall comply with applicable provisions of TMC Title 2.

(2) The director of ~~housing and neighborhood development~~relations
shall prepare a report of approval by the city manager and submission to the city
council. The report shall provide the following information:

(i) A current survey or site plan establishing the property
corners and a scale drawing showing accurately the property dimensions
and the location of buildings and improvements thereon.

(ii) A legal description and identification of the property,
including the current zoning.

(iii) A statement of city ownership of the property, detailing the
date the city acquired the property and the reason therefor.

(iv) The current use and potential use of the property.

(v) The appraised value of the property.

(vi) A detailed description of the procedure proposed for disposal
of the property.

(vii) The financial impact of the proposed transaction.

(3) Upon receipt and review of the report, the council shall make a
determination as to whether to proceed with disposal of the property.

(4) Upon completion of a property disposal method, as identified in this
article, the director of ~~housing and neighborhood development~~, with the approval

of the city manager, shall present an acceptance of an offer for sale or exchange to the city council for its approval. When an offer for real property owned by the city is accepted as provided in this article, the documents necessary to close the transaction shall be prepared. Council consent is required for disposal of all real property.

Section 24. That section 3.30.350, Acquisition of real property, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Acquisition of real property.

(a) Any department with a need to acquire real property shall notify the director of ~~housing and neighborhood development~~relations of its requirements and availability of funds. The director of ~~housing and neighborhood development~~relations shall search the market to identify appropriate properties and present a list of properties to the department for consideration. Upon identification of suitable property or properties, an appraisal shall be conducted, either by staff or by an independent fee appraiser for the purpose of establishing an amount considered to be just compensation for the property. More than one appraisal may be required. Appropriate city staff will negotiate an acceptable agreement with the owner of the property. When the purchase price of any real property is anticipated to exceed \$50,000, a public notice shall be given in the official city newspaper of the city's interest in acquiring property. Such notice shall include a description of the city's needs and the proposed use of the property.

(b) In any proposed acquisition of real property under this section, the department of ~~housing and neighborhood development~~relations shall prepare a report,

approved by the city manager, for approval and acceptance by the city council. The report shall provide the following information:

- (1) The appraisal value of the property.
- (2) The financial impact of the transaction.
- (3) The terms and conditions of the acquisition.
- (4) A statement identifying anticipated use.
- (5) Identification of the existence of any conditions impacting the environment.

(c) Upon approval of the transaction provided for in this section by the city council, the director of ~~housing and neighborhood development~~relations shall, with the approval of the city attorney, accept deed as prepared by the seller. Prior to final execution, all property to be purchased shall be insured at the seller's expense against title defects, unless otherwise waived by the governing body. The approval and acceptance of the council shall not be required for any acquisition where the purchase price is \$20,000 or less. However, the other provisions of this section shall apply to such transactions.

Section 13. That section 3.30.360, Lease of city-owned property, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Lease of city-owned property.

(a) The department of ~~housing and neighborhood development~~relations shall keep and maintain records relating to city-owned property which is not needed for municipal purposes and designated for lease.

(b) Proper lease agreements may be entered into upon approval and signature by the city manager. The terms and conditions of such agreements shall be consistent with the prevailing real estate market.

(c) Any lease of city-owned real estate that will exceed \$10,000 within a 12-month period shall be approved by the city council and signed by the city manager.

(d) The city manager shall present an annual report to the city council identifying the city-owned property being leased, the terms of the lease, and the use of the property.

Section 14. That section 3.30.370, Lease of privately owned property, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Lease of privately owned property.

(a) Any department with a need to lease real property shall notify the director of ~~housing and neighborhood development~~ relations of the requirements and availability of funds. Upon determination that the need to lease privately owned property exists, the market shall be searched for appropriate properties. When suitable property is identified a lease agreement consistent with prevailing real estate market conditions shall be negotiated. At the completion of negotiations, a lease agreement shall be prepared and authorized by the city manager and requesting department head, except as specifically provided in this section.

(b) Except where a specific location is required when the anticipated lease of privately owned property is anticipated to exceed \$10,000, a notice of the city's interest to acquire leased property shall be published in the official city newspaper at least 10 days prior to acceptance of any lease agreement. Such notice shall specify the

necessary conditions of the needed real estate, including but not limited to square footage, access, and location.

(c) No leased real property in excess of \$10,000 per year, including all costs contemplated by the lease agreement, shall be authorized unless approved by resolution of the city council and signed by the city manager.

(d) The city manager shall submit an annual report to the city council identifying privately owned property being leased. The report shall include the following:

- (1) A list of the privately owned property by location.
- (2) The owner of each leased property.
- (3) The square footage of such property and the terms, conditions and options of the lease, excluding cost.
- (4) Current city use of the property.

Section 15. That section 3.30.380, Purpose, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Purpose.

It is hereby declared to be the purpose of this article to require all bids which relate to property for repair and rehabilitation, private and public, assisted by housing and the department of neighborhood development (HND) relations, to be submitted to the director of ~~HND~~ the department as described in this article.

Section 16. That section 3.30.400, Procedure and conditions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Procedure and conditions.

(a) Sealed bid proposals will be received by the department of ~~housing and neighborhood development (HND)~~, relations at the office of ~~HND~~, at the time stated in the invitation to bid and in conformance with all requirements of the bid invitation and the project specifications.

(b) ~~HND~~The department shall maintain a list of qualified contractors by trade and type of work to whom bid invitations are offered. ~~HND~~The department will establish written administrative policies for the acceptance and removal of contractors for purposes of establishing a qualified bidders list.

(c) No bid bond or deposit is required to be submitted with a proposal; however, no advance payments for an awarded contract shall be made. Payments for contract work shall only be made for completed work and acceptably installed material. A retainage may be designated to be withheld from payment to the contractor until final completion of the entire project.

(d) Bidders shall have in force adequate liability and workers compensation insurance coverage as determined by ~~HND~~the department in consultation with the risk management officials of the city.

(e) The awarding of a contract can only be made jointly by ~~HND~~the department and the property owner.

(f) Each bidder must furnish ~~HND~~ accurate current information as to name, residence, post office address and federal tax identification number. Failure to keep this information current may be sufficient cause for removal from the qualified contractor's list.

394 (g) The ~~HND~~ director may provide for a method of probationary inclusion of
395 contractors on the qualified contractor list due to a contractor's lack of experience in
396 certain types of work or shortcomings in completing work.

397 (h) The right is reserved to reject any or all bids and to waive defects in bids
398 or, if necessary, to make other adjustments which the director of ~~HND~~ may deem
399 advisable within the limits of the law. ~~HND~~ The department reserves the right to reject
400 bids received by persons or firms who may be in arrears to the city or who may be
401 otherwise legally obligated and raise legitimate questions as to their ability to fulfill a
402 contract.

403 (i) Bidders are invited to be present at the opening of bids. All bids are made
404 with the understanding that the bidder must accept the terms and conditions contained
405 in the contract documents.

406 (j) ~~HND~~ The department also retains the right to delay the awarding of
407 contracts, sufficient in time to make a thorough investigation of equipment and material
408 to be purchased or the subcontractors to be used.

409 (k) Bids must be made on forms supplied by ~~HND~~ the department, unless
410 otherwise indicated in the invitation for bids.

411 (l) Contractors shall be required to provide lien waivers or other acceptable
412 evidence of payment to subcontractors and material suppliers as determined by
413 ~~HND~~ the department.

414 (m) Except as specifically modified by this section, all bids and contracts
415 referred to herein shall comply with the city of Topeka purchasing regulations as
416 established by Articles I through IV of this chapter.

417 Section 17. That section 3.30.410, Exception to bid procedure and condition, of
418 The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

419 **Exception to bid procedure and condition.**

420 Due to the nature and purposes of the various housing assistance programs
421 provided (e.g., emergency assistance, assistance to persons with disabilities and other
422 limited assistance activities) the director of ~~HND~~the department of neighborhood
423 relations or designee reserves the right to follow informal bid procedures in order to
424 prevent unnecessary delay in providing assistance, undue hardship to the program
425 recipients, unnecessary administrative costs or the continued detrimental health and
426 safety conditions for the applicant, neighbors or the city.

427 Section 18. That section 3.30.420, Incorporation of affirmative action, of The
428 Code of the City of Topeka, Kansas, is hereby amended to read as follows:

429 **Incorporation of affirmative action.**

430 The department of ~~housing and neighborhood development~~relations adopts and
431 incorporates by reference all affirmative action procedures required for public contracts.

432 Section 19. That section 3.30.430, Powers of director of housing and
433 neighborhood development, of The Code of the City of Topeka, Kansas, is hereby
434 amended to read as follows:

435 **Powers of director of ~~housing and neighborhood development~~relations.**

436 The director of ~~housing and neighborhood development~~relations is acting within the
437 powers of TMC 2.105.020 for the purposes of this article.

438 Section 20. That section 5.63.010, Definitions, of The Code of the City of
439 Topeka, Kansas, is hereby amended to read as follows:

Definitions.

The following words, terms and phrases, when used in this chapter, 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 chapter.

“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 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.

“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.

“Journeyman” means an individual that holds a license issued pursuant to this chapter 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” or “trade” means the mechanical, electrical, or plumbing trade, as the context of this chapter may require.

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

“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.

“Limited master license” shall mean a license issued by the city to engage in an area within the licensed trades described in the license specified.

“Master” means an individual who holds a license issued pursuant to this chapter 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 chapter 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 section 8.60.030, Code official designated, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Code official designated.

Whenever the term “code official” is used in the IPMC, it shall be construed to mean the ~~chief of police~~ director of the department of neighborhood relations or designee.

Section 22. That original § 2.25.200, § 2.25.250, § 2.105.020, § 2.105.040, § 2.105.070 through § 2.105.100, § 3.30.320, § 3.30.330, § 3.30.350 through § 3.30.380, § 3.30.400 through § 3.30.430, § 5.63.010, and § 8.60.030 of The Code of the City of Topeka, Kansas, are hereby specifically repealed.

Section 23. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 24. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 25. 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 February 10, 2015.

CITY OF TOPEKA, KANSAS

ATTEST:

Larry E. Wolgast, Mayor

Brenda Younger, City Clerk