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REVISION:
(Consent Agenda Item II-6c moved to New Business IV-10)

FINAL
CITY COUNCIL

CITY OF WICHITA
KANSAS

City Council Meeting
09:00 a.m. December 4, 2012

City Council Chambers
455 North Main

OPENING OF REGULAR MEETING

-- Call to Order

-- Invocation

-- Pledge of Allegiance

-- Approve the minutes of the regular meeting on November 20, 2012

AWARDS AND PROCLAMATIONS

-- Proclamation:

Community Day of Giving

I. PUBLIC AGENDA

NOTICE: No action will be taken relative to items on this agenda other than referral for information. Requests to appear will be placed on a "first-come, first-served" basis. This portion of the meeting is limited to thirty minutes and shall be subject to a limitation of five minutes for each presentation with no extension of time permitted. No speaker shall be allowed to appear more frequently than once every fourth meeting. Members of the public desiring to present matters to the Council on the public agenda must submit a request in writing to the office of the city manager prior to twelve noon on the Tuesday preceding the council meeting. Matter pertaining to personnel, litigation and violations of laws and ordinances are excluded from the agenda. Rules of decorum as provided in this code will be observed.

None

II. CONSENT AGENDAS (ITEMS 1 THROUGH 24)

NOTICE: Items listed under the "Consent Agendas" will be enacted by one motion with no separate discussion. If discussion on an item is desired, the item will be removed from the "Consent Agendas" and considered separately

*(The Council will be considering the City Council Consent Agenda as well as the Planning, Housing, and Airport Consent Agendas. Please see **"ATTACHMENT 1 – CONSENT AGENDA ITEMS"** for a listing of all Consent Agenda Items.)*

COUNCIL BUSINESS

III. UNFINISHED COUNCIL BUSINESS

None

IV. NEW COUNCIL BUSINESS

1. Ordinance Changes to Wichita's Water Ordinance (Title 17 of the City Code).

   RECOMMENDED ACTION: Approve the first reading of the ordinance amending the Water Ordinance (Title 17 of the Code of the City of Wichita).

2. Joint Policy Resolution Wichita-Sedgwick County Unified Building and Trade Code.

   RECOMMENDED ACTION: Approve the Joint Policy Resolution and place the ordinances which adopt the unified code on second reading.

3. Mt. Vernon and Oliver Intersection Improvement. (District III)

   RECOMMENDED ACTION: Approve the project and the revised budget, adopt the amending resolution, and authorize the necessary signatures. State/Federal funding administered through the Kansas Department of Transportation will require standard agreements to be signed throughout the course of the project. Design needs may require the acquisition and/or granting of easements, the signing of utility relocation and railroad agreements and/or compensation for the same, and the signing of required permits and/or compensation for the same.

4. Petition for Paving Hoover Court, south of Harry, west of Hoover.(District IV)

   RECOMMENDED ACTION: Approve the petition, adopt the resolution, and authorize the necessary signatures.

5. Impacts of Multi-Year Flex Accounts Created by Senate Bill 272.

   RECOMMENDED ACTION: Approve the agreement, authorize the necessary budget adjustments, and authorize the necessary signatures.

6. 2013 Performer contract for Wichita Flight Festival.

   RECOMMENDED ACTION: Approve the funding for the contract and allow staff to negotiate details of the contract for the performance of the Tora! Tora! Tora! Show during the execution of the 2013 Wichita Flight Festival.

7. Redbud Multi-Use Path, I-135 to Oliver. (District I)

RECOMMENDED ACTION: Approve the project and the revised budget, adopt the amending resolution, and authorize the necessary signatures. State/Federal funding administered through the Kansas Department of Transportation will require standard agreements to be signed throughout the course of the project. Design needs may require the acquisition and/or granting of easements, the signing of utility relocation and railroad agreements and/or compensation for the same, and the signing of required permits and/or compensation for the same.

8. Approval of Bond Counsel Contract.

RECOMMENDED ACTION: Approve the contract and authorize the necessary signatures.

9. Repair or Removal of Dangerous and Unsafe Structure. (District IV)

Property Address	Council District
a. 1818 South Shefford Circle	IV

RECOMMENDED ACTION: Close the public hearing, adopt the resolution declaring the building to be a dangerous and unsafe structure, and accept the BCSA recommended action to proceed with condemnation, allowing 10 days to start demolition and 10 days to complete removal of the structure. Any extensions of time granted to repair any structure would be contingent on the following: (1) All taxes have been paid to date as of December 4, 2012; (2) the structure has been secured as of December 4, 2012, and will continue to be kept secured; and (3) the premise is mowed and free of debris as of December 4, 2012, and will be so maintained during renovation.

10. Change Order No. 1 – Storm Water Sewer No. 663 to Serve Glenview Addition. (District II)

RECOMMENDED ACTION: Approve Change Order No.1., approve budget adjustments as required and authorize the necessary signatures.

COUNCIL BUSINESS SUBMITTED BY CITY AUTHORITIES

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

V. NON-CONSENT PLANNING AGENDA

1. ZON2012-00024 and CUP2012-00021 – City zone change from SF-5 Single-Family Residential ("SF-5") to LC Limited Commercial ("LC") and creation of the Maize and 29th Commercial Community Unit Plan, CUP DP-327; generally located on the northeast corner of 29th Street North and Maize Road. (District V)

   RECOMMENDED ACTION: 1) Adopt the findings of the MAPC and approve the request subject to the recommended conditions of approval (three-fourths majority vote required because of protests) and instruct the Planning Department to forward the ordinance for first reading when the plat is completed; 2) deny the request (two-thirds majority vote required), or; 3) return the application to the MAPC for reconsideration (simple majority vote required).

HOUSING AGENDA

NOTICE: The City Council is meeting as the governing body of the Housing Authority for consideration and action on the items on this Agenda, pursuant to State law, HUD, and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

Fern Griffith, Housing Member is also seated with the City Council.

VI. NON-CONSENT HOUSING AGENDA

None

AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport Authority for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

VII. NON-CONSENT AIRPORT AGENDA

None

COUNCIL AGENDA

VIII. COUNCIL MEMBER AGENDA

1. Procedure for filling vacancy in City Council District IV.

RECOMMENDED ACTION: Initiate the vacancy procedure as set out in the City Code, or temporarily suspend the ordinance in order to expedite the procedure.

1. Consider motion to temporarily suspend the vacancy rules of procedure in Section 2.04.040 of the City Code for the purpose of filling the vacancy in City Council District IV in an expedited manner for a temporary term of office ending on April 9, 2013, and allowing the remaining unexpired two-year term of office to be filled by the voters in the April 2, 2013 general election. (Requires unanimous vote)

Motions to initiate the procedure (Requires 4 votes). I move that:

2. The City Council hereby announces the Notice of Vacancy for the position of City Council Member for District IV, because of the resignation of City Council Member Michael O'Donnell that is effective as of December 31, 2012.

3. Set (date) _____, 2012, at noon, as the deadline for candidate petitions to be filed with the City Clerk of the City of Wichita,

4. Designate the District Advisory Board for City Council District Number IV to conduct a public forum after the above candidate petition deadline to screen all candidates who file a lawful petition for candidacy and forward to the City Council in writing the names of the candidates nominated in alphabetical order, and

5. Set (date) December ___, 2012 for interviews of the candidates by City Council members;

6. All other procedures for filing for the vacant position and filling the vacancy will be in accordance with City Code Section 2.04.040, unless otherwise designated by the City Council.

IX. COUNCIL MEMBER APPOINTMENTS

1. Board Appointments.

RECOMMENDED ACTION: Approve the Appointments.

Adjournment

(ATTACHMENT 1 – CONSENT AGENDA ITEMS 1 THROUGH 24)

II. CITY COUNCIL CONSENT AGENDA ITEMS

1. Report of Board of Bids and Contracts dated December 3, 2012.
   a. Board of Bids

   RECOMMENDED ACTION: Receive and file report; approve Contracts; authorize necessary signatures.

2. Applications for Licenses to Retail Cereal Malt Beverages:

Renewal	2012	(Consumption on Premises)
Eugene J Vitarelli	Sierra Hills Golf Club**	13420 East Pawnee
Renewal	2012	(Consumption off Premises)
Julia Jackowski	Casey's General Store #2965***	11931 West Central

   **General/Restaurant (need 50% or more gross revenue from sale of food.
   ***Retailer (Grocery stores, convenience stores, etc.)

   RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

3. Preliminary Estimates:
   a. Preliminary Estimates.

   RECOMMENDED ACTION: Receive and file.

4. Statement of Costs:
   a. Statement of Costs.

   RECOMMENDED ACTION: Approve and file.

5. Agreements/Contracts:
   a. Laboratory Contractual Services for Brooks Landfill.
   b. Laboratory Contractual Services.

   RECOMMENDED ACTION: Approve Agreements/Contracts; authorize the necessary signatures.

6. Change Orders:
   a. Change Order No. 1- 3rd Street Water Main Replacement from Wabash to I-135. (District I)
   b. Change Order No. 5- Hydraulic Improvement, between Harry and Kellogg. (District I)

   RECOMMENDED ACTION: Approve the Change Orders and authorize the necessary signatures.

7. Property Acquisitions:
   a. Acquisition of an Easement at 2500 North 135th Street West for the 135th Street West Sanitary Sewer Force Main Project. (District V)
   b. Acquisition of Easements in the 2800 Block of North 135th Street West for the 135th Street West Sanitary Sewer Force Main Project. (District V)

RECOMMENDED ACTION: Approve budgets and Contracts; authorize necessary signatures.

8. Minutes of Advisory Boards/Commissions

Wichita Historic Preservation, October 8, 2012
Deferred Compensation Board of Trustees, August 16, 2012
Wichita Public Library, October 16, 2012

RECOMMENDED ACTION: Receive and file.

9. Repair or Removal of Dangerous and Unsafe Structures. (Districts I, III, and IV)

Property Address	Council District
a. 2003 North Chautauqua	I
b. 2935 East Maplewood	I
c. 4628 East Gilbert	III
d. 735 West 59th South	IV

RECOMMENDED ACTION: Adopt the attached resolutions to schedule public hearings before the City Council on January 15, 2013 at 09:30 a.m. or as soon as possible thereafter, to consider condemnation of structures deemed dangerous and unsafe per Kansas State Statutes and local ordinances.

10. Supplemental Agreement No. 1 for Design Services for Mt. Vernon and Oliver Intersection. (District III)

RECOMMENDED ACTION: Approve Supplemental Agreement No. 1 and authorize the necessary signatures. State/Federal funding administered through the Kansas Department of Transportation will require standard agreements to be signed throughout the course of the project. Design needs may require the acquisition and/or granting of easements, the signing of utility relocation and railroad agreements and/or compensation for the same, and the signing of required permits and/or compensation for the same.

11. Acquisition by Eminent Domain of Tracts Required for the Meridian Outfall Project. (District IV)

RECOMMENDED ACTION: Adopt and place on first reading the ordinance providing for the acquisition by eminent domain of certain real property; and directing the City Attorney to file the appropriate proceedings in the District Court to accomplish such acquisitions.

12. Authorize Design/Build Project for Floating Stage in WaterWalk. (District I)

RECOMMENDED ACTION: Authorize the solicitation of proposals for the floating stage project in WaterWalk utilizing the design/build procurement model as outlined in Charter Ordinance No. 111.

13. Second Reading Ordinances: (First Read November 20, 2012)
    a. List of Second Reading Ordinances.

RECOMMENDED ACTION: Adopt the Ordinances.

II. CONSENT PLANNING AGENDA ITEMS

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

14. *ZON2012-28 and CUP2012-31 City zone change from SF-5 Single-family Residential to LC Limited Commercial associated with a Commercial CUP, Tyler Pointe DP-329, generally located south of 13th Street North and east of Tyler, 1220 N. Tyler. (District V)

RECOMMENDED ACTION: Adopt the findings of the MAPC and approve the zone change and the CUP, subject to the recommended conditions; instruct the Planning Department to forward the ordinance for first reading when the re-plat is completed (simple majority required).

15. *VAC2012-00010 - Request to vacate a portion of a platted street side yard setback; generally located midway between Douglas Avenue and Kellogg Street, west of Oliver Avenue, on the southeast corner of Dellrose and Pershing Avenues. (District II)

RECOMMENDED ACTION: Approve the Vacation Order, and authorize the necessary signatures.

16. *VAC2012-00012 - Request to vacate a portion of a platted alley right-of-way; generally located between Kansas Avenue and I-135 and north of 2nd Street. (District I)

RECOMMENDED ACTION: Approve the Vacation Order, and authorize the necessary signatures.

17. *VAC2012-00022 - Request to vacate platted setbacks, street, reserve and easements; generally located south of 21st Street North, north of the rails to trails bike path, west of 143rd Street East and south of the Burning Tree and Rock Hill Streets intersection. (District II)

RECOMMENDED ACTION: Approve the Vacation Order, and authorize the necessary signatures.

18. *DED2012-00014 Dedication of Utility Easement for property located on the east side of Webb Road, north of 13th Street North. (District II)

RECOMMENDED ACTION: Accept the Dedication.

19. *A12-08 - Request by Ritchie Associates, Inc. to annex lands generally located south of 21st Street North and west of 159th Street East. (District II)

RECOMMENDED ACTION: Approve the annexation request, place the ordinance on first reading, authorize the necessary signatures and instruct the City Clerk to publish the ordinance after approval on second reading.

II. CONSENT HOUSING AGENDA ITEMS

NOTICE: The City Council is meeting as the governing body of the Housing Authority for consideration and action on the items on this Agenda, pursuant to State law, HUD, and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

Fern Griffith, Housing Member is also seated with the City Council.

None

II. CONSENT AIRPORT AGENDA ITEMS

NOTICE: The City Council is meeting as the governing body of the Airport Authority for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

20. *Federal Express Corporation - Use of Land Lease - First Amendment - Wichita Mid-Continent Airport.

RECOMMENDED ACTION: Approve the First Amendment and authorize the necessary signatures.

21. *Pavement Rehabilitation - Supplemental Agreement No. 2 - Colonel James Jabara Airport.

RECOMMENDED ACTION: Approve the supplemental agreement and authorize the necessary signatures.

22. *Taxiway "H" Site Development - Wichita Mid-Continent Airport.

RECOMMENDED ACTION: Approve the supplemental agreement and authorize the necessary signatures.

23. *Rockwell Collins, Inc. - Supplemental Agreement No. 6 - Wichita Mid-Continent Airport.

RECOMMENDED ACTION: Approve the Supplemental Agreement No. 6 and authorize the necessary signatures.

24. *WAA Board of Bids dated December 2, 2012.

RECOMMENDED ACTION: Receive and file report, approve contracts, and authorize the necessary signatures.

Agenda Item No. IV-1

City of Wichita
City Council Meeting
December 4, 2012

TO: Mayor and City Council

SUBJECT: Ordinance Changes to Wichita's Water Ordinance (Title 17 of the City Code)

INITIATED BY: Office of Central Inspection

AGENDA: New Business

Recommendation: Approve first reading of the ordinance amending the City of Wichita's Water and Backflow/Cross Contamination Ordinance (Title 17 of the Code of the City of Wichita).

Background: Presently, the City of Wichita is enforcing back flow and cross contamination requirements out of Title 21.12 of the Plumbing Code of Wichita. Central Inspection and Public Works & Utilities would like to move Title 21.12 out of the plumbing code and insert it as section 17.10 of Wichita's water ordinance. It was determined that this section belongs in Title 17 with the rest of the requirements for customers that are supplied by Wichita's potable water system.

Analysis: If approved, the changes that are presented will encompass several clean up amendments that have been approved by the Office of Central Inspection, Public Works & Utilities and the Plumbing and Gas Fitters Board. This will also provide the necessary changes for the following titles: "Metropolitan Area Building & Construction Department" and "Public Works & Utilities Department". This adoption change will have little effect on the public or industry and is mainly an update and clarification.

Financial Considerations: There are no costs to the City associated with the adoption of the amended ordinance. Fees for permits, contractor licenses or certificates will not change.

Legal Considerations: The recommended ordinance revisions have been approved as to legal form by the Legal Department.

Recommendations/Actions: The Office of Central Inspection recommends that City Council approve the first reading of the ordinance amending the Water Ordinance (Title 17 of the Code of the City of Wichita).

Attachment: Delineated Ordinance and Clean Ordinance.

First Published in The Wichita Eagle on December 14, 2012

Clean 12/04/2012

ORDINANCE NO. 49-403

AN ORDINANCE AMENDING SECTIONS 17.08.010, 17.08.015, 17.08.017, 17.08.040, 17.08.050, 17.08.060, 17.12.010, 17.12.030, 17.12.040, 17.12.050, 17.12.060, 17.12.065, 17.12.070, 17.12.095, 17.12.100, 17.12.180, 17.12.250, 17.12.260, 17.12.300, 17.12.330, CREATING SECTIONS 17.10.010, 17.10.020, 17.10.030, 17.10.040, 17.10.050, 17.10.060, 17.10.070, 17.10.080, 17.10.090, 17.10.100, 17.10.110, 17.10.120, 17.10.130, 17.10.140, 17.10.150, 17.10.160, 17.10.170, 17.10.180, 17.10.190, 17.12.255 AND REPEALING THE ORIGINALS OF SECTIONS 17.08.010, 17.08.015, 17.08.016, 17.08.017, 17.08.020, 17.08.030, 17.08.040, 17.08.050, 17.08.060, 17.12.010, 17.12.030, 17.12.040, 17.12.050, 17.12.060, 17.12.065, 17.12.070, 17.12.095, 17.12.100, 17.12.180, 17.12.250, 17.12.260, 17.12.300, 17.12.330 AND CHAPTER 21.12 OF THE CODE OF THE CITY OF WICHITA.

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

Section 1. Section 17.08.010 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"**Definitions.** **'**Administrative authority' for the purpose of this chapter, means the administrative authority duly appointed to enforce this Code, shall be the Metropolitan Area Building and Construction Department, and for unsanitary conditions of any plumbing system or portion thereof, including back-siphonage and cross connection, shall also include the Director of

Public Works & Utilities. The administrative authority shall make decisions as are necessary to administer and enforce the code. The administrative authority shall have the authority to refer to the board of appeals of plumbers and gas fitters any matter relating to the approval of plumbing material and methods as the same relates to this Code.

‘Apprentice’ means any person who installs, alters, repairs or replaces lawn sprinkler systems under the direct on-job-site supervision of either a journeyman or master lawn sprinkler installer. An apprentice may repair or replace sprinkler heads only downstream of the backflow device.

‘Certified installer/tester’ for the purpose of this chapter, means any individual who has been duly qualified by the Director of Public Works & Utilities to install, alter, repair, replace and test approved backflow prevention devices.

‘Contractor’ for the purpose of this chapter means any individual who has been duly qualified by the Metropolitan Area Building and Construction Department to engage in or work at the trade of installing lawn sprinkler systems. A master and/or journeyman plumber is deemed to be a certified lawn sprinkler installer by definition.

‘Director of Public Works & Utilities’ means the Director of Wichita Public Works & Utilities, or the director's authorized representative.

‘Excavation’ for the purpose of this chapter means any opening in the surface of a public property made in any manner whatsoever.

‘Journeyman lawn sprinkler installer’ means any individual or person who has been approved by the Metropolitan Area Building and Construction Department showing him or her to be qualified to install, alter, repair or replace any lawn sprinkler system for a qualified master

lawn sprinkler installer. He or she shall have a current certificate showing him/her to be so qualified.

'Master lawn sprinkler installer' means a person who has been approved by the Metropolitan Area Building and Construction Department showing him/her to be qualified to engage in the business of installing, altering, servicing, repairing, winterizing or replacing lawn sprinkler systems. He or she shall have a current certificate showing him/her to be so qualified.

'Public property' for the purpose of this chapter means portion of street right-of-way which is not intended for use by the traveling public for the passage of vehicles; and in areas which have been platted, that area which is indicated to the public for public purposes.

'Testable backflow preventers' are approved, pressure vacuum breakers, spill - resistant vacuum breakers, double check valve assemblies and reduced pressure principle type assemblies.

This chapter shall apply to the installation of lawn sprinkler systems or devices which are installed in a permanent manner and connected to the public water supply."

SECTION 2. Section 17.08.015 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Liability, certificates, examinations, cancellations, licenses and permits.

(a) It is unlawful for any person to engage in the business or work at the trade of installing lawn sprinkler systems in the city unless and until a contractor's license and/or certificate has been obtained therefore.

(b) Each individual shall make application to the Metropolitan Area Building and Construction Department and shall at such time and place as directed be subject to an examination as to his or her qualifications, and if satisfied as to the competency of the applicant shall thereupon direct that said certificate be issued to the applicant. Examinations may be made in whole or in part in

writing, but sufficiently broad to test the qualifications of the applicant. In order to qualify to sit for the journeyman examination one shall have a minimum of two years documented practical experience of working at the trade of installing, altering, repairing or replacing lawn sprinkler systems for a qualified master lawn sprinkler installer. In order to qualify to sit for the masters examination one shall have a minimum of two years documented practical experience of working at the trade of installing, altering, repairing or replacing lawn sprinkler systems as a journeyman lawn sprinkler installer. The fee for each examination and original certificate of a lawn sprinkler installer shall be established by the Director of the Metropolitan Area Building and Construction Department to cover the administrative costs of issuing such certificates.

All certificates shall be renewed annually upon payment of a fee established by the Director of the Metropolitan Area Building and Construction Department to cover the administrative costs of issuing such certificates. All such certificates shall expire on the thirty-first day of December of each year, and no reduction shall be made for part of the year being elapsed. All holders of certificates not renewed by March 1st after their expiration shall be subject to reexamination and/or board appearance prior to re-issuance of a certificate.

(c) Any person engaging or desiring to engage in the business of installing lawn sprinkler systems, before obtaining any permit or transacting business, shall procure a license therefore from the Director of the Metropolitan Area Building and Construction Department and a backflow certification registration card from the Director of Public Works & Utilities, which license and registration card shall expire on the thirty-first day of December of the year in which it was so issued. Any such person holding a current master lawn sprinkler installer's certificate shall be entitled to only one lawn sprinkler license unless otherwise authorized by the board of appeals of plumbers and gas fitters, and each such business shall obtain a license. No license

shall be transferred from one person to another. Permits shall be obtained for such work as required in this code and Article 3 of the Sedgwick County Code, and the same shall be issued to the person who possesses the lawn sprinkler license.

1. A lawn sprinkler license may be issued to any firm, association, limited liability company, ~~co~~partnership or corporation of which at least one active member or officer who devotes fulltime to that firm, association, limited liability company, copartnership or corporation has a master lawn sprinkler installer's certificate. The fee for such license shall be one hundred dollars. Each license shall be renewed annually by December 31st.

(d) The board of appeals of plumbers and gas fitters is authorized to cancel and recall the certificate of any lawn sprinkler installer, and the license of any sprinkler contractor for any of the following reasons:

1. Abandonment of any contract without legal cause;

2. Division of funds or property received for performance or completion of a specific contract, or for a specified purpose in performance or completion of any other contract, obligation or purpose, or the failure, neglect or refusal to use such funds or property for the performance or completion of such contract;

3. The committing of any act in violation of any provisions of this Code or Article 3 of the Sedgwick County Code or the failure or refusal to comply with any lawful order of the administrative authority;

4. Misrepresentation of a material fact by the applicant in obtaining a license;

5. The failure of any such lawn sprinkler installer or lawn sprinkler contractor to fully satisfy all claims for labor and materials used in the performance of any work for which he has been engaged and for which he has been paid;

6. Use of license to obtain permits for another;

7. Carelessness or negligence in providing reasonable safety measures for the protection of workmen and the public;

8. Failure to obtain permits;

9. Unreasonable delay in the performance and carrying out of any contract.

(e) It is unlawful for any person to install or cause to be installed any connection to the public water supply and/or any testable backflow prevention device in a building or premises without first obtaining a permit from the administrative authority to do such work. Licensed lawn sprinkler contractors are the only persons to obtain such permits; provided, that the owner-occupant of a single-family dwelling may obtain such permits to install, replace, repair or maintain the existing lawn sprinkler system in such single-family dwelling occupied by him, so long as such owner-occupant performs all such work and that the work so performed is in accordance with this Code or Article 3 of the Sedgwick County Code as verified by an inspection request by such owner-occupant and performed by the administrative authority. Testing of backflow devices installed and registration of same shall be the responsibility of the owner of the device installed in accordance with this code.

Owner-occupants applying for permits for installation as outlined above shall first qualify themselves by successfully passing a simplified open book examination dealing with relevant provisions of this title. The fee for said examination shall be established by the Director of the Metropolitan Area Building and Construction Department to cover the administrative costs for administering such examination. Such owner-occupants shall be required to have necessary testable backflow prevention device(s) installed by a duly certified installer/tester as required by the current codes of the city.

Prior to permit approval, the owner-occupant shall also submit a plan of the installation drawn in a format acceptable to and drawn in sufficient detail as to satisfy the Director of the Metropolitan Area Building and Construction Department of the overall code compliance of the anticipated installation. The fee for such plan review shall be established by the Director of the Metropolitan Area Building and Construction Department to cover the administrative costs of said plan review.

Plans submissions requiring extensive revision and/or modification shall be billed at the rate established by the Director of the Metropolitan Area Building and Construction Department for each additional half-hour or portion thereof beyond the original half-hour upon notification of the owner-occupant of such additional charges.

Permits for owner-occupant installations shall be limited to one in three years to each owner-occupant unless a waiver is obtained, upon written application, from the Metropolitan Area Building and Construction Department.

Minor street privilege permits shall be obtained from the Director of Public Works & Utilities-Engineering prior to performing any excavation and installation work on public property, said permit to be obtained in accordance with the terms of Chapters 10.20 and 10.08 of the Code of the City of Wichita, Kansas.

1. A separate permit shall be obtained for each connection to public water supply or for any additional work other than authorized in the permit.

2. No licensed contractor shall allow any person to do or cause to be done any work under a permit secured by the permittee except persons in his/her employ."

SECTION 3. Section 17.08.017 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Truth in advertising requirements. Any person, firm, association, limited liability company or corporation required by this title to obtain a lawn sprinkler system contractor's license shall be subject to the following:

(a) It is unlawful for any such person, firm, association, limited liability company or corporation to advertise as a lawn sprinkler system contractor unless, at the time such advertisement occurs, such person, firm or corporation has a then valid lawn sprinkler system contractor's license issued under the provisions of this chapter;

(b) Any advertisement by such person, firm, association, limited liability company or corporation as a lawn sprinkler system contractor which is placed or published in any publication or other print medium circulated, displayed or distributed within the city limits or which is broadcast by radio or television or any other means to persons within the city limits shall include the full name of the licensed person, firm, association, limited liability company or corporation and the license number assigned by the Metropolitan Area Building and Construction Department to such person, firm, association, limited liability company or corporation.

(c) As used in this section, the words "advertised" or "advertisement" shall include, but not be limited to, a business card, contract bid proposal form, printed letterhead, any other printed or written material designed to inform persons of the services offered by the advertising person, firm or corporation and to solicit business from such persons, or any broadcast statement designed to inform persons of the services offered by the advertising person, firm, association, limited liability company or corporation and to solicit business from such persons. Such words are intended to include telephone directory display ads but not basic white and yellow page listings.”

SECTION 4. Section 17.08.040 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"**Location, maintenance and installation of lines and heads.**

(a) Sprinkler heads shall be located and maintained in the manner provided for in Section 17.10 of the code of the city of Wichita and Article 3 of the Sedgwick County Code so as not to spray over any public sidewalk or street pavement, and further, so not in any manner to constitute a nuisance or hazard to the public. Any sprinkler system or any part thereof, located in or on a public right-of-way, shall be removed therefrom at the owner's expense, upon notice from the city.

(b) Installation. All water piping shall be adequately supported to the satisfaction of the administrative authority. Burred ends shall be reamed to the full bore of the pipe. Changes in direction shall be made by the appropriate use of fittings, except that changes in direction in copper, PE (3406) and polybutylene tubing may be made with bends having a radius of not less than six diameters of the tubing, providing that such bends are made by the use of forming equipment which does not deform or create a loss in cross-sectional area of the tubing. The depth of the water service line shall be at least thirty-six inches below finished grade, and shall be inspected before being covered. Such service shall not be less than five feet from any tree on public property. The water service pipe shall be laid in a ditch separate from other underground pipes or conduits. There shall be not less than eighteen inches of solid undisturbed earth between water service pipes and other underground pipes and conduits. All piping, equipment appurtenances, and devices shall be installed in a workmanlike manner in conformity with the provisions and intent of the code.

Water pipe and fittings shall be of brass, copper, cast iron, galvanized steel, asbestos-cement, PE(3406), PVC (sch. 40), or polybutylene manufactured to recognized standards for use outside a building. All materials used in the water supply system, except valves and similar devices, shall be of a like material except where otherwise approved by the administrative authority. The connection of galvanized steel piping to a copper water meter setter is prohibited.

(c) Backflow prevention devices, control valves, and other appurtenances and their enclosures, with the exception of points of connection to domestic water supply lines and the manual shutoff valve, shall not be installed in the public right-of-way without prior approval of the Director of Public Works & Utilities or his/her designee."

SECTION 5. Section 17.08.050 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Backflow prevention. No person shall install any water-operated equipment or mechanism, or use any water treating chemical or substance if it is found that such equipment, mechanism or substance may cause pollution of the domestic water supply. Such equipment or mechanism may be permitted only when equipped with an approved backflow prevention device. Said backflow prevention device shall be installed by a certified installer/tester. All backflow and/or cross-connections shall be eliminated and/or protected by means of an airgap or backflow preventer as determined and required by the Director of Public Works & Utilities. Such airgaps or backflow preventers shall be of such arrangement, location and design as determined by and subject to approval of the Director of Public Works & Utilities and Table 4 in Chapter 17.10 of the code of the City of Wichita. If any backflow and/or cross-connection is not adequately protected, the Director of Public Works & Utilities shall discontinue such water service. Water service may be reinstated upon determination that the hazard has been eliminated or adequately

protected. The Director of Public Works & Utilities may supplement this Code with guidelines to provide information for typical backflow prevention and/or cross-connection control and acceptable methods of eliminating and/or protecting such connections which are in accordance with the intent and requirements of Section 17.10 and Article 3 of the Sedgwick County Code. Lawn sprinkler systems shall be equipped with an approved backflow prevention device. Pressure type vacuum breakers shall be installed at least twelve inches above the highest sprinkler head and all downstream piping.

SECTION 6. Section 17.08.060 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Violation--Penalty. Any person, firm, association, limited liability company, partnership, or corporation violating any provision of this chapter or any part thereof, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not to exceed five hundred dollars, or by imprisonment not to exceed thirty days, or by both such fine and imprisonment."

SECTION 7. Section 17.10.010 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"**Definitions.** In addition to those terms defined in the Chapter 17.08 of the code of the City of Wichita as adopted in this Code, for the purpose of this chapter, the following terms shall be defined to mean:

'Air gap' means a physical separation between a supply and the flood level rim of the receptor, of at least twice the supply outlet diameter, but never less than one inch.

‘Backflow’ means the unwanted reverse flow of water, other liquids, gases, mixtures or other substances into the distributing pipes of a potable water supply from any source or sources. For specific conditions of backflow, see ‘back-siphonage’ and ‘back-pressure.’

‘Backflow preventer, reduced pressure principle type’ means an assembly of two internally loaded, specially designed, and independently operated check valves including an intermediate relief valve specially designed to maintain a zone of reduced pressure between these check valves, with an automatically open spillage port to the atmosphere. This assembly is also incomplete without tightly closing, resilient seating shutoff valves immediately upstream and downstream of the device (i.e.; ball valve shutoffs, resilient wedge gate or butterfly valves).

‘Back-pressure’ means pressure in a plumbing system higher than the supply pressure which causes a reversal of flow. (Example- pumps, thermal expansion from boilers.)

‘Back-siphonage’ means a backflow resulting from negative or sub-atmospheric pressures in the distributing pipes of a potable water supply.

‘Barometric loop’ means a loop of pipe rising at least thirty-four feet, at its topmost point, above the highest fixture it supplies.

‘Board’ means the board of appeals of plumbers and gas fitters of the City of Wichita & Sedgwick County.

‘Certified installer/tester,’ for the purpose of this chapter, means any individual who has been duly certified by the Director of Public Works & Utilities to install, alter, repair, replace and test approved testable backflow prevention devices.

‘Contaminant’ means any substance that, upon entering a potable water supply, would render it a danger to life and health, as determined by the Director of Public Works & Utilities.

‘Cross-connection’ means any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water, and the other, water of unknown or questionable safety, or steam, gases or chemicals, whereby there may be a flow from one system to the other. (Note: No physical cross-connection shall be permitted between public and private water distribution systems without prior approval of the board, approval of the director of water utilities and protection by an approved backflow prevention device.)

‘Director of Public Works & Utilities’ means the Director of Public Works & Utilities department or the director's authorized representative.

‘Double check valve assembly’ means a device consisting of two independently acting, internally loaded soft seated check valves with resilient seated, positive shutoff valves (ball valve, resilient wedge gate or butterfly valves) on both upstream and downstream ends, and properly located test ports.

‘Free water surface’ means a water surface that is at atmospheric pressure.

‘Plumbing’ means the practice, materials and fixtures used in the installation, maintenance, extension and alteration of all piping fixtures, appliances and appurtenances in connection with any of the following: sanitary drainage, venting system, storm drainage facilities, and the on-site water supply systems, within or beyond the supply point to any building, structure or conveyance; also, the practice and materials used in the installation, maintenance, extension, or alteration of storm water, liquid waste or sewage, and water supply systems of any premises to their connection with any point of public disposal or other acceptable terminal.

‘Pollutant’ means any foreign substance (organic, inorganic, radiological or biological) in water that tends to degrade its quality, but does not constitute a health hazard, as determined by the Director of Public Works & Utilities.

‘Pressure vacuum breaker’ means a device consisting of both upstream and downstream resilient seated shutoff valves, and at least one tight-seating check valve with an air inlet to atmosphere. The valve member opening to atmosphere shall be gravity or spring loaded to open under backsiphonage conditions.

‘Spill-resistant vacuum breaker’ means a device consisting of both upstream and downstream resilient seated shutoff valves, and at least one tight-seating check valve with an air inlet atmosphere. The valve member opening to atmosphere shall be gravity or spring loaded to open under backsiphonage conditions.

‘Testable backflow preventers’ are approved, pressure vacuum breakers, spill resistant vacuum breakers, double check valve assemblies, and reduced pressure principle type assemblies.

‘Vacuum’ means any absolute pressure less than that exerted by the atmosphere.

‘Vacuum breaker’ means a device that permits air into a water supply distribution line to prevent back-siphonage.”

SECTION 8. Section 17.10.020 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“**General requirements.** The potable water supply system of the City of Wichita and the potable water system of private users shall be designed, installed and maintained to best prevent contamination or pollution by non-potable liquids, solids or gases from being introduced into the potable water supply through cross-connections or any other piping connections to the system. Any water being directly provided by Wichita water utilities will fall under the rules and regulations of the cross-connection program. All public or private users being supplied city water directly shall conform to standards set by the City of Wichita.”

SECTION 9. Section 17.10.030 of the Code of the City of Wichita, Kansas, is hereby

created to read as follows:

"**Prohibited connections of fixtures and equipment.** Connection to the potable water supply system for the following is prohibited unless protected against backflow:

(1) Bidets;

(2) Operating, dissection, embalming and mortuary tables or similar equipment. In such installation the hose connected to the public water supply shall terminate at least twelve inches away from every point of the table or attachments;

(3) Pumps for non-potable water, chemicals or other substances. Priming connections shall be made through an air gap or an approved reduced pressure principle assembly;

(4) Building drainage, sewer or vent systems;

(5) Commercial buildings or industrial plants using a contaminating or polluting s substance,

(6) Any other fixture of similar hazard."

SECTION 10. Section 17.10.040 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"**Refrigerating unit condensers and cooling jackets.**

(1) That except when potable water provided for a refrigerator condenser or cooling jacket is entirely outside the piping or tank containing a toxic refrigerant, the inlet connection shall be provided with an approved high hazard backflow preventer. Heat exchangers used to heat water for potable purposes shall be of the double wall type.

(2) Where a commercial ice machine, which has a refrigerant volume not to exceed two pounds and is water-cooled, a dual check valve with intermediate atmospheric vent may be used as isolation protection of the potable water line. Devices, in excess of the two-

pound limit, shall require a reduced pressure principal assembly (RP) backflow prevention device or air gap to protect the potable water."

SECTION 11. Section 17.10.050 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"**Approval of devices.** Before any device for the prevention of backflow or back-siphonage is installed, it shall have first been certified by a recognized testing laboratory acceptable to the board. Devices installed in a building potable water supply distribution system for protection against backflow shall be maintained in good working condition by the person responsible for the maintenance of the system. The Director of Public Works & Utilities or his designated representative shall inspect such devices and if found defective or inoperative shall require the repair or replacement thereof. Upon installation of a reduced pressure principle assembly, double check valve assembly or pressure vacuum breaker, the installer shall inform the Director of Public Works & Utilities department. The Director of Public Works & Utilities or his/her designated representative will then register the device for scheduled testing."

SECTION 12. Section 17.10.060 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"Installation of devices. Devices for the prevention of backflow shall be installed as follows:

(1) Vacuum Breakers. Atmospheric vacuum breakers (AVB) shall be installed with the critical level at least six inches above all downstream piping and the flood level rim of the fixture they serve and on the discharge side of the last control valve to the fixture. No shutoff valve or automatic control valves shall be installed in downstream piping after an atmospheric vacuum breaker.

Pressure vacuum breakers and spill-resistant vacuum breakers shall be installed with the critical level at least twelve inches above all downstream piping and the flood level rim but may have control valves downstream of the vacuum breaker. Pressure vacuum breakers should only be installed in locations where adequate drainage is provided and property damage as a result of spillage can be avoided. Spill-resistant vacuum breakers shall be installed with the critical level at least twelve inches above all downstream piping and the flood level rim, but may have control valves downstream of the vacuum breaker. Spill-resistant vacuum breakers should be installed in locations where adequate drainage is provided and property damage as a result of spillage can be minimized.

(2) Reduced Pressure Principle Backflow Preventer. A reduced pressure principle type backflow preventer may be installed subject to full static pressure at least twelve inches above grade and no more than 60 inches above grade unless an approved permanent platform or dedicated access device is provided as approved by the Director of Public Works & Utilities.

(3) Devices for Domestic Service. Backflow and back-siphonage preventing devices shall be accessibly located preferably in the same room with the fixture they serve. Installation in the utility or service spaces, provided they are readily accessible, is also permitted. No installation shall be made in pits or any other location not properly drained, unless approved by the Director of Public Works & Utilities."

SECTION 13. Section 17.10.070 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"**Protective devices required.**

(1) Installation. Approved devices to protect against backflow back-siphonage shall be installed at all fixtures and equipment where backflow or back-siphonage may occur

and where a minimum air gap cannot be provided between the water outlet to the fixture or equipment and its flood-level rim.

(2) Connections not Subject to Backpressure. Where a water connection is not subject to backpressure, an atmospheric vacuum breaker shall be installed on the discharge side of the last valve on the line serving the fixture or equipment. A list of some conditions requiring protective devices of this kind is given in Table 1, Cross-Connections Where Protective Devices Are Required and Critical Level (C-L) Settings for Atmospheric Vacuum Breakers.

Table 1

CROSS-CONNECTIONS WHERE PROTECTIVE DEVICES ARE REQUIRED AND

CRITICAL LEVEL (C-L) SETTINGS FOR ATMOSPHERIC VACUUM BREAKERS

Fixture or Equipment	Method of Installation
Aspirators and ejectors	C-L at least 6 inches above flood level of receptacle served.
Dental units	On models without built-in vacuum breakers--C-L at least 6 inches above flood level rim of bowl.
Dishwashing machines	C-L at least 6 inches above flood level of machines. Install on both hot and cold water supply line.
Garbage can cleaning machines	C-L at least 6 inches above flood level of machine. Install on both hot and cold water supply lines.
Fixture or Equipment (cont'd)	Method of Installation (Cont'd)
Hose outlets	C-L at least 6 inches above highest point on hose line.
Laundry machines	C-L at least 6 inches above flood level of machine. Install on both hot and cold water supply lines.

Steam tables	C-L at least 6 inches above flood level.
Tanks and vats	C-L at least 6 inches above flood level rim or line.
Trough urinals	C-L at least 30 inches above perforated flush pipe.
Fixture urinals	C-L at least 6 inches above top of urinal fixture.
Flush tanks	Equip with Approved Anti - Siphon Ball Cock, installed according to manufacturer's instructions.
Hose bibs	C-L at least 6 inches above flood level of receptacle served.
Critical level (C-L) is defined as the level to which the vacuum breaker may be submerged before backflow will occur. Where C-L is not shown on the preventer, the bottom of the device shall be taken as the C-L.	

(3) Connections Subject to Backflow. Where a potable water connection is made to a line, fixture, tank, vat, pump or other equipment with a hazard of backpressure or backsiphonage, and an air gap cannot be installed, the Director of Public Works & Utilities may require the use of an approved reduced pressure principle backflow preventer assembly or double check valve assembly. A partial list of such connections is shown in Table 2.

Table 2

PARTIAL LIST OF CROSS-CONNECTIONS WHICH MAY BE SUBJECT TO BACKFLOW TABLE INSET:

Chemical lines	Pumps
Dock water outlets	Steam lines
Individual water supplies	Swimming pools
Chemical lines (Cont'd)	Pumps (Cont'd)
Industrial process water lines	Tanks and vats--bottom inlets
Pressure tanks	Hose bibbs

The following is a partial list but not limited to those facilities where backflow protection will be required at the service connection as well as within the building, due to extreme hazard, to both the public and private piping system:

1. Hospitals--RP
2. Funeral homes, morgues and mortuaries--RP
3. Medical and dental clinics*--RP
4. Industrial, medical and institutional laboratories--RP
5. Plating and chemical plants--RP
6. Metal manufacturing, cleaning and fabricating--RP
7. Oil and gas production, storage and transmission facilities--RP
8. Breweries and beverage bottling plants--RP
9. Radioactive materials plants—Air Gap
10. Aircraft plants--RP
11. Plastic injection and molding plants--RP
12. Multi-storied buildings with booster pump--DC
13. Fire Systems:

Contamination hazard—RP

Pollution hazard —DC

14. Car wash facilities--RP
15. Restricted, classified or other closed facilities--RP
16. Facilities in which the piping system cannot be traced--RP

* Dental Clinics may submit to professional review approved by the Director of Public Works & Utilities for exception to this requirement if facilities convert to modern dry connections for x-ray, suction, and dental chair applications provided that a professional compliance review shall be completed annually at standard inspection rates.

Note: RP = Reduced pressure backflow assembly

DC = Double check valve assembly

(4) Air gap requirements are contained in Table 3.

Table 3

AIR GAP REQUIREMENTS

Fixture	When not Affected by Near Wall (a), (inches)	When Affected by Near Wall (b), (inches)
Lavatories and other fixtures with effective opening not greater than 1/2 inch diameter.	1	1 1/2
Sink, laundry trays, gooseneck back, faucets and other fixtures with effective openings not greater than 3/4 inch diameter.	1 1/2	2 1/2
Over rim bath fillers and other fixtures with effective openings not greater than 1 inch.	2	3
Drinking water fountains, single orifice not greater than 7/16 inch diameter or multiple orifices having total area of 0.150 square inches (area of circle 7/16 inch diameter).	1	1 1/2
Effective openings greater than one inch.	2 × diameter of effective opening	3 × diameter of effective opening

a. Side walls, ribs or similar obstructions do not affect air gaps when spaced from inside edge of spout opening a distance greater than three times the diameter of the effective opening for a single wall, or a distance greater than four times the diameter of the effective opening for two intersection walls.

b. Vertical walls, ribs or similar obstructions extending from the water surface to or above the horizontal plane of the spout opening require a greater air gap when spaced closer to the nearest inside edge of spout opening than specified in Note (a) above. In the case of three or more such vertical walls or ribs, the air gap shall be measured from the top of the wall.

(5) Backflow prevention devices which are acceptable for the prevention of cross-connection hazards are contained in Table 4.

Table 4

BACKFLOW PREVENTION DEVICES ACCEPTABLE FOR THE
PREVENTION OF CROSS-CONNECTION HAZARDS

Potential Type of Cross Connection	Degree of Hazard		ACCEPTABLE PROTECTION				
	High	Low	AIR GAP	Reduced Pressure Zone	Double Check Valve	Atmospheric Vacuum Breaker	Pressure/Spill Resistant Vacuum Breaker
Direct Water Connections Subject to Back Pressure							
1. Tanks and lines:							
a. Sewage and lethal substances	X		X	X (3)			
b. Toxic substances (1)	X		X	X (3)			
c. Non-toxic substance (2)		X	X	X	X		
d. Water connection to boiler	X		X	X			
Not Subject to Back Pressure (Back siphonage only)							
1. Water connected to receptacles containing toxic substances (1)	X		X	X (3)		X (3)	X(3)
2. Water connected to receptacles containing non-toxic substances (2)		X	X	X	X	X	X
3. Water connected to open tanks used for non-potable purposes		X	X		X	X	X
4. Lawn sprinkler systems	X		X	X			X
5. Coils or jackets used as heat exchangers in compressors, degreasers or other equipment:							
a. For waste lines	X		X	X			
b. For toxic substances (1)	X		X	X		X (3)	X(3)
c. For non-toxic substances (2)			X	X	X	X	X
6. Flush valve toilets & urinals	X		X			X	
7. Tank toilet and urinal tanks	X		X			X	
8. Valved outlets or fixtures with hose attachments which may constitute a cross-connection:							
a. Toxic substances (1)	X		X	X		X*	
b. Non-toxic substances (2)		X	X	X		X*	X

*Non-removable Type.

Footnotes to Table 4

(1) Toxic Substance: Materials containing contaminants.
(2) Non-toxic Substance: Materials containing pollutants.
(3) Subject to prior approval.

SECTION 14. Section 17.10.080 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"Barometric Loop. Water connections where an actual or potential back-siphonage hazard exists may in lieu of devices specified in Section 17.10.060 be provided with a barometric loop. Barometric loops shall precede the point of connection. There shall be no source of backpressure on a barometric loop."

SECTION 15. Section 17.10.090 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"Double check valves. The Director of Public Works & Utilities may authorize installation of approved double check valve assemblies with test cocks as protective devices against backflow in connections between a potable water system and other fluid systems which present no significant health hazard in the judgment of the Director of Public Works & Utilities."

SECTION 16. Section 17.10.100 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"Other Devices. No other devices may be used for the prevention of backflow or backsiphonage unless approved by the board, as being in their judgment equally effective.

SECTION 17. Section 17.10.110 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"Maintenance requirements, general. It shall be the responsibility of building and premise owners to maintain all backflow preventers and vacuum breakers within the building or on the premises in good working order and to make no piping or other arrangements for the purpose of bypassing or removing backflow devices.

SECTION 18. Section 17.10.120 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"Testing of backflow devices. The City of Wichita and the Metropolitan Area building and Construction Department shall verify proper installation of backflow prevention devices, and refer them to the Director of Public Works & Utilities for registration. Program costs will be recovered from the device owner in accordance with a fee schedule established by the Director Public Works & Utilities. Testing intervals shall not exceed one (1) year beginning with testing on the date of installation, and overhaul (rebuild) intervals shall not exceed five (5) years. The testing procedures shall be in accordance with the manufacturer's instructions and nationally accepted practices. Testing and repair of the backflow devices will be done by certified installer/testers that meet the requirements set up by the board. Maintenance workers, trained and certified as installers/testers can service backflow preventers in their place of employment. All installer/testers shall have completed a course approved by the board and be registered by the Wichita Public Works & Utilities department. Certified installer/testers shall be tested and recertified every three years. Recertification tests shall be to the latest accepted practice methods. Administrative costs will be assessed to the installer/tester applicant in accordance with a fee schedule established by the Director of Public Works & Utilities through issuance of a Public Works & Utilities department registration card. All installer/tester registration cards shall be renewed annually upon payment of a fee established by the Director of Public Works & Utilities. All such registration cards shall expire on the 31st of December of each year, and no reduction shall be made for part of the year being elapsed."

SECTION 19. Section 17.10.130 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"**Testing devices, approval.** All testing devices shall be approved by the Director of Public Works & Utilities, and shall be compared for accuracy at least once per year and recalibrated every three years."

SECTION 20. Section 17.10.140 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"Cessation of water delivery to avoid contamination. The Director of Public Works & Utilities may refuse to deliver water through pipes and mains to any premises where a condition exists which might lead to the contamination of the public water supply system and may continue to refuse the delivery of water to the premises until the condition is remedied."

SECTION 21. Section 17.10.150 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"Hazard to potable water supply. If the Director of Public Works & Utilities determines that the condition of the plumbing constitutes an extreme hazard to the potable water supply, the director shall notify the owner of the premises of the hazardous conditions. Immediate action, within twenty-four hours, to correct that condition shall be taken or water service will be shut off until that condition no longer exists. In the event of any addition, repair, replacement, or alteration, other than routine maintenance, the entire system shall be brought into compliance with provisions of this chapter."

SECTION 22. Section 17.10.160 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"Automatic fire suppression systems. All new installations of automatic fire suppression systems of thirty heads or more, or having a fire department connection, other than dry systems, shall be protected from backflow with an approved double check valve assembly. Any portion of a fire suppression system into which toxic chemicals of any type (corrosion, anti-bacterial, etc.) are added, shall be individually protected with an approved reduced pressure principle assembly in addition to proper fire service line protection. All piping upstream of the backflow preventer or unprotected fire suppression system shall be of material approved for contact with potable water."

SECTION 23. Section 17.10.170 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"Existing Fire Suppression Systems. All existing fire suppression systems shall be retro-fitted by licensed fire protection systems contractors within five (5) years of the passage of this ordinance to meet the requirements provided herein. Flow rates shall be recalculated to ensure compliance with Wichita Fire Department requirements if the backflow device is of smaller line size than the underground supply."

SECTION 24. Section 17.10.180 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"Construction Water Services. All temporary water services for projects under construction shall be protected from backflow. Services for two or less story buildings may be protected with an approved double check valve assembly. Buildings of three or more stories shall have an approved reduced pressure principle backflow preventer installed on the construction water service."

SECTION 25. Section 17.10.190 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Penalty. Any corporation, railway, common carrier, company or individual violating any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction, shall be punished by a fine not to exceed Five Hundred Dollars ($500.00) or by imprisonment of not more than six (6) months, or by both such fine and imprisonment. Each day any violation hereof is found to exist or continues to exist shall be a separate offense and punishable as such hereunder.

SECTION 26. Section 17.12.010 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"**Definitions.** Unless the context specifically indicates otherwise, the following terms shall, for the purpose of this chapter, have the meanings indicated in this section:

(a) ‘Customer’ means a person, firm, corporation, or governmental unit furnished water by the department.

(b) ‘Customer's service line’ means a supply pipe installed, maintained and owned by the customer extending from the meter setting to the premises served.

(c) ‘Department service line’ means a pipe with appurtenances connected to a water main for the purpose of controlling the flow of water and extending from the water main to the inlet side of the meter yoke.

(d) ‘Master meter’ means one meter measuring the water furnished to serve two or more premises.

(e) ‘Meter’ means a mechanical device which measures and records the quantity of water furnished to a customer.

(f) ‘Meter setting’ means a box, vault or tile, with covering, containing a meter, meter yoke and connecting appurtenances.

(g) ‘Pigtail’ means that portion of the meter service connection extending from the meter setter out from the meter vault for the purpose of connection to private consumer plumbing.

(h) ‘Premises’ means an inhabited building or buildings on a tract of land.

(i) ‘Special Acquisition Service Area’ means any area whereby the Water Utility acquires the right to provide water and/or sanitary sewer services by purchase, release, or any other mean and in which the City or Water Utility pays compensation to another governmental, quasi-governmental, or private entity for such service area directly or indirectly through reduced rates or in-kind services.

(j) ‘Special Acquisition Service Area Fees’ means the fees assessed to property owners or customers in a Special Acquisition Service Area in order for the City or Water Utility to recover all or part of the costs of acquiring the right to provide water and/or sanitary sewer services to the area.

(k) ‘Special service’ means any water service that involves the installation of facilities and equipment other than designated as standard service in subsection (i) of this section or which involves a use of water other than for normal residential, commercial or industrial purposes.

(l) ‘Standard service’ means facilities normally installed for residential, commercial or industrial usage not requiring special or unusual methods of installation, construction and engineering.

(m) ‘Water utilities’ (hereinafter called department) means an administrative unit consisting of city personnel headed by the Director of Public Works & Utilities designated by the city manager to conduct all operations in connection with the supplying and furnishing of

water, and sewer service by the city to customers in the city and environs pursuant to the provisions of this chapter.

(n) 'Water main' means a water pipe owned by the city, located in public right-of-way or utility easement, to which department service lines may be connected.

(o) 'Water service connection means that portion of the consumer plumbing where connection is made to the public utility meter box connection for the purpose of supplying water to the consumer's premises."

SECTION 27. Section 17.12.030 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Form and contents of application for water service. Applications for water service shall be made at the office of the water department by or on behalf of the customer requesting water and water service. The application shall be in such form as shall be prescribed by the department. Every customer using water from the waterworks system shall be deemed to have consented and agreed to the terms and provisions of this chapter and all reasonable rules and regulations as shall be promulgated by the Director of Public Works & Utilities in implementation of this chapter. In all instances where the Director of Public Works & Utilities shall deem it necessary, customers shall make a deposit of monies with the department as security for service to be furnished that customer."

SECTION 28. Section 17.12.040 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Requirements of applicants for new service. If an application is for water service to premises not previously served, the following requirements shall be met:

(a) Meter Settings and Service Lines in Areas Served by Existing Water Mains. In areas where water mains exist adjacent to property to be served, the applicant, upon submission

of information to the department as to the location and nature of the premises, will be provided with information as to the proposed location of the meter setting. If the customer's service line has been installed prior to the application for service, it shall be the applicant's responsibility to clearly mark the location thereof. The department shall have sole jurisdiction, however, to determine the location of the department service line, and the feasibility of a connection to the customer's service line. It shall be the applicant's responsibility at his/her own expense to run his/her service line from the premises being served to the meter setting at or near the curb line. The department service line meter setting and meter shall be placed within public right-of-way or such other locations as determined by the Director of Public Works & Utilities, and will be installed and maintained by the department and kept within its exclusive control.

(b) Areas Not Served by Existing Water Mains. Applications for service in areas not served by existing water mains shall be governed by the provisions of Section 17.12.270.

(c) Installation and Maintenance of Customer's Service Line. The customer shall be responsible for the maintenance, repair, and any leakage in the piping from the meter to place of use. Installation of the customer's service line shall be done by a master plumber and in accordance with the building code and the plumbing code of the city.

(d) Size of Meters. The department shall determine the size of the meter to be installed, based upon information furnished by the applicant. Any change in meter size requested by a customer after the initial meter installation shall be granted insofar as is reasonable but the entire cost shall be borne by the customer unless determined otherwise by the Director of Public Works & Utilities. In cases of dispute as to meter size, the department shall have sole jurisdiction.

(e) Size of Department Service Line. The size of the department service line shall be determined by the department, based upon information furnished by the applicant. However, in no case shall the department service line be the same size or any greater size than the water main to which it is connected. Any change in size or location of the department service line after the original installation shall be done at customer's expense unless determined otherwise by the Director of Public Works & Utilities.

(f) Special Vaults to House Meters--Cost of Construction; Location of Meter Settings and Vaults. In cases where the size of the meter is one and one-half inches or larger, or other special circumstances make it necessary to construct a special vault in which to house the meter, all costs of construction of such vault shall be borne by the applicant. Outside building meter settings and vaults shall be installed whenever possible and inside building meter installations must be approved in writing by the Director of Public Works & Utilities or his/her representative.

(g) Same--Responsibility of Customer for Installation, Maintenance, etc. With respect to all premises served by the department, whether located within
or without the corporate limits of the city, it shall be the responsibility of the customer to install or have installed thereon, such special vaults as are prescribed by the department according to and in conformity with specifications and drawings which shall be furnished the applicant by the department. All such special vaults so constructed and installed on the customer premises, adjacent to the property line shall be the property of the customer. The customer shall be responsible for all maintenance and adjustment to grade of the special vault.

In instances where circumstances necessitate the location of special vaults in a public right-of-way for street, alley or similar public uses, the construction and installation of the special

vault shall be accomplished by the customer at locations approved by the city engineer. All such special vaults, however, located in public rights-of-way shall be wholly and exclusively owned by the city through its water department and it shall be solely responsible for all maintenance, repair and relocation as may be necessary.

(h) Connection Fees. Prior to the installation of a standard service, the applicant shall pay in advance a connection fee for the installation by the department of the standard service line. The connection fee shall be determined by the Director of Public Works & Utilities, and shall be based on the actual costs of similar installation work.

For a standard service line four inches or larger, the connection fee will be based upon an estimate of cost prepared by the department."

SECTION 29. Section 17.12.050 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Measurement of water furnished. All water furnished to consumers shall be metered, except in cases where the Director of Public Works & Utilities shall determine that the nature of a particular usage necessitates a measurement by other means."

SECTION 30. Section 17.12.060 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Specifications for installation of meters and department service lines.

The installation of meters and department service lines shall be in accordance with the following specifications and requirements:

(a) Number of Installations for Each Premise. One department service line, meter setting and meter shall be installed for each premise. Additional meters, meter settings, department service lines and other appurtenances may be installed as approved by the Director

of Public Works & Utilities and all such additional costs shall be borne by the applicant unless determined otherwise by the Director of Public Works & Utilities.

(b) Location of Department Service Lines; Obstruction to Installations. Department service lines shall be at right angles to the water main and shall not be installed by the department unless sufficient footage of water main exists adjacent to the premises requesting service to allow meter setting installation free of obstructions such as fences, trees, driveways, culverts, mail boxes, etc.

(c) Ownership of Meters; Location of Meters; Obstructing Access to Prohibited. All meters now in service and hereafter installed shall remain the sole property of the department. Meters other than those in special vaults shall be installed only in public ways and it shall be unlawful for any person to obstruct access thereto by the department.

(d) Separate Service and Meter Required for Each Unit: With Certain Exceptions; Exception as to Existing Meters. Each and every unit, business or place of business, shall be on a separate service and meter. The department shall permit no master metering of water except for the following conditions:

(1) A building or group of buildings under single ownership and consisting of family units;

(2) A multi-story building used for commercial or industrial purposes;

(3) Rural water districts;

(4) Any other structure or structures, public or private, where due to unusual circumstances approval is given by the Director of Public Works & Utilities.

Where water has been supplied through one service to more than one premise, the Director of Public Works & Utilities may, at his/her discretion, refuse to furnish water until separate services are provided."

SECTION 31. Section 17.12.065 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Payment for connection to water system for properties not included in benefit districts. Properties not included in a benefit district which request connection to the water system shall pay an amount as determined to be appropriate by the Director of Public Works & Utilities and the city engineer. This amount shall be representative of the recent historical costs of constructing water service lines of a similar or representative type as those serving the connecting property, calculated on a square foot or frontage foot basis.

If, in the opinion of the Director of Public Works & Utilities, the connecting property constitutes an extraordinary use and/or is likely to place an extraordinary demand on the water system, the director is empowered to calculate an appropriate charge commensurate with this extraordinary use or demand and to assess this charge against the connecting property.

If the cost of the connection to the water system has been financed by a private entity, and if the cost of the connection has been included in the purchase price of the lot and improvements thereon, then no fees as called for in this section shall be assessed.

The appropriateness of the application of the ordinance provision codified in this section shall be discretionary and shall be based on the interpretation of written policy guidelines by the Director of Public Works & Utilities, the city engineer, and the director of planning and/or other parties as designated by the city manager."

SECTION 32. Section 17.12.070 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"**Requirements of applicants for special service.** Application for special service shall be made in the same manner as required for standard service and shall, in addition, conform to the following requirements:

(a) Private Fire Service Connections. Applications for private fire service connections shall be completed and returned to the Director of Public Works & Utilities or his designee. The applicant shall be required to pay the entire cost of the installation, including the connection to the main and necessary appurtenances. All new private fire service connections with the exception of the so-called "dry-type" may be metered and require or be exempted from the installation of a double check detector check valve backflow preventer as determined by the Director of Public Works & Utilities or his/her designee. Such facilities exempted from the requirement for a detector meter shall be equipped with a double check valve backflow preventer subject to the material and outlet specifications outlined in section 17.10.170. All materials and appurtenances shall be approved by the department. The shutoff valve installed at the water main shall be under the exclusive control of the department. All fire service lines shall be used exclusively for extinguishment of fires and no connection for any other use may be attached thereto. All installations of fire service connections shall be accomplished in such manner as shall be approved by the department. In the event a main extension is required for private fire service connection, the cost of the same shall be borne by the applicant subject to the provisions of Section 17.12.270.

(b) Miscellaneous Special Service. All miscellaneous special service shall be installed and maintained at the sole cost of the applicant and an advance of the estimated costs of

installation shall be required as a condition precedent to the granting of the application. The billing for such service shall be as determined by the Director of Public Works & Utilities".

SECTION 33. Section 17.12.095 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Authority to collect fees, taxes and charges for other governmental entities. In addition to the rates and charges set forth in this chapter, the Director of Public Works & Utilities and water pollution control, subject to the approval of the city council, shall have the authority to add to the bill of each customer the appropriate assessment of such water protection fees, taxes, and other fees and charges as the department is required to collect for or pay to any other governmental entity."

SECTION 34. Section 17.12.100 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Rendering and payment of bills--Delinquent accounts. (a) All water bills shall be paid at the office of the treasury division of the city or at such other places designated by the city treasurer. The Director of Public Works & Utilities shall render bills for water service charges to all flat rate residential customers or the owners of record of property connected to the water system. Bills so rendered shall include a charge for each month the premises were connected to the water system without regard to whether the premises were occupied or unoccupied during all or part of the billing period. All water bins rendered in accordance with the regular schedule of meter rates and flat rates are due and payable when rendered and shall be deemed delinquent if not paid on or before twenty-five days thereafter.

(b) A delinquency and termination notice shall be issued five days after a bill is delinquent. The delinquency and termination notice shall provide the customer of record with the following information:

(1) The amount due on the unpaid balance plus interest;

(2) The customer's right to a hearing before the department;

(3) Notice that service will be terminated in five days if the bill remains unpaid.

If the customer of record is not the occupant where water service is provided then the department shall provide similar notice to the occupant. The request for a hearing must be no later than three working days before the date of discontinuance. Such hearings shall be conducted by one or more of the following persons: Director of Public Works & Utilities, assistant to the director, customer service manager, customer services supervisor, or such other representative of similar management grade as may be appointed by the Director of Public Works & Utilities. The department is authorized to discontinue and disconnect water service for any customer who is delinquent in the payment of bills. Customers are responsible for furnishing the department with their correct addresses for billing purposes. Until paid, flat rate delinquent bills shall constitute a lien against the property served and collected in the same manner as other special assessments are collected."

SECTION 35. Section 17.12.180 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Private service line leaks.

(a) Water leaks in private water service lines are declared to be a public nuisance which must be repaired according to the terms of this section. It is unlawful for any water

customer and/or occupant of private property to fail to repair a service line leak upon proper notice to do so.

(b) Upon discovery of a leak in a private water service line the Public Works & Utilities department shall serve a notice to repair the leak within seven days of the date on the notice. Such notice shall be served upon the water customer or occupant personally or by registered mail. Failure to repair the leak within seven days as directed will result in the disconnection of water service. Service shall not be reconnected until the leak is repaired and a disconnect/reconnect fee has been paid. Any person wishing to contest the notice of repair has the right to a hearing before the department. Such hearing must be requested in writing and the request must be received no later than three working days prior to the seven-day deadline for repair.

(c) Director of Public Works & Utilities department has the right to disconnect water service without notice if a leak has been discovered and (1) the water is flowing beyond the private property line in such a way that a hazard to public safety exists; or (2) a water emergency has been declared pursuant to Section 17.14.020. A notice of disconnection shall be left at the property. In addition, a notice of repair shall be given according to the requirements of subsection (b). Service shall not be reconnected until the leak has been repaired. However, no disconnect/reconnect fee will be charged for disconnection pursuant to this subsection.

(d) Failure to repair a water leak in a private water service line as required herein shall not be a criminal violation of the city code."

SECTION 36. Section 17.12.250 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Only authorized persons permitted to shut off or turn on city water.

It is unlawful for any person, other than an authorized representative of the water department or of the fire department of the city, to shut off or turn on water from any part of the city's waterworks system, including fire hydrants; provided however, that nothing in this section contained shall be construed as prohibiting plumbing certificate holders, duly licensed under this Code or other ordinance of the city, from turning on or shutting off water service if such is necessary in the course of the work in which they are engaged or as required in the event of an emergency.

SECTION 37. Section 17.12.255 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"**Irrigation connections to the water meter service.**

(a) Dedicated irrigation water meters shall have a shut-off/isolation valve downstream of the water meter and before the backflow prevention valve installed 36" below grade. Using the Water Utility meter angle valve as the shut-off/isolation valve for a sprinkler system shall be prohibited and tampering with water meter connections is expressly prohibited. Composition of the shut-off valve should be of brass/bronze or ductile iron material. The shut-off/isolation valve may be located in the public right of way so long as it is not installed within 18" of the water meter vault, is located after the water meter pig tail, and the outgoing side of the shut-off/isolation valve is point toward the owner's property. Any other installation method shall not be allowed without the prior approval of the Director of Public Works & Utilities or his/her designee.

(b) Service connections to the water meter service shall be installed after the services pigtail on the consumer line connection."

SECTION 38. Section 17.12.260 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Authority to refuse to deliver water when contamination of supply may result. The water department, pursuant to the provisions of K.S.A. 65-163(a) and amendments thereof, may refuse to deliver water to any premises whereon any condition exists which might lead to the contamination of the public water supply and may continue to refuse such delivery of water to any such premises until such condition is remedied."

SECTION 39. Section 17.12.300 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Same--Plans for extensions or enlargements to be submitted to planning department and city engineer.

In instances where he deems it necessary, the Director of Public Works & Utilities shall, before ordering any main extension or other enlargement of the city waterworks system, first submit plans therefor to the Wichita-Sedgwick County metropolitan area planning department for review and comment concerning the effort on contemplated future street, highway and other public improvements and to the city engineer for the establishment of the proper grade and location for the proposed installations which will conform to and avoid interferences with existing and future planned curbs, streets and drainage, and sewer facilities in the area."

SECTION 40. Section 17.12.330 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Rules and regulations. The Director of Public Works & Utilities is authorized to promulgate such rules and regulations as shall be reasonably necessary to carry out the provisions of this chapter according to its terms and intent."

SECTION 41. The originals of Sections 17.08.010, 17.08.015, 17.08.016, 17.08.017, 17.08.020, 17.08.030, 17.08.040, 17.08.050, 17.08.060, 17.12.010, 17.12.030, 17.12.040, 17.12.050, 17.12.060, 17.12.065, 17.12.070, 17.12.095, 17.12.100, 17.12.180, 17.12.250, 17.12.260, 17.12.300, 17.12.330, and Chapter 21.12 of the Code of the City of Wichita, Kansas, are hereby repealed.

SECTION 42. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this 11th day of December, 2012.

_____
Carl Brewer, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

Approved as to Form:

_____
Gary E. Rebenstorf
Director of Law

First Published in The Wichita Eagle on _____

DELINEATED 12/04/2012

ORDINANCE NO._____

AN ORDINANCE AMENDING SECTIONS 17.08.010, 17.08.015, 17.08.017, 17.08.040, 17.08.050, 17.08.060, 17.12.010, 17.12.030, 17.12.040, 17.12.050, 17.12.060, 17.12.065, 17.12.070, 17.12.095, 17.12.100, 17.12.180, 17.12.250, 17.12.260, 17.12.300, 17.12.330, CREATING SECTIONS 17.10.010, 17.10.020, 17.10.030, 17.10.040, 17.10.050, 17.10.060, 17.10.070, 17.10.080, 17.10.090, 17.10.100, 17.10.110, 17.10.120, 17.10.130, 17.10.140, 17.10.150, 17.10.160, 17.10.170, 17.10.180, 17.10.190, 17.12.255 AND REPEALING THE ORIGINALS OF SECTIONS 17.08.010, 17.08.015, 17.08.016, 17.08.017, 17.08.020, 17.08.030, 17.08.040, 17.08.050, 17.08.060, 17.12.010, 17.12.030, 17.12.040, 17.12.050, 17.12.060, 17.12.065, 17.12.070, 17.12.095, 17.12.100, 17.12.180, 17.12.250, 17.12.260, 17.12.300, 17.12.330 AND CHAPTER 21.12 OF THE CODE OF THE CITY OF WICHITA.

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

Section 1. Section 17.08.010 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"**Definitions.** **'**Administrative authority' for the purpose of this chapter, means the administrative authority duly appointed to enforce this Code, shall be the ~~superintendent of central inspection~~ the Metropolitan Area Building and Construction Department, and for unsanitary conditions of any plumbing system or portion thereof, including back-siphonage and cross connection, shall also include the Director of ~~water and sewer utilities~~ Public Works &

Utilities. The administrative authority shall make decisions as are necessary to administer and enforce the code. The administrative authority shall have the authority to refer to the board of appeals of plumbers and gas fitters any matter relating to the approval of plumbing material and methods as the same relates to this Code.

'Apprentice' means any person who installs, alters, repairs or replaces lawn sprinkler systems under the direct on-job-site supervision of either a journeyman or master lawn sprinkler installer. An apprentice may repair or replace sprinkler heads only downstream of the backflow device.

'Certified installer/tester' for the purpose of this chapter, means any individual who has been duly qualified by the Director of ~~water and sewer utilities~~ Public Works & Utilities to install, alter, repair, replace and test approved backflow prevention devices.

'Contractor' for the purpose of this chapter means any individual who has been duly qualified by the ~~office of central inspection~~ Metropolitan Area Building and Construction Department to engage in or work at the trade of installing lawn sprinkler systems. A master and/or journeyman plumber is deemed to be a certified lawn sprinkler installer by definition.

'Director of ~~water and sewer utilities~~ Public Works & Utilities' means the director of the Wichita water, utilities and sewer, departments or the director's authorized representative.

'Excavation' for the purpose of this chapter means any opening in the surface of a public property made in any manner whatsoever.

'Journeyman lawn sprinkler installer' means any individual or person who has been approved by the ~~office of central inspection~~ Metropolitan Area Building and Construction Department showing him or her to be qualified to install, alter, repair or replace any lawn

sprinkler system for a qualified master lawn sprinkler installer. He or she shall have a current certificate showing him/her to be so qualified.

'Master lawn sprinkler installer' means a person who has been approved by the ~~Office of Central Inspection~~ Metropolitan Area Building and Construction Department showing him/her to be qualified to engage in the business of installing, altering, servicing, repairing, winterizing or replacing lawn sprinkler systems. He or she shall have a current certificate showing him/her to be so qualified.

'Public property' for the purpose of this chapter means portion of street right-of-way which is not intended for use by the traveling public for the passage of vehicles; and in areas which have been platted, that area which is indicated to the public for public purposes.

'Testable backflow preventers' are approved, pressure vacuum breakers, spill - resistant vacuum breakers, double check valve assemblies and reduced pressure principle type assemblies.

This chapter shall apply to the installation of lawn sprinkler systems or devices which are installed in a permanent manner and connected to the public water supply."

SECTION 2. Section 17.08.015 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Liability, certificates, examinations, cancellations, licenses and permits.

(a) It is unlawful for any person to engage in the business or work at the trade of installing lawn sprinkler systems in the city unless and until a contractor's license and/or certificate has been obtained therefor.

(b) Each individual shall make application to the ~~office of central inspection~~ Metropolitan Area Building and Construction Department and shall at such time and place as directed be subject to an examination as to his or her qualifications, and if satisfied as to the competency of the

applicant shall thereupon direct that said certificate be issued to the applicant. Examinations may be made in whole or in part in writing, but sufficiently broad to test the qualifications of the applicant. In order to qualify to sit for the journeyman examination one shall have a minimum of two years documented practical experience of working at the trade of installing, altering, repairing or replacing lawn sprinkler systems for a qualified master lawn sprinkler installer. In order to qualify to sit for the masters examination one shall have a minimum of two years documented practical experience of working at the trade of installing, altering, repairing or replacing lawn sprinkler systems as a journeyman lawn sprinkler installer. The fee for each examination and original certificate of a lawn sprinkler installer shall be established by the ~~superintendent of central inspection~~ Director of the Metropolitan Area Building and Construction Department to cover the administrative costs of issuing such certificates.

All certificates shall be renewed annually upon payment of a fee established by the ~~superintendent of central inspection~~ Director of the Metropolitan Area Building and Construction Department to cover the administrative costs of issuing such certificates. All such certificates shall expire on the thirty-first day of December of each year, and no reduction shall be made for part of the year being elapsed. All holders of certificates not renewed by March 1st after their expiration shall be subject to reexamination and/or board appearance prior to re-issuance of a certificate.

(c) Any person engaging or desiring to engage in the business of installing lawn sprinkler systems, before obtaining any permit or transacting business, shall procure a license therefor from the ~~office of the~~ ~~superintendent of central inspection~~ Director of the Metropolitan Area Building and Construction Department and a backflow certification ~~certificate~~ registration card from the director of ~~water and sewer~~ Public Works & Utilities, which license and ~~certificate~~

registration card shall expire on the thirty-first day of December of the year in which it was so issued. Any such person holding a current master lawn sprinkler installer's certificate shall be entitled to only one lawn sprinkler license unless otherwise authorized by the board of appeals of plumbers and gas fitters, and each such business shall obtain a license. No license shall be transferred from one person to another. Permits shall be obtained for such work as required in this Code, and the same shall be issued to the person who possesses the lawn sprinkler license.

1. A lawn sprinkler license may be issued to any firm, association, limited liability company, ~~co~~partnership or corporation of which at least one active member or officer who devotes fulltime to that firm, association, limited liability company, ~~co~~partnership or corporation has a master lawn sprinkler installer's certificate. The fee for such license shall be one hundred dollars. Each license shall be renewed annually by December 31st.

(d) The board of appeals of plumbers and gas fitters is authorized to cancel and recall the certificate of any lawn sprinkler installer, and the license of any sprinkler contractor for any of the following reasons:

1. Abandonment of any contract without legal cause;

2. Division of funds or property received for performance or completion of a specific contract, or for a specified purpose in performance or completion of any other contract, obligation or purpose, or the failure, neglect or refusal to use such funds or property for the performance or completion of such contract;

3. The committing of any act in violation of any provisions of this Code or the failure or refusal to comply with any lawful order of the administrative authority;

4. Misrepresentation of a material fact by the applicant in obtaining a license;

5. The failure of any such lawn sprinkler installer or lawn sprinkler contractor to fully satisfy all claims for labor and materials used in the performance of any work for which he has been engaged and for which he has been paid;

6. Use of license to obtain permits for another;

7. Carelessness or negligence in providing reasonable safety measures for the protection of workmen and the public;

8. Failure to obtain permits;

9. Unreasonable delay in the performance and carrying out of any contract.

(e) It is unlawful for any person to install or cause to be installed any connection to the public water supply and/or any testable backflow prevention device in a building or premises without first obtaining a permit from the administrative authority to do such work. Licensed lawn sprinkler contractors are the only persons to obtain such permits; provided, that the owner-occupant of a single-family dwelling may obtain such permits to install, replace, repair or maintain the existing lawn sprinkler system in such single-family dwelling occupied by him, so long as such owner-occupant performs all such work and that the work so performed is in accordance with this Code as verified by an inspection request by such owner-occupant and performed by the administrative authority. Testing of backflow devices installed and registration of same shall be the responsibility of the owner of the device installed in accordance with this code.

Owner-occupants applying for permits for installation as outlined above shall first qualify themselves by successfully passing a simplified open book examination dealing with relevant provisions of this title. The fee for said examination shall be established by the ~~superintendent of central inspection~~ Director of the Metropolitan Area Building and Construction Department to

cover the administrative costs for administering such examination. Such owner-occupants shall be required to have necessary testable backflow prevention device(s) installed by a duly certified installer/tester as required by the current codes of the city.

Prior to permit approval, the owner-occupant shall also submit a plan of the installation drawn in a format acceptable to and drawn in sufficient detail as to satisfy the ~~superintendent of central inspection~~ Director of the Metropolitan Area Building and Construction Department of the overall code compliance of the anticipated installation. The fee for such plan review shall be established by the ~~superintendent of central inspection~~ Director of the Metropolitan Area Building and Construction Department to cover the administrative costs of said plan review.

Plans submissions requiring extensive revision and/or modification shall be billed at the rate established by the ~~superintendent of central inspection~~ Director of the Metropolitan Area Building and Construction Department for each additional half-hour or portion thereof beyond the original half-hour upon notification of the owner-occupant of such additional charges.

Permits for owner-occupant installations shall be limited to one in three years to each owner-occupant unless a waiver is obtained, upon written application, from the ~~office of central inspection~~ Metropolitan Area Building and Construction Department.

Minor street privilege permits shall be obtained from the Director of Public Works & Utilities-engineering prior to performing any excavation and installation work on public property, said permit to be obtained in accordance with the terms of Chapters 10.20 and 10.08 of the Code of the City of Wichita, Kansas.

1. A separate permit shall be obtained for each connection to public water supply or for any additional work other than authorized in the permit.

2. No licensed contractor shall allow any person to do or cause to be done any work under a permit secured by the permittee except persons in his employ."

SECTION 3. Section 17.08.017 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Truth in advertising requirements. ~~On or after July 1, 1993~~Any person, firm, association, limited liability company or corporation required by this title to obtain a lawn sprinkler system contractor's license shall be subject to the following:

(a) It is unlawful for any such person, firm, association, limited liability company or corporation to advertise as a lawn sprinkler system contractor unless, at the time such advertisement occurs, such person, firm or corporation has a then valid lawn sprinkler system contractor's license issued under the provisions of this chapter;

(b) Any advertisement by such person, firm, association, limited liability company or corporation as a lawn sprinkler system contractor which is placed or published in any publication or other print medium circulated, displayed or distributed within the city limits or which is broadcast by radio or television or any other means to persons within the city limits shall include the full name of the licensed person, firm, association, limited liability company or corporation and the license number assigned by the ~~office of central inspection~~ Metropolitan Area Building and Construction Department to such person, firm, association, limited liability company or corporation.

(c) As used in this section, the words "advertised" or "advertisement" shall include, but not be limited to, a business card, contract bid proposal form, printed letterhead, any other printed or written material designed to inform persons of the services offered by the advertising person, firm or corporation and to solicit business from such persons, or any broadcast statement

designed to inform persons of the services offered by the advertising person, firm, association, limited liability company or corporation and to solicit business from such persons. Such words are intended to include telephone directory display ads but not basic white and yellow page listings."

SECTION 4. Section 17.08.040 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"**Location, maintenance and installation of lines and heads.**

(a) Sprinkler heads shall be located and maintained in the manner provided for in this chapter and Article 3 of the Sedgwick County Code so as not to spray over any public sidewalk or street pavement, and further, so not in any manner to constitute a nuisance or hazard to the public. Any sprinkler system or any part thereof, located in or on a public right-of-way, shall be removed therefrom at the owner's expense, upon notice from the city.

(b) Installation. All water piping shall be adequately supported to the satisfaction of the administrative authority. Burred ends shall be reamed to the full bore of the pipe. Changes in direction shall be made by the appropriate use of fittings, except that changes in direction in copper, PE (3406) and polybutylene tubing may be made with bends having a radius of not less than six diameters of the tubing, providing that such bends are made by the use of forming equipment which does not deform or create a loss in cross-sectional area of the tubing. The depth of the water service line shall be at least thirty-six inches below finished grade, and shall be inspected before being covered. Such service shall not be less than five feet from any tree on public property. The water service pipe shall be laid in a ditch separate from other underground pipes or conduits. There shall be not less than eighteen inches of solid undisturbed earth between water service pipes and other underground pipes and conduits. All piping, equipment

appurtenances, and devices shall be installed in a workmanlike manner in conformity with the provisions and intent of the code.

Water pipe and fittings shall be of brass, copper, cast iron, galvanized steel, asbestos-cement, PE(3406), PVC (sch. 40), or polybutylene manufactured to recognized standards for use outside a building. All materials used in the water supply system, except valves and similar devices, shall be of a like material except where otherwise approved by the administrative authority. The connection of galvanized steel piping to a copper water meter setter is prohibited.

(c) ~~Effective with the passage of the ordinance codified in this chapter,~~ Backflow prevention devices, control valves, and other appurtenances and their enclosures, with the exception of points of connection to domestic water supply lines and the manual shutoff valve, shall not be installed in the public right-of-way without prior approval of the Director of ~~water and sewer~~ Public Works & Utilities or his/her designee."

SECTION 5. Section 17.08.050 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Backflow prevention. No person shall install any water-operated equipment or mechanism, or use any water treating chemical or substance if it is found that such equipment, mechanism or substance may cause pollution of the domestic water supply. Such equipment or mechanism may be permitted only when equipped with an approved backflow prevention device. Said backflow prevention device shall be installed by a certified installer/tester. All backflow and/or cross-connections shall be eliminated and/or protected by means of an airgap or backflow preventer as determined and required by the director of water and sewer. Such airgaps or backflow preventers shall be of such arrangement, location and design as determined by and subject to approval of the Director of ~~water and sewer~~ Public Works & Utilities and Table 4 in

Chapter 17.10 of the code of the City of Wichita. If any backflow and/or cross-connection is not adequately protected, the Director of ~~water and sewer~~ Public Works & Utilities shall discontinue such water service. Water service may be reinstated upon determination that the hazard has been eliminated or adequately protected. The director of ~~water and sewer~~ Public Works & Utilities may supplement this Code with guidelines to provide information for typical backflow and/or cross-connection and acceptable methods of eliminating and/or protecting such connections which are in accordance with the intent and requirements of this Code and Chapter ~~21.12~~ 17.10. Lawn sprinkler systems shall be equipped with an approved backflow prevention device. Pressure type vacuum breakers shall be installed at least twelve inches above the highest sprinkler head.

~~Table 17-A~~

~~BACKFLOW PREVENTION DEVICES ACCEPTABLE FOR THE PREVENTION OF CROSS-CONNECTION HAZARDS~~

~~Potential Type of Cross Connection~~	~~Degree of Hazard~~		~~ACCEPTABLE PROTECTION~~				
	~~High~~	~~Low~~	~~AIR GAP~~	~~Reduced Pressure Zone~~	~~Double Check Valve~~	~~Atmospheric Vacuum Breaker~~	~~Pressure Vacuum Breaker~~
~~Direct Water Connections Subject to Back Pressure~~ ~~1. Tanks and lines:~~							
~~a. Sewage and lethal substances~~	~~X~~		~~X~~	~~X (3)~~			
~~b. Toxic substances (1)~~	~~X~~		~~X~~	~~X (3)~~			
~~c. Non-toxic substance (2)~~		~~X~~	~~X~~	~~X~~	~~X~~		
~~d. Water connection to boiler~~	~~X~~		~~X~~	~~X~~			
~~Not Subject to Back Pressure (Back siphonage only)~~							
~~1. Water connected to receptacles containing toxic substances (1)~~	~~X~~		~~X~~	~~X (3)~~		~~X (3)~~	~~X (3)~~
		~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~

~~Potential Type of Cross Connection~~	~~Degree of Hazard~~		~~ACCEPTABLE PROTECTION~~				
~~2. Water connected to receptacles containing non-toxic substances (2)~~							
~~3. Water connected to open tanks used for non-potable purposes~~		~~X~~	~~X~~		~~X~~	~~X~~	~~X~~
~~4. Lawn sprinkler systems~~	~~X~~		~~X~~	~~X~~			~~X~~
~~5. Coils or jackets used as heat exchangers in compressors, degreasers or other equipment:~~							
~~a. For waste lines~~	~~X~~		~~X~~	~~X~~			
~~b. For toxic substances (1)~~	~~X~~		~~X~~	~~X~~		~~X (3)~~	~~X (3)~~
~~c. For non-toxic substances (2)~~		~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~6. Flush valve toilets & urinals~~	~~X~~		~~X~~			~~X~~	
~~7. Tank toilet and urinal tanks~~	~~X~~		~~X~~			~~X~~	
~~8. Valved outlets or fixtures with hose attachments which may constitute a cross-connection:~~							
~~a. Toxic substances (1)~~	~~X~~		~~X~~	~~X~~		~~X*~~	
~~b. Non-toxic substances (2)~~		~~X~~	~~X~~	~~X~~		~~X*~~	~~X~~

~~*Non-removable Type.~~

~~Footnotes to Table 17-a~~

~~(1) Toxic Substance: Materials containing contaminants.~~
~~(2) Non-toxic Substance: Materials containing pollutants.~~
~~(3) Subject to prior approval"~~

SECTION 6. Section 17.08.060 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Violation--Penalty. Any person, firm, association, limited liability company, partnership, or corporation violating any provision of this chapter or any part thereof, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not to exceed five hundred dollars, or by imprisonment not to exceed thirty days, or by both such fine and imprisonment."

SECTION 7. Section 17.10.010 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"**Definitions.** In addition to those terms defined in the Chapter 17.08 of the code of the City of Wichita as adopted in this Code, for the purpose of this chapter, the following terms shall be defined to mean:

'Air gap' means a physical separation between a supply and the flood level rim of the receptor, of at least twice the supply outlet diameter, but never less than one inch.

'Backflow' means the unwanted reverse flow of water, other liquids, gases, mixtures or other substances into the distributing pipes of a potable water supply from any source or sources. For specific conditions of backflow, see 'back-siphonage' and 'back-pressure.'

'Backflow preventer, reduced pressure principle type' means an assembly of two internally loaded, specially designed, and independently operated check valves including an intermediate relief valve specially designed to maintain a zone of reduced pressure between these check valves, with an automatically open spillage port to the atmosphere. This assembly is also incomplete without tightly closing, resilient seating shutoff valves immediately upstream and downstream of the device (i.e.; ball valve shutoffs, resilient wedge gate or butterfly valves).

'Back-pressure' means pressure in a plumbing system higher than the supply pressure which causes a reversal of flow. (Example- pumps, thermal expansion from boilers.)

'Back-siphonage' means a backflow resulting from negative or sub-atmospheric pressures in the distributing pipes of a potable water supply.

'Barometric loop' means a loop of pipe rising at least thirty-five feet, at its topmost point, above the highest fixture it supplies.

‘Board’ means the board of appeals of plumbers and gas fitters of the City of Wichita & Sedgwick County.

‘Certified installer/tester,’ for the purpose of this chapter, means any individual who has been duly certified by the Director of Public Works & Utilities to install, alter, repair, replace and test approved testable backflow prevention devices.

‘Contaminant’ means any substance that, upon entering a potable water supply, would render it a danger to life and health, as determined by the Director of Public Works & Utilities.

‘Cross-connection’ means any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water, and the other, water of unknown or questionable safety, or steam, gases or chemicals, whereby there may be a flow from one system to the other. (Note: No physical cross-connection shall be permitted between public and private water distribution systems without prior approval of the board, approval of the director of water utilities and protection by an approved backflow prevention device.)

‘Director of Public Works & Utilities’ means the Director of the Wichita Water & Utilities department or the director's authorized representative.

‘Double check valve assembly’ means a device consisting of two independently acting, internally loaded soft seated check valves with resilient seated, positive shutoff valves (ball valve, resilient wedge gate or butterfly valves) on both upstream and downstream ends, and properly located test ports.

‘Free water surface’ means a water surface that is at atmospheric pressure.

‘Plumbing’ means the practice, materials and fixtures used in the installation, maintenance, extension and alteration of all piping fixtures, appliances and appurtenances in connection with any of the following: sanitary drainage, venting system, storm drainage facilities, and the on-site

water supply systems, within or beyond the supply point to any building, structure or conveyance; also, the practice and materials used in the installation, maintenance, extension, or alteration of storm water, liquid waste or sewage, and water supply systems of any premises to their connection with any point of public disposal or other acceptable terminal.

'Pollutant' means any foreign substance (organic, inorganic, radiological or biological) in water that tends to degrade its quality, but does not constitute a health hazard, as determined by the Director of Public Works & Utilities.

'Pressure vacuum breaker' means a device consisting of both upstream and downstream resilient seated shutoff valves, and at least one tight-seating check valve with a relief zone to atmosphere. The valve member opening to atmosphere shall be spring loaded to open under backsiphonage conditions.

'Spill-resistant vacuum breaker' means a device consisting of both upstream and downstream resilient seated shutoff valves, and at least one tight-seating check valve with an air inlet atmosphere. The valve member opening to atmosphere shall be gravity or spring loaded to open under backsiphonage conditions.

'Testable backflow preventers' are approved, pressure vacuum breakers, double check valve assemblies, and reduced pressure principle type assemblies.

'Vacuum' means any absolute pressure less than that exerted by the atmosphere.

'Vacuum breaker' means a device that permits air into a water supply distribution line to prevent back-siphonage."

SECTION 8. Section 17.10.020 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"**General requirements.** The potable water supply system of the City of

Wichita and the potable water system of private users shall be designed, installed and maintained to best prevent contamination or pollution by non-potable liquids, solids or gases from being introduced into the potable water supply through cross-connections or any other piping connections to the system. Any water being directly provided by Wichita water utilities will fall under the rules and regulations of the cross-connection program. All public or private users being supplied city water directly shall conform to standards set by the City of Wichita."

SECTION 9. Section 17.10.030 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"**Prohibited connections of fixtures and equipment.** Connection to the potable water supply system for the following is prohibited unless protected against backflow:

(1) Bidets;

(2) Operating, dissection, embalming and mortuary tables or similar equipment. In such installation the hose connected to the public water supply shall terminate at least twelve inches away from every point of the table or attachments;

(3) Pumps for non-potable water, chemicals or other substances. Priming connections shall be made through an air gap or an approved reduced pressure principle assembly;

(4) Building drainage, sewer or vent systems;

(5) Commercial buildings or industrial plants using a contaminating or polluting s substance,

(6) Any other fixture of similar hazard."

SECTION 10. Section 17.10.040 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"**Refrigerating unit condensers and cooling jackets.**

(1) That except when potable water provided for a refrigerator condenser or cooling jacket is entirely outside the piping or tank containing a toxic refrigerant, the inlet connection shall be provided with an approved high hazard backflow preventer. Heat exchangers used to heat water for potable purposes shall be of the double wall type.

(2) Where a commercial ice machine, which has a refrigerant volume not to exceed two pounds and is water-cooled, a dual check valve with intermediate atmospheric vent may be used as isolation protection of the potable water line. Devices, in excess of the two-pound limit, shall require a reduced pressure principal assembly (RP) backflow prevention device or air gap to protect the potable water."

SECTION 11. Section 17.10.050 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"**Approval of devices.** Before any device for the prevention of backflow or back-siphonage is installed, it shall have first been certified by a recognized testing laboratory acceptable to the board. Devices installed in a building potable water supply distribution system for protection against backflow shall be maintained in good working condition by the person responsible for the maintenance of the system. The Director of Public Works & Utilities or his designated representative shall inspect such devices and if found defective or inoperative shall require the repair or replacement thereof. Upon installation of a reduced pressure principle assembly, double check valve assembly or pressure vacuum breaker, the installer shall inform the Director of Public Works & Utilities department. The Director of Public Works & Utilities or his designated representative will then register the device for scheduled testing."

SECTION 12. Section 17.10.060 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"Installation of devices. Devices for the prevention of backflow shall be installed as follows:

(1) Vacuum Breakers. Atmospheric vacuum breakers (AVB) shall be installed with the critical level at least six inches above all downstream piping and the flood level rim of the fixture they serve and on the discharge side of the last control valve to the fixture. No shutoff valve or automatic control valves shall be installed in downstream piping after an atmospheric vacuum breaker.

Pressure vacuum breakers shall be installed with the critical level at least twelve inches above all downstream piping and the flood level rim but may have control valves downstream of the vacuum breaker. Pressure vacuum breakers should only be installed in locations where adequate drainage is provided and property damage as a result of spillage can be avoided. Spill-resistant vacuum breakers shall be installed with the critical level at least twelve inches above all downstream piping and the flood level rim, but may have control valves downstream of the vacuum breaker. Spill-resistant vacuum breakers should be installed in locations where adequate drainage is provided and property damage as a result of spillage can be minimized.

(2) Reduced Pressure Principle Backflow Preventer. A reduced pressure principle type backflow preventer may be installed subject to full static pressure at least twelve inches above grade and no more than 60 inches above grade unless an approved permanent platform or dedicated access device is provided.

(3) Devices for Domestic Service. Backflow and back-siphonage preventing devices shall be accessibly located preferably in the same room with the fixture they serve. Installation in the utility or service spaces, provided they are readily accessible, is also permitted. No

installation shall be made in pits or any other location not properly drained, unless approved by the Director of Public Works & Utilities."

SECTION 13. Section 17.10.070 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"**Protective devices required.**

(1) Installation. Approved devices to protect against backflow back-siphonage shall be installed at all fixtures and equipment where backflow or back-siphonage may occur and where a minimum air gap cannot be provided between the water outlet to the fixture or equipment and its flood-level rim.

(2) Connections not Subject to Backpressure. Where a water connection is not subject to backpressure, an atmospheric vacuum breaker shall be installed on the discharge side of the last valve on the line serving the fixture or equipment. A list of some conditions requiring protective devices of this kind is given in Table 1, Cross-Connections Where Protective Devices Are Required and Critical Level (C-L) Settings for Atmospheric Vacuum Breakers.

Table 1

CROSS-CONNECTIONS WHERE PROTECTIVE DEVICES ARE REQUIRED AND

CRITICAL LEVEL (C-L) SETTINGS FOR ATMOSPHERIC VACUUM BREAKERS

Fixture or Equipment	Method of Installation
Aspirators and ejectors	C-L at least 6 inches above flood level of receptacle served.
Dental units	On models without built-in vacuum breakers--C-L at least 6 inches above flood level rim of bowl.
Dishwashing machines	C-L at least 6 inches above flood level of machines. Install

	on both hot and cold water supply line.
Garbage can cleaning machines	C-L at least 6 inches above flood level of machine. Install on both hot and cold water supply lines.
Fixture or Equipment (cont'd)	Method of Installation (Cont'd)
Hose outlets	C-L at least 6 inches above highest point on hose line.
Laundry machines	C-L at least 6 inches above flood level of machine. Install on both hot and cold water supply lines.
Steam tables	C-L at least 6 inches above flood level.
Tanks and vats	C-L at least 6 inches above flood level rim or line.
Trough urinals	C-L at least 30 inches above perforated flush pipe.
Fixture urinals	C-L at least 6 inches above top of urinal fixture.
Flush tanks	Equip with Approved Anti - Siphon Ball Cock, installed according to manufacturer's instructions.
Hose bibs	C-L at least 6 inches above flood level of receptacle served.
Critical level (C-L) is defined as the level to which the vacuum breaker may be submerged before backflow will occur. Where C-L is not shown on the preventer, the bottom of the device shall be taken as the C-L.	

(3) Connections Subject to Backflow. Where a potable water connection is made to a line, fixture, tank, vat, pump or other equipment with a hazard of backpressure or backsiphonage, and an air gap cannot be installed, the Director of Public Works & Utilities may require the use of an approved reduced pressure principle backflow preventer assembly or double check valve assembly. A partial list of such connections is shown in Table 2.

Table 2

PARTIAL LIST OF CROSS-CONNECTIONS WHICH MAY BE SUBJECT TO BACKFLOW TABLE INSET:

Chemical lines	Pumps

Dock water outlets	Steam lines
Individual water supplies	Swimming pools
Chemical lines (Cont'd)	Pumps (Cont'd)
Industrial process water lines	Tanks and vats--bottom inlets
Pressure tanks	Hose bibbs

The following is a partial list but not limited to those facilities where backflow protection will be required at the service connection as well as within the building, due to extreme hazard, to both the public and private piping system:

1. Hospitals--RP
2. Funeral homes, morgues and mortuaries--RP
3. Medical and dental clinics*--RP
4. Industrial, medical and institutional laboratories--RP
5. Plating and chemical plants--RP
6. Metal manufacturing, cleaning and fabricating--RP
7. Oil and gas production, storage and transmission facilities--RP
8. Breweries and beverage bottling plants--RP
9. Radioactive materials plants--RP
10. Aircraft plants--RP
11. Plastic injection and molding plants--RP
12. Multi-storied buildings with booster pump--DC
13. Fire Systems:

Contamination hazard—RP

Pollution hazard —DC

14. Car wash facilities--RP

15. Restricted, classified or other closed facilities--RP

16. Facilities in which the piping system cannot be traced--RP

* Dental Clinics may submit to professional review approved by the director of water utilities for exception to this requirement if facilities convert to modern dry connections for x-ray, suction, and dental chair applications provided that a professional compliance review shall be completed annually at standard inspection rates.

Note: RP = Reduced pressure backflow assembly

DC = Double check valve assembly

(4) Air gap requirements are contained in Table 3.

Table 3

AIR GAP REQUIREMENTS

Fixture	When not Affected by Near Wall (a), (inches)	When Affected by Near Wall (b), (inches)
Lavatories and other fixtures with effective opening not greater than 1/2 inch diameter.	1	1 1/2
Sink, laundry trays, gooseneck back, faucets and other fixtures with effective openings not greater than 3/4 inch diameter.	1 1/2	2 1/2
Over rim bath fillers and other fixtures with effective openings not greater than 1 inch.	2	3
Drinking water fountains, single orifice not greater than 7/16 inch diameter or multiple orifices having total area of 0.150 square inches (area of circle 7/16 inch diameter).	1	1 1/2
Effective openings greater than one inch.	2 × diameter of effective opening	3 × diameter of effective opening

a. Side walls, ribs or similar obstructions do not affect air gaps when spaced from inside edge of spout opening a distance greater than three times the

diameter of the effective opening for a single wall, or a distance greater than four times the diameter of the effective opening for two intersection walls.

b. Vertical walls, ribs or similar obstructions extending from the water surface to or above the horizontal plane of the spout opening require a greater air gap when spaced closer to the nearest inside edge of spout opening than specified in Note (a) above. In the case of three or more such vertical walls or ribs, the air gap shall be measured from the top of the wall.

(5) Backflow prevention devices which are acceptable for the prevention of cross-connection hazards are contained in Table 4.

Table 4
BACKFLOW PREVENTION DEVICES ACCEPTABLE FOR THE PREVENTION OF CROSS-CONNECTION HAZARDS

Potential Type of Cross Connection	Degree of Hazard		ACCEPTABLE PROTECTION				
	High	Low	AIR GAP	Reduced Pressure Zone	Double Check Valve	Atmospheric Vacuum Breaker	Pressure/Spill Resistant Vacuum Breaker
Direct Water Connections Subject to Back Pressure 1. Tanks and lines:							
a. Sewage and lethal substances	X		X	X (3)			
b. Toxic substances (1)	X		X	X (3)			
c. Non-toxic substance (2)		X	X	X	X		
d. Water connection to boiler	X		X	X			
Not Subject to Back Pressure (Back siphonage only)							
1. Water connected to receptacles containing toxic substances (1)	X		X	X (3)		X (3)	X(3)
2. Water connected to receptacles containing non-toxic substances (2)		X	X	X	X	X	X
3. Water connected to open tanks used for non-potable purposes		X	X		X	X	X
4. Lawn sprinkler systems	X		X	X			X
5. Coils or jackets used as heat exchangers in compressors,							

Potential Type of Cross Connection	Degree of Hazard		ACCEPTABLE PROTECTION				
degreasers or other equipment:							
a. For waste lines	X		X	X			
b. For toxic substances (1)	X		X	X		X (3)	X(3)
c. For non-toxic substances (2)			X	X	X	X	X
6. Flush valve toilets & urinals	X		X			X	
7. Tank toilet and urinal tanks	X		X			X	
8. Valved outlets or fixtures with hose attachments which may constitute a cross-connection:							
a. Toxic substances (1)	X		X	X		X*	
b. Non-toxic substances (2)		X	X	X		X*	X

*Non-removable Type.

Footnotes to Table 4

(1) Toxic Substance: Materials containing contaminants.
(2) Non-toxic Substance: Materials containing pollutants.
(3) Subject to prior approval.

SECTION 14. Section 17.10.080 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"Barometric Loop. Water connections where an actual or potential back-siphonage hazard exists may in lieu of devices specified in Section 17.10.060 be provided with a barometric loop. Barometric loops shall precede the point of connection. There shall be no source of backpressure on a barometric loop."

SECTION 15. Section 17.10.090 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"Double check valves. The Director of Public Works & Utilities may authorize installation of approved double check valve assemblies with test cocks as protective devices against backflow in connections between a potable water system and other fluid systems which present no significant health hazard in the judgment of the director of water utilities."

SECTION 16. Section 17.10.100 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"Other Devices. No other devices may be used for the prevention of backflow or backsiphonage unless approved by the board, as being in their judgment equally effective.

SECTION 17. Section 17.10.110 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"Maintenance requirements, general. It shall be the responsibility of building and premise owners to maintain all backflow preventers and vacuum breakers within the building or on the premises in good working order and to make no piping or other arrangements for the purpose of bypassing or removing backflow devices.

SECTION 18. Section 17.10.120 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"Testing of backflow devices. The City of Wichita and the Metropolitan Area building and Construction Department shall verify proper installation of backflow prevention devices, and refer them to the Director of Public Works & Utilities for registration. Program costs will be recovered from the device owner in accordance with a fee schedule established by the Director Public Works & Utilities. Testing intervals shall not exceed one (1) year, and overhaul (rebuild) intervals shall not exceed five (5) years. The testing procedures shall be in accordance with the manufacturer's instructions and nationally accepted practices. Testing and repair of the backflow devices will be done by certified installer/testers that meet the requirements set up by the board. Maintenance workers, trained and certified as installers/testers can service backflow preventers in their place of employment. All installer/testers shall have completed a course approved by the board and be registered by the Wichita Public Works &

Utilities department. Certified installer/testers shall be tested and recertified every three years. Recertification tests shall be to the latest accepted practice methods. Actual program costs will be assessed to the installer/tester applicant in accordance with a fee schedule established by the Director of Public Works & Utilities through issuance of a Public Works & Utilities department registration card. All installer/tester registration cards shall be renewed annually upon payment of a fee established by the Director of Public Works & Utilities. All such registration cards shall expire on the 31st of December of each year, and no reduction shall be made for part of the year being elapsed."

SECTION 19. Section 17.10.130 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"**Testing devices, approval.** All testing devices shall be approved by the Director of Public Works & Utilities, and shall be compared for accuracy at least once per year and recalibrated every three years."

SECTION 20. Section 17.10.140 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"Cessation of water delivery to avoid contamination. The Director of Public Works & Utilities may refuse to deliver water through pipes and mains to any premises where a condition exists which might lead to the contamination of the public water supply system and may continue to refuse the delivery of water to the premises until the condition is remedied."

SECTION 21. Section 17.10.150 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"Hazard to potable water supply. If the Director of Public Works & Utilities determines that the condition of the plumbing constitutes an extreme hazard to the potable

water supply, the director shall notify the owner of the premises of the hazardous conditions. Immediate action, within twenty-four hours, to correct that condition shall be taken or water service will be shut off until that condition no longer exists. In the event of any addition, repair, replacement, or alteration, other than routine maintenance, the entire system shall be brought into compliance with provisions of this chapter."

SECTION 22. Section 17.10.160 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"Automatic fire suppression systems. All new installations of automatic fire suppression systems of thirty heads or more, or having a fire department connection, other than dry systems, shall be protected from backflow with an approved double check valve assembly. Any portion of a fire suppression system into which toxic chemicals of any type (corrosion, anti-bacterial, etc.) are added, shall be individually protected with an approved reduced pressure principle assembly in addition to proper fire service line protection. All piping upstream of the backflow preventer or unprotected fire suppression system shall be of material approved for contact with potable water."

SECTION 23. Section 17.10.170 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"Existing Fire Suppression Systems. All existing fire suppression systems shall be retro-fitted by licensed fire protection systems contractors within five (5) years of the passage of this ordinance to meet the requirements provided herein. Flow rates shall be recalculated to ensure compliance with Wichita Fire Department requirements if the backflow device is of smaller line size than the underground supply."

SECTION 24. Section 17.10.180 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"Construction Water Services. All temporary water services for projects under construction shall be protected from backflow. Services for two or less story buildings may be protected with an approved double check valve assembly. Buildings of three or more stories shall have an approved reduced pressure principle backflow preventer installed on the construction water service."

SECTION 25. Section 17.10.190 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"Penalty. Any corporation, railway, common carrier, company or individual violating any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction, shall be punished by a fine not to exceed Five Hundred Dollars ($500.00) or by imprisonment of not more than six (6) months, or by both such fine and imprisonment. Each day any violation hereof is found to exist or continues to exist shall be a separate offense and punishable as such hereunder.

SECTION 26. Section 17.12.010 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"**Definitions.** Unless the context specifically indicates otherwise, the following terms shall, for the purpose of this chapter, have the meanings indicated in this section:

(a) 'Customer' means a person, firm, corporation, or governmental unit furnished water by the department.

(b) 'Customer's service line' means a supply pipe installed, maintained and owned by the customer extending from the meter setting to the premises served.

(c) 'Department service line' means a pipe with appurtenances connected to a water main for the purpose of controlling the flow of water and extending from the water main to the inlet side of the meter yoke.

(d) 'Master meter' means one meter measuring the water furnished to serve two or more premises.

(e) 'Meter' means a mechanical device which measures and records the quantity of water furnished to a customer.

(f) 'Meter setting' means a box, vault or tile, with covering, containing a meter, meter yoke and connecting appurtenances.

(g) 'Pigtail' means that portion of the meter service connection extending from the meter setter out from the meter vault for the purpose of connection to private consumer plumbing.

~~(g)~~ (h) 'Premises' means an inhabited building or buildings on a tract of land.

~~(h)~~ (i) 'Special Acquisition Service Area' means any area whereby the Water Utility acquires the right to provide water and/or sanitary sewer services by purchase, release, or any other mean and in which the City or Water Utility pays compensation to another governmental, quasi-governmental, or private entity for such service area directly or indirectly through reduced rates or in-kind services.

~~(i)~~ (j) 'Special Acquisition Service Area Fees' means the fees assessed to property owners or customers in a Special Acquisition Service Area in order for the City or Water Utility to recover all or part of the costs of acquiring the right to provide water and/or sanitary sewer services to the area.

~~(j)~~ (k) 'Special service' means any water service that involves the installation of facilities and equipment other than designated as standard service in subsection (i) of this section or which involves a use of water other than for normal residential, commercial or industrial purposes.

~~(k)~~ (l) 'Standard service' means facilities normally installed for residential, commercial or industrial usage not requiring special or unusual methods of installation, construction and engineering.

~~(l)~~ (m) 'Water department utilities' (hereinafter called department) means an administrative unit consisting of city personnel headed by a Director of Public Works & Utilities designated by the city manager to conduct all operations in connection with the supplying and furnishing of water, sewer and water service by the city to customers in the city and environs pursuant to the provisions of this chapter.

~~(m)~~ (n) 'Water main' means a water pipe owned by the city, located in public right-of-way or utility easement, to which department service lines may be connected.

(o) 'Water service connection means that portion of the consumer plumbing where connection is made to the public utility meter box connection for the purpose of supplying water to the consumer's premises."

SECTION 27. Section 17.12.030 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Form and contents of application for water service. Applications for water service shall be made at the office of the water department by or on behalf of the customer requesting water and water service. The application shall be in such form as shall be prescribed by the department. Every customer using water from the waterworks system shall be deemed to have consented and agreed to the terms and provisions of this chapter and all

reasonable rules and regulations as shall be promulgated by the Director of Public Works & Utilities in implementation of this chapter. In all instances where the Director of Public Works & Utilities shall deem it necessary, customers shall make a deposit of moneys with the department as security for service to be furnished that customer."

SECTION 28. Section 17.12.040 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Requirements of applicants for new service. If an application is for water service to premises not previously served, the following requirements shall be met:

(a) Meter Settings and Service Lines in Areas Served by Existing Water Mains. In areas where water mains exist adjacent to property to be served, the applicant, upon submission of information to the department as to the location and nature of the premises, will be provided with information as to the proposed location of the meter setting. If the customer's service line has been installed prior to the application for service, it shall be the applicant's responsibility to clearly mark the location thereof. The department shall have sole jurisdiction, however, to determine the location of the department service line, and the feasibility of a connection to the customer's service line. It shall be the applicant's responsibility at his own expense to run his service line from the premises being served to the meter setting at or near the curb line. The department service line meter setting and meter shall be placed within public right-of-way or such other locations as determined by the Director of Public Works & Utilities, and will be installed and maintained by the department and kept within its exclusive control.

(b) Areas Not Served by Existing Water Mains. Applications for service in areas not served by existing water mains shall be governed by the provisions of Section 17.12.270.

(c) Installation and Maintenance of Customer's Service Line. The customer shall be responsible for the maintenance, repair, and any leakage in the piping from the meter to place of use. Installation of the customer's service line shall be done by a master plumber and in accordance with the building code and the plumbing code of the city.

(d) Size of Meters. The department shall determine the size of the meter to be installed, based upon information furnished by the applicant. Any change in meter size requested by a customer after the initial meter installation shall be granted insofar as is reasonable but the entire cost shall be borne by the customer unless determined otherwise by the director of water. In cases of dispute as to meter size, the department shall have sole jurisdiction.

(e) Size of Department Service Line. The size of the department service line shall be determined by the department, based upon information furnished by the applicant. However, in no case shall the department service line be the same size or any greater size than the water main to which it is connected. Any change in size or location of the department service line after the original installation shall be done at customer's expense unless determined otherwise by the director of water.

(f) Special Vaults to House Meters--Cost of Construction; Location of Meter Settings and Vaults. In cases where the size of the meter is one and one-half inches or larger, or other special circumstances make it necessary to construct a special vault in which to house the meter, all costs of construction of such vault shall be borne by the applicant. Outside building meter settings and vaults shall be installed whenever possible and inside building meter installations must be approved in writing by the Director of Public Works & Utilities or his representative.

(g) Same--Responsibility of Customer for Installation, Maintenance, etc. With respect to all premises served by the department, whether located within

or without the corporate limits of the city, it shall be the responsibility of the customer to install or have installed thereon, such special vaults as are prescribed by the department according to and in conformity with specifications and drawings which shall be furnished the applicant by the department. All such special vaults so constructed and installed on the customer premises, adjacent to the property line shall be the property of the customer. The customer shall be responsible for all maintenance and adjustment to grade of the special vault.

In instances where circumstances necessitate the location of special vaults in a public right-of-way for street, alley or similar public uses, the construction and installation of the special vault shall be accomplished by the customer at locations approved by the city engineer. All such special vaults, however, located in public rights-of-way shall be wholly and exclusively owned by the city through its water department and it shall be solely responsible for all maintenance, repair and relocation as may be necessary.

(h) Connection Fees. Prior to the installation of a standard service, the applicant shall pay in advance a connection fee for the installation by the department of the standard service line. The connection fee shall be determined by the Director of Public Works & Utilities, and shall be based on the actual costs of similar installation work.

For a standard service line four inches or larger, the connection fee will be based upon an estimate of cost prepared by the department."

SECTION 29. Section 17.12.050 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Measurement of water furnished. All water furnished to consumers shall be metered, except in cases where the Director of Public Works & Utilities shall determine that the nature of a particular usage necessitates a measurement by other means."

SECTION 30. Section 17.12.060 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Specifications for installation of meters and department service lines.

The installation of meters and department service lines shall be in accordance with the following specifications and requirements:

(a) Number of Installations for Each Premises. One department service line, meter setting and meter shall be installed for each premises. Additional meters, meter settings, department service lines and other appurtenances may be installed as approved by the director of water and all such additional costs shall be borne by the applicant unless determined otherwise by the director of water.

(b) Location of Department Service Lines; Obstruction to Installations. Department service lines shall be at right angles to the water main and shall not be installed by the department unless sufficient footage of water main exists adjacent to the premises requesting service to allow meter setting installation free of obstructions such as fences, trees, driveways, culverts, mail boxes, etc.

(c) Ownership of Meters; Location of Meters; Obstructing Access to Prohibited. All meters now in service and hereafter installed shall remain the sole property of the department. Meters other than those in special vaults shall be installed only in public ways and it shall be unlawful for any person to obstruct access thereto by the department.

(d) Separate Service and Meter Required for Each Unit: With Certain Exceptions; Exception as to Existing Meters. Each and every unit, business or place of business, shall be on a separate service and meter. The department shall permit no master metering of water except for the following conditions:

(1) A building or group of buildings under single ownership and consisting of family units;

(2) A multi-story building used for commercial or industrial purposes;

(3) Rural water districts;

(4) Any other structure or structures, public or private, where due to unusual circumstances approval is given by the ~~director of water utilities~~ Director of Public Works & Utilities.

Where water has been supplied through one service to more than one premises, the ~~director of water utilities~~ Director of Public Works & Utilities may, at his discretion, refuse to furnish water until separate services are provided."

SECTION 31. Section 17.12.065 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Payment for connection to water system for properties not included in benefit districts. Properties not included in a benefit district which request connection to the water system shall pay an amount as determined to be appropriate by the Director of Public Works & Utilities and the city engineer. This amount shall be representative of the recent historical costs of constructing water service lines of a similar or representative type as those serving the connecting property, calculated on a square foot or frontage foot basis.

If, in the opinion of the Director of Public Works & Utilities, the connecting property constitutes an extraordinary use and/or is likely to place an extraordinary demand on the water system, the director is empowered to calculate an appropriate charge commensurate with this extraordinary use or demand and to assess this charge against the connecting property.

If the cost of the connection to the water system has been financed by a private entity, and if the cost of the connection has been included in the purchase price of the lot and improvements thereon, then no fees as called for in this section shall be assessed.

The appropriateness of the application of the ordinance provision codified in this section shall be discretionary and shall be based on the interpretation of written policy guidelines by the Director of Public Works & Utilities, the city engineer, and the director of planning and/or other parties as designated by the city manager."

SECTION 32. Section 17.12.070 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"**Requirements of applicants for special service.** Application for special service shall be made in the same manner as required for standard service and shall, in addition, conform to the following requirements:

(a) Private Fire Service Connections. Applications for private fire service connections shall ~~have attached a sketch showing pipes, valves, hydrants, tanks, openings and appurtenances contemplated~~ be completed and returned to the Director of Public Works & Utilities or his designee. The applicant shall be required to pay the entire cost of the installation, including the connection to the main and necessary appurtenances. All new private fire service connections with the exception of the so-called "dry-type" may be metered and ~~or~~ require or be exempted from the installation of a double check detector check valve backflow preventer as determined by the Director of Public Works & Utilities or his designee. Such facilities exempted from the requirement for a detector meter shall be equipped with a double check valve backflow preventer subject to the material and outlet specifications outlined in section 21.12.160. All materials and appurtenances shall be approved by the department~~,~~. ~~and all fire service lines must be provided~~

~~with a suitable control valve on the customer's side of the property line.~~ The shutoff valve installed at the water main shall be under the exclusive control of the department. All fire service lines shall be used exclusively for extinguishment of fires and no connection for any other use may be attached thereto. All installations of fire service connections shall be accomplished in such manner as shall be approved by the department. In the event a main extension is required for private fire service connection, the cost of the same shall be borne by the applicant subject to the provisions of Section 17.12.270.

(b) Miscellaneous Special Service. All miscellaneous special service shall be installed and maintained at the sole cost of the applicant and an advance of the estimated costs of installation shall be required as a condition precedent to the granting of the application. The billing for such service shall be as determined by the Director of Public Works & Utilities".

SECTION 33. Section 17.12.095 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Authority to collect fees, taxes and charges for other governmental entities. In addition to the rates and charges set forth in this chapter, the director of water utilities and water pollution control, subject to the approval of the city council, shall have the authority to add to the bill of each customer the appropriate assessment of such water protection fees, taxes, and other fees and charges as the department is required to collect for or pay to any other governmental entity."

SECTION 34. Section 17.12.100 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Rendering and payment of bills--Delinquent accounts. (a) All water bills shall be paid at the office of the treasury division of the city or at such other places designated by the city

treasurer. The Director of Public Works & Utilities shall render bills for water service charges to all flat rate residential customers or the owners of record of property connected to the water system. Bills so rendered shall include a charge for each month the premises were connected to the water system without regard to whether the premises were occupied or unoccupied during all or part of the billing period. All water bins rendered in accordance with the regular schedule of meter rates and flat rates are due and payable when rendered and shall be deemed delinquent if not paid on or before twenty-five days thereafter.

(b) A delinquency and termination notice shall be issued five days after a bill is delinquent. The delinquency and termination notice shall provide the customer of record with the following information:

(1) The amount due on the unpaid balance plus interest;

(2) The customer's right to a hearing before the department;

(3) Notice that service will be terminated in five days if the bill remains unpaid.

If the customer of record is not the occupant where water service is provided then the department shall provide similar notice to the occupant. The request for a hearing must be no later than three working days before the date of discontinuance. Such hearings shall be conducted by one or more of the following persons: ~~director of water~~ ~~and sewer~~ Director of Public Works & Utilities, assistant to the director, customer service manager, customer services supervisor, or such other representative of similar management grade as may be appointed by the ~~director of water~~ ~~and sewer~~ Director of Public Works & Utilities. The department is authorized to discontinue and disconnect water service for any customer who is delinquent in the payment of bills. Customers are responsible for furnishing the department with their correct addresses for

billing purposes. Until paid, flat rate delinquent bills shall constitute a lien against the property served and collected in the same manner as other special assessments are collected."

SECTION 35. Section 17.12.180 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Private service line leaks.

(a) Water leaks in private water service lines are declared to be a public nuisance which must be repaired according to the terms of this section. It is unlawful for any water customer and/or occupant of private property to fail to repair a service line leak upon proper notice to do so.

(b) Upon discovery of a leak in a private water service line the ~~water and sewer~~ Public Works & Utilities department shall serve a notice to repair the leak within seven days of the date on the notice. Such notice shall be served upon the water customer or occupant personally or by registered mail. Failure to repair the leak within seven days as directed will result in the disconnection of water service. Service shall not be reconnected until the leak is repaired and a disconnect/reconnect fee has been paid. Any person wishing to contest the notice of repair has the right to a hearing before the department. Such hearing must be requested in writing and the request must be received no later than three working days prior to the seven-day deadline for repair.

(c) The ~~water and sewer~~ Director of Public Works & Utilities department has the right to disconnect water service without notice if a leak has been discovered and (1) the water is flowing beyond the private property line in such a way that a hazard to public safety exists; or (2) a water emergency has been declared pursuant to Section 17.14.020. A notice of disconnection shall be left at the property. In addition, a notice of repair shall be given according to the

requirements of subsection (b). Service shall not be reconnected until the leak has been repaired. However, no disconnect/reconnect fee will be charged for disconnection pursuant to this subsection.

(d) Failure to repair a water leak in a private water service line as required herein shall not be a criminal violation of the city code."

SECTION 36. Section 17.12.250 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Only authorized persons permitted to shut off or turn on city water.

It is unlawful for any person, other than an authorized representative of the water department or of the fire department of the city, to shut off or turn on water from any part of the city's waterworks system, including fire hydrants; provided however, that nothing in this section contained shall be construed as prohibiting ~~master plumbers~~ plumbing certificate holders, duly licensed under this Code or other ordinance of the city, from turning on or shutting off water service if such is necessary in the course of the work in which they are engaged or as required in the event of an emergency.

SECTION 37. Section 17.12.255 of the Code of the City of Wichita, Kansas, is created to read as follows:

"**Irrigation connections to the water meter service.**

(a) Dedicated irrigation water meters shall have a shut-off/isolation valve downstream of the water meter and before the backflow prevention valve installed 36" below grade. Using the Water Utility meter angle valve as the shut-off/isolation valve for a sprinkler system shall be prohibited and tampering with water meter connections is expressly prohibited. Composition of the shut-off valve should be of brass/bronze or ductile iron material. The shut-

off/isolation valve may be located in the public right of way so long as it is not installed within 18" of the water meter vault, is located after the water meter pig tail, and the outgoing side of the shut-off/isolation valve is point toward the owner's property. Any other installation method shall not be allowed without the prior approval of the director of water utilities or his/her designee.

(b) Service connections to the water meter service shall be installed after the services pigtail on the consumer line connection."

SECTION 38. Section 17.12.260 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Authority to refuse to deliver water when contamination of supply may result.

The water department, pursuant to the provisions of ~~General Statutes, 1949, Section~~ K.S.A. 65-163(a) and amendments thereof, may refuse to deliver water to any premises whereon any condition exists which might lead to the contamination of the public water supply and may continue to refuse such delivery of water to any such premises until such condition is remedied."

SECTION 39. Section 17.12.300 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Same--Plans for extensions or enlargements to be submitted to planning department and city engineer.

In instances where he deems it necessary, the ~~director of water~~ Director of Public Works & Utilities shall, before ordering any main extension or other enlargement of the city waterworks system, first submit plans therefor to the Wichita-Sedgwick County metropolitan area planning department for review and comment concerning the effort on contemplated future street, highway and other public improvements and to the city engineer for the establishment of the proper grade and location for the proposed installations which will conform to and avoid

interferences with existing and future planned curbs, streets and drainage, and sewer facilities in the area."

SECTION 40. Section 17.12.330 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Rules and regulations. The ~~director of water~~ Director of Public Works & Utilities is authorized to promulgate such rules and regulations as shall be reasonably necessary to carry out the provisions of this chapter according to its terms and intent."

SECTION 41. The originals of Sections 17.08.010, 17.08.015, 17.08.016, 17.08.017, 17.08.020, 17.08.030, 17.08.040, 17.08.050, 17.08.060, 17.12.010, 17.12.030, 17,.12.040, 17.12.050, 17.12.060, 17.12.065, 17.12.070, 17.12.095, 17.12.100, 17.12.180, 17.12.250, 17.12.270, 17.12.300, 17.12.330 and Chapter 21.12 of the Code of the City of Wichita, Kansas, are hereby repealed.

SECTION 42. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this _____ day of _____, 2012.

_____
Carl Brewer, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

Approved as to Form:

_____
Gary E. Rebenstorf
Director of Law

City of Wichita
City Council Meeting
December 4, 2012

TO: Mayor and City Council

SUBJECT: Joint Policy Resolution Wichita-Sedgwick County Unified Building and Trade Code

INITIATED BY: Department of Law

AGENDA: New Business

Recommendation: Adopt the ordinances and the unified code.

Background: In 2011, the City of Wichita and Sedgwick County reviewed its code enforcement operations for consolidation opportunities. A design team comprised of internal and external stakeholders was tasked with identifying potential areas of consolidation and making recommendations for the merger of City and County code enforcement departments. Recommendations included the consolidation of building and trade codes. The design team's recommendations were presented during a joint City Council and Board of County Commissioners meeting on November 2, 2011. Following this meeting an implementation team of City and County employees began work on implementing the recommendations contained in the design team report.

On August 14, 2012 City Council approved a joint policy resolution that established the framework for the creation of a joint code enforcement entity and authorized the exchange of services between the City of Wichita and Sedgwick County.

Analysis: The Unified Building and Trade Code consolidates Building, Mechanical, Structural, Electrical, Fuel and Gas, and Plumbing Codes previously adopted by the City of Wichita and Sedgwick County into a combined code for building plan review. The code also consolidates trade boards, creates licensing and examination standards, provides jurisdiction of enforcement and establishes fines. Approving the joint policy resolution and adopting the code is consistent with the design team's recommendation to consolidate building and trade codes. Contractors and tradespeople will benefit from a combined set of building and trade codes that regulate their work. Although the City of Wichita and Sedgwick County have merged building and trade code related functions, there remain situations that require amendments to the code that only apply in the City or the County. The Unified Building and Trade Code allows each jurisdiction to adopt and maintain amendments to the code that only apply in the adopting jurisdiction.

The code has been presented to the design team, the Wichita Area Builders Association, representatives of the commercial builders and other trade groups. Each of these groups expressed support for the unification of building and trade codes. The Board of County Commissioners approved the joint resolution during its November 21, 2012 meeting.

Financial Considerations: There are no financial considerations associated with the joint resolution.

Legal Considerations: The joint resolution, ordinances, and unified code have been approved as to form by the Law Department.

Recommendation/Action: It is recommended the City Council approve the Joint Policy Resolution and place the ordinances which adopts the unified code on second reading.

Attachments: Joint Policy Resolution, ordinances, unified code.

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WICHITA-SEDGWICK COUNTY

UNIFIED BUILDING AND TRADE CODE

ARTICLE I: GENERAL PROVISIONS

A. TITLE

The official title of this document shall be the "Wichita-Sedgwick County Unified Building and Trade Code." It may be referred to throughout this document as "this Code."

B. AUTHORITY

This Code is adopted under the specific authority of K.S.A. 12-741, *et seq.*, as amended, and is intended to exercise broadly the powers granted to the City and County thereunder.

C. PURPOSE

This Code shall cover the administration and enforcement of the regulations of the national codes specifically referenced herein and as adopted by the City and County from time to time. This Code in intended to establish the minimum requirements to safeguard the public health, safety and general welfare through regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance of the various building and trade processes.

D. JURISDICTION

This Code shall apply within the City of Wichita and Sedgwick County, except in those areas lying within the corporate limits of incorporated cities other than the City of Wichita. Incorporated cities located within Sedgwick County, other than the City of Wichita, shall have the right to "opt-in" and have the provisions of this Code applicable to its jurisdiction. In the event any incorporated city elects to

opt-in, it shall be included within the definition of the Sedgwick County Jurisdiction.

"Wichita Jurisdiction" means the defined area of the incorporated limits of the City of Wichita, Kansas.

"Sedgwick County Jurisdiction" means the unincorporated area of Sedgwick County, Kansas; and those second and third class cities located within Sedgwick County that by action of their governing bodies have officially adopted this Code, regulations and standards in the same form and that have entered into separate agreements with Sedgwick County providing for enforcement of this Code within their municipal boundaries.

E. EFFECT OF THIS CODE

Although portions of this Code will be jointly administered and it is the intent of the City and County to adopt and maintain it in substantially identical form, it shall, where appropriate, be considered the individual enactment of the City of Wichita or of Sedgwick County, as applicable. If either the City of County fails to adopt this Code or amends or repeals it while the other adopts it and maintains it in force, it shall be valid within the jurisdiction that adopted and maintained it, notwithstanding its standing in the other jurisdiction.

F. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Code is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed separate, distinct and independent provisions and such holding shall not affect the validity of the remaining portions of this Code.

Article 1, Section 2 – Licensing and Permit Fees

TABLE A - CITY/COUNTY LICENSE FEES

CITY LICENSE FEES	2 YRS.	COUNTY LICENSE FEES	2 YRS.	COMBINED LICENSE FEES – 2 YRS.
CLASS A	$800	CLASS A	$300	$1,100
CLASS B	$400	CLASS B	$250	$ 650
CLASS C – Residential	$300	CLASS C	$200	$ 500
CLASS D – Residential Maint.	$120	CLASS S	$200	$ 320
ROOFING & SIDING	$120	ROOFING/SIDING	$200	$ 320
SIDING	$120	TOWER	$200	$ 320
ROOFING	$120	MANUFACTURED HOME	$200	$ 320
SWIMMING POOL	$120	SWIMMING POOL	$200	$ 320
WRECKING	$120	WRECKING	$200	$ 320
FIRE SPRINKLER INSTALLER	$120	FIRE SPRINKLER SYSTEM	$200	$ 320

TRADE LICENSE FEES THROUGH 12/31/13

ELECTRICAL LICENSES

LICENSE	CITY FEE	COUNTY FEE
Electrical	$100.00 per year	$200.00 / 2 years
Elevator	$100.00 per year	$200.00 / 2 years
Handicapped Accessibility	$100.00 per year	$200.00 / 2 years

MECHANICAL LICENSES

LICENSE	CITY FEE	COUNTY FEE
Air Conditioning & Heating	$100.00 per year	$200.00 / 2 years
Fire Suppression System Installer	$100.00 per year	$200.00 / 2 years
Refrigeration	$100.00 per year	$200.00 / 2 years
Solid Fuel	$100.00 per year	$200.00 / 2 years
Sheet Metal	$100.00 per year	$200.00 / 2 years
Solar Heat	$100.00 per year	$200.00 / 2 years

PLUMBING LICENSES

LICENSE	CITY FEE	COUNTY FEE
Drain Cleaner	$100.00 per year	$200.00 / 2 years
Drain Layer	$100.00 per year	$200.00 / 2 years
Fire Sprinkler	$100.00 per year	$200.00 / 2 years
Gas Fitter	$100.00 per year	$200.00 / 2 years
Lawn Irrigation	$100.00 per year	$200.00 / 2 years
Plumbing	$100.00 per year	$200.00 / 2 years
Water Conditioner	$100.00 per year	$200.00 / 2 years

TABLE B - CITY'S COMMERCIAL BUILDING PERMIT FEES

Total Valuation	Fee
$1.00 to $1,000.00	$40.00
$1001.00 to $2,000.00	$40.00 for the first $1,000.00 plus $3.00 for each additional $100.00, or fraction thereof, to and including $2,000.00
$2,001.00 to $40,000.00	$70.00 for the first $2,000.00 plus $11.00 for each additional $1,000.00, or fraction thereof, to and including $40,000.00
$40,001.00 to $100,000.00	$488.00 for the first $40,000.00 plus $9.00 for each additional $1,000.00, or fraction thereof, to and including $ 100,000.00
$100,001.00 to $500,000.00	$1,028.00 for the first $100,000.00 plus $7.00 for each additional $1,000.00, or fraction thereof, to and including $500,000.00
$500,001.00 to $1,000,000.00	$3,828.00 for the first $500,000.00 plus $5.00 for each additional $1,000.00, or fraction thereof, to and including $1,000,000.00
$1,000,001.00 to $5,000,000.00	$6,328.00 for the first $1,000,000.00 plus $3.00 for each additional $1,000.00, or fraction thereof to and including $5,000,000.00.
$5,000,001.00 and up	$18,328.00 for the first $5,000,000.00 plus $2.25 for each additional $1,000.00 or fraction thereof.

Note: The above outlined Table B fee structure may be adjusted from time to time per the provisions of the City of Wichita Resolution No. R-95-560, adopted by the Wichita City Council on December 12, 1995.

TABLE C - SEDGWICK COUNTY BUILDING PERMIT FEES

TOTAL VALUATION-$	FEE- $	TOTAL VALUATION-$	FEE- $
$1 - 500	$33.00	$33,001 - 34,000	$353.00
$501 – 600	$35.50	$34,001 - 35,000	$359.00
$601 – 700	$38.00	$35,001 - 36,000	$366.00
$701 – 800	$40.50	$36,001 - 37,000	$373.00
$801 – 900	$43.00	$37,001 - 38,000	$380.00
$901- 1,000	$45.50	$38,001 - 39,000	$387.00
$1,001 - 1,100	$48.00	$39,001 - 40,000	$394.00
$1,101 - 1,200	$50.50	$40,001 - 41,000	$401.00
$1,201 - 1,300	$53.00	$41,001 - 42,000	$408.00
$1,301 - 1,400	$55.50	$42,001 - 43,000	$415.00
$1,401 - 1,500	$58.00	$43,001 - 44,000	$422.00
$1,5001 - 1,600	$60.50	$44,001 - 45,000	$429.00
$1,6001 - 1,700	$63.00	$45,001 - 46,000	$436.00
$1,701 - 1,800	$65.50	$46,001 - 47,000	$443.00
$1,801 - 1,900	$68.00	$47,001 - 48,000	$450.00
$1,901 - 2,000	$70.50	$48,001 - 49,000	$457.00
$2,001 - 3,000	$80.00	$49,001 - 50,000	$464.00
$3,001 - 4,000	$89.50	$50,001 - 51,000	$469.00
$4,001 - 5,000	$99.00	$51,001 - 52,000	$474.00
$5,001 - 6,000	$108.50	$52,001 - 53,000	$479.00
$6,001 - 7,000	$118.00	$53,001 - 54,000	$484.00
$7,001 - 8,000	$127.50	$54,001 - 55,000	$489.00
$8,001 - 9,000	$137.00	$55,001 - 56,000	$494.00
$9,001 - 10,000	$146.50	$56,001 - 57,000	$499.00
$10,001 - 11,000	$156.00	$57,001 - 58,000	$504.00
$11,001 - 12,000	$165.50	$58,001 - 59,000	$509.00
$12,001 - 13,000	$175.00	$59,001 - 60,000	$514.00
$13,001 - 14,000	$184.50	$60,001 - 61,000	$519.00
$14,001 - 15,000	$194.00	$61,001 - 62,000	$524.00
$15,001 - 16,001	$203.50	$62,001 - 63,000	$529.00
$16,001 - 17,000	$213.00	$63,001 - 64,000	$534.00
$17,001 - 18,000	$222.50	$64,001 - 65,000	$539.00
$18,001 - 19,000	$232.00	$65,001 - 66,000	$544.00
$19,001 - 20,000	$241.00	$66,001 - 67,000	$549.00
$20,001 - 21,000	$251.00	$67,001 - 68,000	$554.00
$21,001 - 22,000	$260.50	$68,001 - 69,000	$559.00
$22,001 - 23,000	$270.00	$69,001 - 70,000	$564.00
$23,001 - 24,000	$279.00	$70,001 - 71,000	$569.00
$24,001 - 25,000	$289.00	$71,001 - 72,000	$574.00
$25,001 - 26,000	$296.00	$72,001 - 73,000	$579.00
$26,001 - 27,000	$303.00	$73,001 - 74,000	$584.00
$27,001 - 28,000	$310.00	$74,001 - 75,000	$598.00
$28,001 - 29,000	$317.00	$75,001 - 76,000	$594.00
$19,001 - 30,000	$324.00	$76,001 - 77,000	$599.00
$30,001 - 31,001	$331.00	$77,001 - 78,000	$604.00
$31,001 - 32,000	$338.00	$78,001 - 79,000	$609.00
$32,001 - 33,000	$345.00	$79,001 - 80,000	$614.00

$80,001 - 81,000	$619.00	
$81,001 - 82,000	$624.00	$714.00 FOR THE FIRST $100,000 PLUS
$82,001 - 83,000	$629.00	$4.00 FOR EACH ADDITIONAL $1,000 OR
$83,001 - 84,000	$634.00	FRACTION THEREOF UP TO & INCLUDING
$84,001 - 85,000	$639.00	$500,000
$85,001 - 86,000	$644.00	
$86,001 - 87,000	$649.00	$2,299.00 FOR THE FIRST $500,000 PLUS
$87,001 - 88,000	$654.00	$3.50 FOR EACH ADDITIONAL $1,000 OR
$88,001 - 89,000	$659.00	FRACTION THEREOF UP TO & INCLUDING
$89,001 - 90,000	$664.00	$1,000,000
$90,001 - 91,000	$669.00	
$91,001 - 92,000	$674.00	$4,049.00 FOR THE FIRST $1,000,000
$92,001 - 93,000	$679.00	PLUS $2.50 FOR EACH ADDITIONAL
$92,001 - 94,001	$684.00	$1,000 OR FRACTON THEREOF
$94,001 - 95,000	$689.00	
$95,001 - 96,001	$694.00	$15.00 PERMIT ISSUANCE FEE IS
$96,001 - 97,000	$699.00	INCLUDED IN THE ABOVE TABLE FEES.
$97,001 - 98,000	$704.00	
$98,001 - 99,000	$709.00	PLAN REVIEW TO BE CALCULATED
$99,001 - 100,000	$714.00	AT 65% OF PERMIT FEE.

In the Sedgwick County jurisdiction, the permit fees for one- and two family new dwellings shall be in accordance with the fee schedule set at fifteen cents ($0.15) per-square-foot value for unfinished area and nineteen cents ($0.19) per-square-foot value for finished area. The nineteen cents ($0.19) per-square-foot valuation is inclusive of all permitting costs for electrical, mechanical & plumbing installed in such new dwellings.

TABLE D - OTHER INSPECTIONS AND FEES:

1.	Inspections outside of normal business hours (Minimum charge—two hours)	$60.00 per hour
2.	Reinspection fees	$50.00
3.	Inspections for which no fee is specifically indicated (Minimum charge—one-half hour)	$40.00 per hour
4.	Plan review	55% of the building permit fee
5.	Additional plan review required by significant floor plan modifications or other major changes to the plans (Minimum charge—one-half hour)	$40.00 per hour
6.	For use of outside consultants for plan checking and inspections, or both	Actual Costs (Actual costs include administrative and overhead costs)
7.	Conditional building permit issuance (Minimum charge: $50.00)	Additional 25% of plan review fee
8.	Progress print submittal fee (No additional charge for conditional permit)	Additional 50% of plan review fee
9.	Change of Contractor (Minimum charge $40.00) (See Section 18.08.030 of the City Code)	10% of original building permit fee
10.	Replacement of Inspection Record Card	$15.00
11.	Certification of Occupancy letters—charge for research with a $20.00 per address minimum	$40.00 per hour
12.	Change of Address Processing Fee	$35.00
13.	Federal Flood Plain Application Processing Fee	$15.00
14.	Location permit	$25.00

TABLE E - GRADING FEES/GRADING PLAN REVIEW FEES

50 cubic yards (38.2 m^3) or less	No Fee
51 to 100 cubic yards (40 m^3 to 76	$25.00
101 to 1,000 cubic yards (77.2 m^3 to 764.6 m^3)	$40.00
1,001 to 10,000 cubic yards (765.3 m^3 to 7645 m^3)	$50.00
10,001 to 100,000 cubic yards (7646.3 m^3 to 76 455 m^3)	$50.00 for the first 10,000 cubic yards (7645.5 m^3), plus $25.00 for each additional 10,000 cubic yards (7645.5 m^3) or fraction thereof.
100,001 to 200,000 cubic yards (76 456 m^3 to 152 911m^3)	$275.00 for the first 100,000 cubic yards (7645.5 m^3), plus $13.00 for each additional 10,000 cubic yards (7645.5 m^3) or fraction thereof.
200,001 cubic yards (152 912 m^3) or more	$405.00 for the first 200,000 cubic yards (152 911 m^3), plus $7.00 for each additional 10,000 cubic yards (7645.5 m^3) or fraction thereof.
Other Fees:	
Additional plan review required by significant changes to the approved plans	$40.00 per hour.

TABLE F - GRADING PERMIT FEES

50 cubic yards (38.2 m^3) or less	$25.00
51 to 100 cubic yards (40 m^3 to 76.5 m^3)	$40.00
101 to 1,000 cubic yards (77.2 m^3 to 764.6 m^3)	$40.00 for the first 100 cubic yards (76.5 m^3) plus $18.00 for each additional 100 cubic yards (76.5 m^3) or fraction thereof.
1,001 to 10,000 cubic yards (765.3 m^3 to 7645.5 m^3)	$202.00 for the first 1,000 cubic yards (746.6 m^3), plus $15.00 for each additional 1,000 cubic yards (746.6 m^3) or fraction thereof.
10,001 to 100,000 cubic yards (7646.3 m^3 to 76 455 m^3)	$337.00 for the first 10,000 cubic yards (7645.5 m^3), plus $66.00 for each additional 10,000 cubic yards (7645.5 m^3) or fraction thereof.
100,001 cubic yards (76 456 m^3) or more	$931.00 for the first 100,000 cubic yards (7645.5 m^3), plus $37.00 for each additional 10,000 cubic yards (7645.5 m^3) or fraction thereof.
Other Inspections and Fees:	
See Table D above.	

TABLE G—WRECKING PERMITS

Detached accessory structures: **Without water, sewer, gas or metered electrical service**	
1,000 square feet or less	$ 20.00
Other buildings	
1,000 square feet or less	$ 40.00
For each additional 1,000 square feet or fraction thereof	$ 20.00

TABLE H—MISCELLANEOUS

Air Supported Structures	
1,000 square feet or less in floor area	$ 85.00
For each additional 1,000 square feet or fraction thereof	$ 10.00
Applications for moving permit	$ 40.00
Moving permits	$100.00
Tents (in the jurisdiction of the City of Wichita): **(No building permit is required for tents of 200 square feet or less in size)**	
1,000 square feet or fraction thereof	$ 85.00
For each additional 1,000 square feet or fraction thereof	$ 10.00
Tents (in the jurisdiction of Sedgwick County): **Sedgwick County Fire Dept. #1 issues these permits.**	$ 35.00
Parking Lots: **(Plan review fee assessed per Table D - Other Inspections and Fees)**	
Each permit issuance	$ 25.00
Additional charge per parking space	$ 2.00
Automatic Sprinkler Systems and Standpipes: **(Permit issued as a plumbing permit)**	
Each permit issuance	$ 25.00
Total valuation per $1,000 or fraction thereof	$ 18.00
Plan review fee: **(fee assessed per Table D – Other Inspections and Fees)**	

Towers, tanks, communications structures, wind generators and structures not specified above shall be taken on a valuation basis for issuance of the building permit.

Article 1, Sec. 2 (a) - Re-inspections.

Re-inspections. A re-inspection fee may be assessed for each inspection or re-inspection when any portion of the work for which the inspection is called for is not complete or when corrections called for are not made. This section is not to be interpreted to require fees the first time a job is rejected for failure to comply with this code. However, fees may be assessed for inspections called before the job is ready for such inspections.

Re-inspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the required construction documents are not readily available to the inspector or for failing to provide access at the time, when the inspection was requested. In order to obtain a re-inspection, the applicant shall pay a fee of $30.00 and request re-inspection of the job. When re-inspection fees have been assessed, no additional inspection of the job will be performed until the required fees have been paid.

Article 1, Sec. 2 (b) - Substantiation of valuation.

The building official shall, when deemed necessary, may require reasonable substantiation of valuation stated in any application for permit or any other form that may be prescribed.

Permit fees required by other sections of this Code for mechanical, plumbing and electrical installations necessary to the proper function of the building shall be in addition to the fees required by this section.

Article 1, Sec. 2 (c) - Change of contractor.

In the event a contractor does not complete work for which a valid permit has been issued and he no longer holds a valid contract for the work, a second permit must be obtained by a contractor to complete the balance of the work. A fee shall be charged for the second permit that is ten percent of the original permit fee, but in no case less than the minimum fee for a building permit. Building permits are nontransferable.

Article 1, Sec. 2 (d) - Special approval for permits required in certain hydrogeologic areas.

This Article 1, Sec. 2 (d) only applies in the jurisdiction of the City of Wichita.

In those areas of the city having a high ground water table, which areas are not served by an approved water course or storm sewer for surface water disposal, building permit applications require a special approval by the building official.

The application, in addition to providing the information required on the standard application form, shall indicate the lowest floor elevation of the proposed building, whether groundwater may be required to be pumped as a matter of waterproofing below-grade structure and, if so, the manner of water disposal.

Topographic and groundwater elevations for reference purposes are shown on the most current Hydrogeologic Map of Sedgwick County, Kansas, prepared by the State Geological Survey of Kansas.

TABLE I - Uniform Plumbing Code – City Permit Fees

Issuance of Permit	$25.00
Minimum Permit Fee	$40.00
Waste Openings	$ 5.00
Reconnect Moved Building	$12.00
Backflow Device	$ 5.00
Interior Rainwater Drain	$ 5.00
Gas Meter Loop/Pressure Test	$ 5.00
Gas Opening/Pressure Test	$ 5.00
Water Service New or Replacement	$ 5.00

Water Service (per mobile home)	$ 5.00
Water Heater New or Replacement	$ 5.00
Lawn Sprinkler	$10.00
Fire Sprinklers (valuations)	$18.00 per thousand
Stand Pipes (number of risers)	$36.00
Water Conditioner	$ 5.00
Medical Gas	$ 5.00
Miscellaneous	$ 5.00

TABLE J – County Plumbing Permit Fees

Waste Openings	Each
Bathtub	$ 3.50
Dishwasher	$ 3.50
Drinking Fountain	$ 3.50
Floor Drain	$ 3.50
Garbage Disposal	$ 3.50
Lavatories	$ 3.50
Mud or Oil Trap	$ 3.50
Sump Pump	$ 3.50
Sinks, Kitchen	$ 3.50
Sinks Service	$ 3.50
Urinals	$ 3.50
Washing Machine	$ 3.50
Water Closets	$ 3.50
Miscellaneous	$ 3.50

Gas Connection (Mobile Home)	$10.00
Gas Meter Loops	$10.00
Gas Outlets	$10.00
Hydronic Piping	$10.00
Water Heater or Vents	$10.00
Repair	$10.00
Mobile Home Sewer & Building Sewer	$10.00
Lawn Sprinkler System	$10.00
Miscellaneous	$10.00
Permit Issuance Fee	$25.00

Provided, however, permit fees for one and two-family dwellings shall be established in accordance with the fee schedule set forth at Table B of this Code. The valuation used to determine the amount of the permit fee to be used in relation to Table B of this Code shall be seven percent of the total evaluation of a one or two-family dwelling as determined by the Director under authority of Section 107.1 of the Uniform Building Code. Payment shall be made by the general contractor at the time a building permit is issued.

A separate plumbing permit is required if work requiring a permit and inspection as defined in this Code is begun more than one hundred and eighty days from the date of the issuance of the building permit.

Expiration. Every permit issued by the Director under the provisions of this Code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within one hundred eighty days from the date of such permit, or if work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty days, or one hundred eighty days have expired since an inspection was requested and such inspection was approved by the building official. Provided, that the building official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected and may authorize the refunding of not more than eighty percent of the permit fee paid when no work has been done under a permit issued in accordance with this Code. No refund shall be paid except upon written application filed by the original permittee not later than one hundred eighty days after the date of fee payment.

TABLE K - Electrical permit required—City Fees listed.

Ordinary Branch Circuits On New Construction or Remodeling:	
120 volt circuits, each	$2.00
277 volt circuits, each	$2.25
Heating appliances less than 4500 watts, each	$3.00
Light fixtures or lamp holders, each	$0.75
Motors:	
1 HP or smaller, each	$5.00
Over 1 HP, each	$7.00
Water well motor, each	$7.00
Special Circuits and Additions:	
Electric ranges and all heating devices over 4500 watts, each	$9.00
Hot tubs/sauna, each	$15.00
Clothes dryers, each	$9.00

Special power outlets, or feeder circuits, each	$10.00
Signs, each circuit	$7.00
Outlets added to existing circuits	$0.75
Transformers, each	$12.00
Services:	
480 volts or less:	
100 amperes or less, per meter	$12.00
each additional ampere	$0.06
Construction service, per meter	$15.00
Re-inspection—Discontinued service, per meter	$12.00
Over 480 volts:	
Each service entrance	$75.00
Construction service	$30.00
Miscellaneous	$15.00
Permit Issuance Fee	$25.00

Provided also that electrical work done in conjunction with a building project covered by a building permit for a one- or two-family dwelling new construction, repair, remodel or addition is covered and permitted under the authority granted by the building permit and does not require a separate electrical permit. A separate electrical permit is required if a water well motor is installed or will be installed.

A separate electrical permit is required if work requiring a permit and inspection as defined in this Code is begun more than one hundred eighty (180) days from the date of the issuance of the building permit.

A separate electrical permit shall be required for each building or structure, or each tenant space with an electric meter, and anytime a separate electric meter is installed.

> **Exception:** One- and two-family dwellings or multi-family dwellings when such dwelling units are not individually owned.

Any person who installs any electrical wiring for which a permit and inspection are required, or fails to report the same as ready for inspection when such work is completed, shall pay a special permit fee of double the amount of the permit issuance as listed above.

Where extra inspections are made because of faulty installation, no access or means provided to perform the inspection or failure to make necessary repairs, a fee established by the Superintendent of Central Inspection to cover the administrative costs may be charged for each inspection.

TABLE L – County Electrical Fees

Authorized Work				Each
CIRCUITS	1st, 2nd, 3rd, 4th, 5th			1.75
	6th to 20th Inclusive			0.60
	All over 20			0.30
	Heating Appliances Less than 4500 W			1.75
SPECIAL CIRCUITS AND ADDN'S	Range or Heat Device 4500 W or Over	1st, 2nd, 3rd, or 4th		3.00
		All over 4		1.75
	Clothes Dryer	1st, 2nd, 3rd, or 4th		3.00
		All over 4		1.75
	Special Power Outlet or Feeder Circuit			3.00
	Sign, Per Circuit			1.75
	Outlets Added to Existing Circuits, or other Miscellaneous Wiring			0.25
FIXTURES	Light Fixtures or Lampholding Devices			0.25
MOTORS AIR COND.	1 Hp. Or Less			1.25
	Over 1 Hp. To 10 Hp. Inclusive			1.75
	Over 10 Hp. To 25 Hp. Inclusive			3.50
	Over 25 Hp. To 50 Hp. Inclusive			5.75
	Over 50 Hp.			12.00
SERVICE NEW SERVICE SERVICE CHANGE	480 Volts or Less	Residential	Per Meter (100 Amps or Less)	2.25
			Each Additional Amp	0.02
		Commercial	Per Meter (100 Amps or Less)	2.25
			Each Additional Amp	0.02
	Over 480 Volts		Each Service Entrance	30.00
	Construction Service			6.00
	Reconnect Service (Service Had Been Turned Off)			6.00
	Miscellaneous			6.00
	Permit Issuance Fee			25.00
	Re-inspection Fee ($30.00 min. / $30.00 Per Hour)			
	Special Permit Fee (2 X Scheduled)			

TABLE M - Elevator Fee Permits.

New Installations:	
Passenger or Freight Elevator, Escalator, or Moving Walk	
Up to and including $40,000 valuation	$125
Over $40,000 valuation	$125 plus $2 for each $1,000 or Fraction thereof over $40,000
Dumbwaiter, Private Residence Elevator, and Handicap Lifting Equipment	
Up to and including $10,000 valuation	$50
Over $10,000 valuation	$50 plus $1.50 for each $1,000 for Fraction thereof over $10,000
Alterations & Repairs:	
Total Valuation	Fee
$1.00 to $500.00	$25.00
$501.00 to $2,000.00	$25.00 for the first $500.00 plus $2.00 for each additional $100.00, or fraction thereof, to and including $2,000.00
$2,001.00 to $25,000.00	$55.00 for the first $2,000.00 plus $9.00 for each additional $1,000.00, or fraction thereof, to and including $25,000.00
$25,001.00 to $50,000.00	$262.00 for the first $25,000.00 plus $6.50 for each additional $1,000.00, or fraction thereof, to and including $50,000.00
$50,000.00 to $100,000.00	$424.50 for the first $50,000.00 plus $4.50 for each additional $1,000.00, or fraction thereof, to and including $100,000.00
$100,001.00 to $500,000.00	$649.50 for the first $100,000.00 plus $3.50 for each additional $1,000.00, or fraction thereof, to and including $500,000.00
$500,001.00 to $1,000,000.00	$2,049.50 for the first $500,000.00 plus $3.00 for each additional $1,000.00, or fraction thereof, to and including $1,000,000.00
$1,000,001.00 and up	$3,549.50 for the first $1,000,000.00 plus $2.00 for each additional $1,000.00 or fraction thereof
Annual Inspection Fees:	
Fees for annual inspections as required by Article 4 of this Code.	
Routine:	
Each Elevator, Escalator and Moving	$50.00

Walk	
Each Commercial Dumbwaiter	$25.00
Each Commercial Handicap Lifting Equipment	$25.00
Safety Load Test:	
Annual (per Elevator or Escalator)	$50.00
Five Year (per Traction Elevator)	$200.00 includes the annual fee for that year.

Any person who installs any elevators, handicapped accessibility lifts, dumbwaiters, escalators or moving walks for which a permit and inspection are required and who fails to obtain a permit prior to starting shall pay a special permit fee of double the amount of the permit issuance as listed above.

Where extra inspections are made because of detected code deficiencies requiring correction or unable to obtain access to perform the inspection, a fee established by the Superintendent of Central Inspection to cover the administrative costs may be charged for each such inspection.

TABLE N - International Mechanical Code - Permit fees.

The fees for mechanical work shall be as indicated in the following schedule.

Mechanical Work	**Fees**
Issuance of permit	$25.00
Forced air furnace (2,000 cfm or less)	$15.00
Forced air furnace (over 2,000 cfm)	$20.00
Air handler (2,000 cfm or less)	$15.00
Air handler (over 2,000 cfm)	$20.00
Floor furnace	$15.00
Wall heater	$15.00
Room heater	$15.00
Infrared heater	$15.00
Unit heater	$15.00
Tube heater	$15.00
Air conditioner (5 ton or less)	$12.00
Air conditioner (over 5 ton)	$18.00
Cooling coil only	$10.00
Refrigeration (50 HP or less)	$15.00

Refrigeration (greater than 50 HP)	$20.00
Roof top: combination (2,000 cfm or less)	$27.00
Roof top: heat only (2,000 cfm or less)	$15.00
Roof top: cooling only (2,000 cfm or less)	$15.00
Roof top: combination (over 2,000 cfm)	$38.00
Roof top: heat only (over 2,000 cfm)	$20.00
Roof top: cooling only (over 2,000 cfm)	$18.00
Chiller/water tower	$35.00
Boilers	$20.00
VAV boxes/Fan coils/Fan terminals	$ 7.50
Heat recovery unit	$35.00
Incinerator/crematory	$35.00
Any equipment/appliance not listed	$ 7.50
Gas fireplace	$15.00
Solid fuel fireplace	$15.00
Pellet stove	$15.00
Gas logs/inserts	$15.00
Chimney liners	$10.00
Type one hood	$40.00
Type two hood	$20.00
Fume hood	$20.00
Paint booth	$20.00
Spray booth	$20.00
Exhaust fan @ duct (under 500 cfm)	$10.00
Exhaust fan @ duct (over 500 cfm)	$15.00
Exhaust and/or ventilation systems	$35.00
Residential dryer vent	$15.00
Commercial dryer vent	$30.00
Fire damper	$ 1.00
Fire/smoke combination damper	$ 3.00
Hydronic piping	$15.00
Flue and/or vent connector	$10.00
Fire suppression for hoods	$15.00
Repairs/alterations	$10.00
Minimum fee	$40.00

TABLE O – County Mechanical Permit Fees

Permit Fees Per Section 304 U.M.C.	For Installation, Replacement, Repair or Relocation of any Mechanical Equipment	Each
Heating Equipment	Up to and including 100,000 BTU input	$ 9.00
	Over 100,000 BTU input	$11.00
	Any Floor Furnace	$ 9.00
	Suspended, Wall or Floor Heater	$ 9.00
	Any Vent Not Included in Appliance Permit	$ 4.50
	Repair, Alter, or Addition to Any Appliance	$ 9.00
Boilers, Compressors, Absorption Systems	**Boiler – Compressor** **Absorption Sytem BTU**	
	3HP or Less 100M or Less	$ 9.00
	Over 3 Inc. 15 HP Over 100M Inc. 500M	$16.50
	Over 15 Inc. 30 HP Over 500M Inc. 1,000M	$22.50
	Over 30 Inc. 50 HP Over 1,000M Inc. 1,750M	$33.50
	Over 50 Inc. Over 1,750	$56.00
Air Handling, Vent Systems	Each Air Handling Unit to 10,000 CFM Including Ducts	$ 6.50
	Each Air Handling Unit over 10,000 CFM Including Ducts	$11.00
	Each Evaporative Cooler	$ 6.50
	Each Ventilation Fan Over 500 CFM Connected to Single Duct	$ 4.50
	Each Ventilation System	$ 6.50
	Each Hood Served by Mechanical Exhaust	$ 6.50
	Domestic Type Incinerator	$11.00
	Hydronic Piping	$10.00
	Any Appliance or Piece of Equipment Regulated by This Code – Where No Other Fee is Listed	$ 6.50
	Issuance Fee	$25.00

A separate heating and air-conditioning permit is required if work requiring a permit and inspection as defined in this Code is begun more than one hundred eighty (180) days from the date of the issuance of the building permit.

Exception: Every permit issued by the building official under the provisions of this Code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit, or if work authorized by such permit is suspended or abandoned at any time after work is commenced for a period of one hundred eighty (180) days, or one hundred eighty (180) days has elapsed since an inspection as required in Section 107.1 of the International Mechanical Code, was requested and such inspection was approved by the building official.

Article 1, Section 3 – ENFORCEMENT

Procedure of Enforcement.

Wichita Jurisdiction – All violations within the Wichita Jurisdiction shall be heard by the Judge of Municipal Court.

Sedgwick County Jurisdiction – All violations within the Sedgwick County Jurisdiction shall be heard by the Judge of County Court and shall follow the procedure and requirements of Chapter 8, *Code Enforcement*, of the Sedgwick County Code, Sec. 8-1, et. seq., with the exception of Sec. 8-5.

Violations.

(a) Any person or entity violating any provisions of this Code shall be deemed guilty of an unclassified misdemeanor and upon conviction of each violation thereof, shall be assessed a fine according to the Schedule of Fines set forth herein.

(b) "Violation of this Code" shall mean:

(1) Doing any act that is prohibited or made or declared unlawful, an offense or a violation of this Code or by rule or regulation authorized by ordinance or resolution.

(2) Failure to perform an act that is required to be performed by this Code or by rule or regulation authorized by ordinance or resolution.

(3) Failure to perform an act if the failure is declared unlawful, an offense or a violation of this Code or by rule or regulation authorized by ordinance or resolution.

(c) The imposition of a fine does not prevent revocation or suspension of a license, certificate, permit or franchise.

(d) Violations of this Code that are continuous with respect to time may be abated by injunctive relief or other equitable relief. The imposition of a fine does not prevent equitable relief.

(e) Violations of this Code that are continuous with respect to time shall be considered a separate violation for each day the violation continues.

Schedule of Fines. The following Schedule of Fines for violations of this Code or by rule or regulation authorized by ordinance or resolution, shall apply:

(a) Not more than $500.00 nor less than $100.00 for each count upon a first conviction.

(b) Not more than $1,000.00 nor less than $200.00 for each count upon a second conviction that occurs within a 12-month period of the first conviction.

(c) Not more than $2,000.00 nor less than $500.00 for each count upon a third conviction that occurs within a 12-month period of the second conviction.

(d) Not more than $2,000.00 nor less than $500.00 for each count upon each conviction that occurs within a 12-month period of the third conviction.

Article 1, Section 4 – CONTRACTORS – GENERAL

Sec. 1.4(a) Licensed Contractors – Established Place of Business Required.

Every Licensed Contractor who has obtained a license as set forth in this Code shall have and maintain an established place of business at a definite address and with his/her registered company name and license number displayed as it appears on his/her license. Licensed Contractors operating out of their home must conform to the requirements set forth in Sec. IV-E of the Wichita-Sedgwick County Unified Zoning Code.

Sec. 1.4(b) Licensed Contractors – Marking of Vehicles.

Any person, firm, or other legal entity required by this Code to obtain a Contractor's license shall be subject to the following:

(a) Vehicles used in performance of installations or service regulated under this Code shall display contractors' permanent vehicle permit numbers. Such numbers shall be assigned by the Metropolitan Area Building and Construction Department to a contractor duly licensed under the provisions of this Code;

(b) Permanent vehicle permit numbers must be affixed to both sides of vehicle(s), in a conspicuous place, either by paint of a contrasting color or by the use of a permanent decal;

(c) Permanent vehicle permit numbers must be a minimum of two (2) inches high with a one-half (1/2) inch wide stroke per character;

(d) A contractor's employee(s) using their personal vehicles as transportation to or from the job site must display the permanent vehicle permit marking;

(e) The contractor shall be responsible for removing the permanent vehicle permit number at the time any vehicle is taken out of service.

Violation of any provision of this Section may result in a hearing before the appropriate Board. Said Board may order any or all of the following:

1. No further permits shall be issued to the contractor until such time as the violation is abated;

2. All inspections of further work performed by the contractor will be suspended until such time as the violation is abated, excepting extreme hazard or life safety inspection; or

3. A license review, subjecting the contractor to possible suspension, recall or cancellation of the master certificate and/or license, in accordance with the specific provisions of this Code.

Exception: If the contractor chooses to advertise his or her business on their vehicles and abides with Art. 1.4(d), Truth in Advertising Requirements, then the above Section 1.4(b), Marking of Vehicles, does not apply.

Sec. 1.4(c) Insurance Requirements.

Every contractor under this Code shall procure and maintain a policy of general liability insurance covering the activities of the contractor while engaged in contracting hereunder. Such insurance policy shall be written with an insurance company licensed to do business in the state and shall have minimum limits of coverage of three hundred thousand dollars ($300,000.00) per occurrence. In addition, every such contractor shall procure and maintain worker's compensation insurance as required by Kansas law and automobile liability insurance as required by Kansas law. Every contractor licensed under this Code shall, prior to the issuance of a license, file with the MABCD certificates of insurance evidencing the insurance coverage specified herein. All such certificates shall indicate that the MABCD shall be given at least thirty (30) days advance written notice of any cancellation or material change in coverage of such insurance. Failure of a Licensed Contractor to either procure or maintain such insurance shall be a violation of law and shall be grounds for suspension or revocation of the Licensed Contractor's license and/or the Qualified Master’s certificate.

Sec. 1.4(d) Truth in Advertising Requirements.

(a) It is unlawful for any such person, firm or legal entity to advertise as a Licensed Contractor unless, at the time such advertisement occurs, such person, firm or legal entity has a then valid contractor's license issued under the provisions of this Code;

(b) Any advertisement by such person, firm or legal entity as a Licensed Contractor which is placed or published in any publication or other print medium circulated, displayed or distributed within the jurisdiction of the MABCD or which is broadcast by radio

or television or any internet posting/publication, electronic billboard, or any electronic or telephonic transmission of information, or any other means to persons within the jurisdiction of the MABCD shall include the full name of the licensed person, firm or legal entity and the license number assigned by the MABCD to such person, firm or legal entity;

(c) As used herein, the words "advertise" or "advertisement" shall mean and include, but not be limited to, a business card, contract bid proposal form, printed letterhead, any other printed or written material, or any internet posting/publication, electronic billboard, or telephonic transmission of information, designed to inform persons of the services offered by the advertising person, firm or legal entity and to solicit business from such persons, or any broadcast statement designed to inform persons of the services offered by the advertising person, firm or legal entity and to solicit business from such persons. Such words are intended to include telephone directory display ads but not basic white and yellow page listings.

Article 1, Section 5 – Board of Appeals – General Rules and Regulations

Sec. 5.1.010. - Policies for boards — minimum standards of conduct and qualifications of appointive members of boards.

The following rules and regulations shall govern the qualifications and conduct of members appointed to the advisory boards of the Metropolitan Area Building and Code Department ("MABCD"), except as provided hereinafter:

(1) All persons appointed to the boards shall be so appointed in accordance with the terms of appointment specified in the specific Articles of this Code. Persons appointed to the board of electrical appeals, the board of code standards and appeals, the board of appeals of air conditioning, refrigeration and warm air heating, the board of appeals of plumbers and gas fitters, or the successors thereof, shall not be subject to residency requirements, provided that non-residents shall not make up more than two members less than a quorum of any such technical board, and provided further, that any non-resident member shall maintain a city-county issued certificate or license pertaining to a trade covered by the board on which the non-member serves.

(2) No person regularly employed on a full-time basis by the city or county shall be appointed to any board.

(3) No member of the immediate family of any member of the city council shall be appointed to a city board.

(4) No person shall be appointed for service as a member of more than one board at the same time.

(5) No person shall be appointed to any board who has served for eight consecutive years on such same board unless two years have elapsed since the last service.

(6) Except when otherwise required by statute, as nearly as practicable, fifty percent of all members of boards shall be public members whose business or professions are not related directly to the affairs conducted by the board to which such persons are appointed.

(7) Voting. All boards shall discharge the responsibility of their appointive office and shall vote on all matters coming before the board, except in those particular cases of conflict of interest approved by the presiding officer, in which case a member may request permission and may be authorized to pass his or her vote. Unless a member of the board votes audibly to the contrary, or unless a member of the board is granted permission by the presiding officer to pass his or her vote on a particular matter, his or her silence in voting shall be recorded as an affirmative vote.

(8) Conflict of Interest. Each board member shall refrain from violating any of the statutes of the state (K.S.A. 75-4301, et seq.) which regulate conflicts of interest of public officers and employees, where such statutes are applicable to the board members.

(9) Public Participation. It is the policy of the city and county to allow public participation on items coming before each board in open meeting. Following the presentation of each item on the agenda, the matter shall be opened for discussion from the floor by members of the public. Each public member shall be subject to a limitation of five minutes for each presentation unless extended by a vote of the majority of the board. The presiding officer shall have the discretion to reasonably limit public comment where such presentation is exercised in a dilatory manner, is unduly repetitious or is not pertinent to the agenda item. Such time standards shall not be construed to restrict public discussion or hearings where otherwise controlled by ordinance or state or federal law. Any members of the public shall be allowed to submit items for the agenda, except for items pertaining to personnel, litigation, and other matters subject to executive session. Members of the public desiring to so present matters to the board shall submit a request in writing stating the name of the individual(s) desiring to be heard and the matter to be presented, which request shall be submitted in the time and matter provided by such board for placing items on its agenda. Items for the agenda unusually detailed or complicated, thus requiring more than five minutes for presentation, may be presented in writing prior to the meeting to allow for duplication and distribution to the board.

Sec. 5.1.020. - Same—Organizational structure of appointive boards.

The following rules and regulations shall govern the organizational structure of appointive boards:

(1) The maximum term of all members shall be not more than four consecutive two-year terms and until a successor has been duly appointed and qualified, except as may be otherwise specifically set forth. A vacancy shall be filled for the unexpired term of a member in the same manner as an original appointment.

(2) The minimum number of officers of any board shall be not less than three officers to be known as a president and two vice-presidents notwithstanding any other provision of this Code to the contrary, and such other officers as such board itself may deem necessary, all officers to be elected by the members of the board for a maximum term of not to exceed one year, and for a maximum tenure of office not to exceed two consecutive terms.

(3) A regular schedule of meetings shall be established by each board, with appropriate notice to the public, and with a minimum schedule providing for meetings to be held not less than once each month and more often as the work load requires, and with the

appropriate provisions that meetings may be called by any one of the principal officers (president or vice-presidents) or by any majority of the members.

(4) The members of each board shall be appointed from the broadest possible base of the community at large, and not from any specific organization or group except as may be otherwise provided for advisory boards.

(5) A regular full-time employee of the MABCD shall be assigned as ex officio secretary to each board for purposes of maintaining records, minutes and the handling of administrative matters without the right to vote or to perform any other function than provide administrative services.

(6) Any member of a board shall be removed from office by the city council or county commissioners after due notice and hearing for nonattendance at three consecutive meetings, or for absence of more than fifty percent of the meetings held during any twelve-month period of time. A meeting canceled for lack of a quorum is considered a meeting for purposes of recording attendance. The ex officio secretary will provide written notice to the nonattending board member and the city manager. A vacancy shall be declared unless the board member requests a hearing before the city council or county commissioner within ten days after notice is provided.

(7) Each member of any board shall disclose any conflict of interest as may arise in connection with matters being considered by the board of which he is a member, and shall refrain from discussing or voting on any such matters.

(8) All appointments shall be made to boards by written notice of appointment, which notice shall clearly state that such appointment is made subject to all the provisions outline herein, and that members so appointed may be removed for violation of any of the rules and regulations hereby established.

Sec. 5.1.030. - Same—Officers—Meetings—Adoption of rules.

The officers of the board shall be a chairperson and a vice chairperson who shall be elected by the board from among its members at the first regular meeting in July of each year. The board shall meet at least monthly at such time and place as may be fixed by the chairperson. Special meetings may be called by the chairperson or by three members of the board by giving notice at least twenty-four hours in advance of said special meeting to all members of the board. The board may adopt such bylaws and rules as it may deem necessary within the authority conferred and subject to the approval of the city council and county commission.

Article 1, Section 6 – APPEALS FROM BOARD DECISIONS

Sec. 6.1 – Appeals.

Within thirty (30) days of the final decision of the Board, any person aggrieved thereby may maintain an action in the district court of Sedgwick County to determine the reasonableness of such final decision.

ARTICLE 2 – BUILDING CODE

Article 2, Section A – Board of Code Standards and Appeal

Sec. 2.A.010 Board of code standards and appeals – Composition.

There is authorized a board of code standards and appeals which shall consist of the Director of the Metropolitan Area Building and Construction Department (‘”MABCD”), or the duly authorized representative, who shall serve as the secretary of the board, and nine other members, as follows:

(1) One architect (appointed by the City);

(2) One architect (appointed by the County);

(3) One structural engineer (appointed by the City);

(4) One Class A Contractor (appointed jointly);

(5) One Class B Contractor (appointed by the County);

(6) One Class C Contractor (appointed by the City);

(7) One member representing real estate (appointed by the County);

(8) One public at large member (appointed by the City);

(9) One public at large member (appointed by the County).

The board shall elect its own chairman and make such rules as are necessary for the conduct of its business.

Sec. 2.A.020 Board of code standards and appeals created—Duties.

(a) In order to determine the suitability of alternate materials and types of construction, and to provide for reasonable interpretations of the provisions of this building code, hear and decide appeals of orders, decisions, or terminations made by the building official (Director of the MABCD, or designee) relative to the application and interpretations of this Code, there is created a board of code standards and appeals consisting of nine members who are qualified by experience and training to pass upon matters pertaining to building construction. The board shall have no authority relative to interpretation of the administrative provisions of this Code nor shall the board be empowered to waive requirements of this Code.

(b) The board shall consist of two licensed architects, one licensed structural engineer, three contractors (one from each of Classes A, B, and C), and one representative from real estate. The architects and the engineer shall be licensed by the state to practice their respective professions in the state. The nine members named above shall not be employees of the city nor the county.

The Director of the MABCD shall be an ex officio member and serve as secretary to the board but shall have no vote on the board.

(c) The board may make a periodic review of the building code and shall recommend to the city and county for adoption of such changes in the code as are necessary to be consistent with modern methods of construction.

(d) Any person whose application for a building permit for the use of an alternate material or type of construction which has been refused by the building official or who may consider that the provisions of this building code do not cover the point raised, or that any particular provision causing manifest injury to be done, may appeal to the board of code standards and appeals by serving notice on the building official, which shall state that the appellant desiring to use the alternate materials or types of construction shall guarantee payments of all expenses and appeals. Such notice shall be at once transmitted to the board, which board shall arrange for a hearing on the particular point raised. The board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the building official with a duplicate copy to the appellant.

Sec. 2.A.030. - Building inspectors—Right of entry.

Whenever it is necessary to make an inspection to enforce the provisions of this Code, or whenever the building official or designee has reasonable cause to believe that there exists in a building or upon any premises any conditions or violations of this Code which make the building or premises unsafe, insanitary, dangerous or hazardous, the building official or designee shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the building official or designee by this Code. If such building or premises is occupied, the building official or designee shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the building official or designee shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the building official or designee has recourse to every remedy provided by law to secure entry.

When the building official or designee has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner or occupant or person having charge, care or control of the building or premises shall not fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the building official or designee for the purpose of inspection and examination pursuant to this Code.

Where it is necessary to make an inspection to enforce the provisions of this Code, or where the building official or designee has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this Code which makes the structure or premises unsafe, dangerous or hazardous, the building official or designee is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this Code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is

unoccupied, the building official or designee shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official or designee shall have recourse to the remedies provided by law to secure entry.

Article 2, Section 1 – CONTRACTORS

Sec. 2.1.010 - Defined.

A contractor, within the meaning of this Code, is any person who undertakes, with or for another, to build, construct, alter, repair, add to or wreck any building or structure, or any portion thereof, within the city, for which a permit is required under Article 1.2.a-d - Additional Miscellaneous Requirements, for a fixed price, fee, percentage or other compensation other than wages; or who advertises or otherwise represents to the public to have the capacity or ability to undertake to build, construct, alter, repair, add to or wreck any building or structure or any portion thereof, or who builds, constructs, alters, adds to or wrecks any building or structure either on his own or other property for purposes of speculation, or for his own use; or who arranges a contract between the owner of property, or the lessee, agent or employee of such owner, and a contractor for such contractor to build, construct, alter, repair, add to or wreck any building or structure, or any portion thereof, for which a permit is required under Article 1.2.a-d - Additional Miscellaneous Requirements and who receives compensation other than wages for arranging such a contract from either such owner, or his lessee, agent or employee, or from such contractor.

Sec. 2.1.020 - Responsibilities.

A contractor shall be responsible for all work included in his contract, whether or not such work is done by him directly or by subcontractor. He shall be responsible for all funds or property received by him for prosecution or completion of a specific contract or for a specific purpose.

Sec. 2.1.030 - License Required.

No building permit shall be issued to any contractor who has not first obtained a license or who is delinquent in payment of the required license fee, or whose license has been suspended or revoked by action of the board of code standards and appeals. It is further unlawful for any person to enter into a contract with another so as to bring himself under the classification of a contractor as defined in Section 2.1.010 of this Code, or to perform any work as a contractor, or any work under a contract, without having first obtained a contractor's license. It is unlawful for any person issued a license as required by Sections 2.1.040 through 2.1.160 of this Code to contract for any work other than specified by such license, without first being approved for such other work by the board of code standards and appeals.

Sec. 2.1.040 - Licensing Authority.

The board of code standards and appeals shall issue licenses for the following classes of contractors, and the biennial fee shall be as prescribed for each class. All license fees shall be payable biennially or before the first day of the renewal cycle. Fees shall not be prorated because part of the year has elapsed.

Sec. 2.1.045 – Insurance Required. See Article 1.4(c) of this Code.

Sec. 2.1.050 - Truth In Advertising Requirements. See Article 1.4(d) of this Code.

Sec. 2.1.060 - Class A General License.

Contractor's license, class A general, shall entitle the holder thereof to contract for and to perform any act as a contractor, as defined in Section 2.1.010 of this Code, for the building, remodeling or repairing of any structure or addition thereto that is permitted by this Code.

Sec. 2.1.070 - Class B Building License.

Contractor's license, class B building, shall entitle the holder thereof to contract for and to perform any act as a contractor, as defined in Section 2.1.010 of this Code, limited to the erection, addition to, remodeling and wrecking of commercial buildings and single or multiple dwelling residential buildings, not exceeding three stories in height, and nonstructural remodels to commercial buildings exceeding three stories in height.

Sec. 2.1.080 - Class C Residential License.

Contractor's license, class C residential, shall entitle the holder thereof to contract for and to perform any act as a contractor, as defined in Section 2.1.010 of this Code, limited to construction, remodeling, repair or wrecking of one-and two-family residences, and buildings accessory thereto.

Sec. 2.1.090 - Class D Maintenance License.

Contractor's license, class D maintenance, shall entitle the holder thereof to contract for and to perform any act as a contractor as defined in Section 2.1.010 of this Code, limited to the remodel, repair and maintenance of dwelling units which are completely or partially owned by the contractor or when the contractor is a full time employee of the owner.

Sec. 2.1.100 - Swimming Pool Contractor.

Swimming pool contractor's license 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 re-circulating system. He may do the slab incidental to the pool.

Sec. 2.1.110 - Roofing and Siding Contractors.

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

Sec. 2.1.120 - Roofing Contractors.

Roofing contractor's license 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.

Sec. 2.1.130 - Siding Contractors.

Siding contractor's license shall entitle the holder thereof to contract for and to install, repair and replace exterior wall coverings. Work may include exterior siding and shall include siding insulation, coating, painting and covering, and may include use of sheet metal or masonry and installation of other sheet metal or masonry products incidental to siding work, or other material in connection therewith, or any combination thereof.

Sec. 2.1.140 - Wrecking Contractor's License.

All wrecking shall be done by licensed wrecking contractors. Wrecking contractor's license shall entitle the holder thereof to wreck any building, and to deal in secondhand building materials.

A holder of a wrecking contractor's license shall first have obtained an indemnity bond in the amount of two thousand dollars, which bond shall be approved by and filed with the building official, and shall be payable to the MABCD in the event the holder fails to comply with the building code, or should the holder fail to replace or repair damaged sidewalks, curbs, gutters or streets within ten days following completion of the demolition.

Sec. 2.1.150 - Fire Sprinkler Contractor.

Those who are qualified 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.

Sec. 2.1.160 - Application Form and Fee.

Application for contractor's license, name change, organizational change, or change of the qualified person shall include information as the board of code standards and appeals may prescribe and shall be accompanied by a fee specified in Article 1.2 of this Code.

Each application must list a qualified person. The qualified person is considered the applicant for a license, and must have the ability to sign contracts that legally bind the individual, partnership or corporation. The qualified person shall be: the individual, for an individual license; one of the partners, for a partnership license; an officer or active member in the corporation approved by the board of code standards and appeals, for a corporate license.

Fees shall not be prorated because part of the year has elapsed.

Sec. 2.1.170 - Examinations, License Approval and Issuance.

If, in the opinion of the majority of the board of code standards and appeals, the applicant is qualified by examination or training and experience, and is financially responsible to fulfill the

obligations of a contractor, such board shall direct that the applicant be issued a license upon payment of the biennial license fee prescribed in Article 1.2 of this Code.

Change in qualified person or an organizational change requires a new license, approval by the board of code standards and appeals and payment of a new license fee.

The board of code standards and appeals is hereby authorized to give examinations to determine the qualifications of applicants. A minimum examination score of seventy-five percent is required to obtain a license. The board of code standards and appeals will accept applicants from other jurisdictions without a separate test provided: they have passed the appropriate International Conference of Building Officials, the Block & Associates, Thompson Prometric, International Code Council or other nationally recognized examination covering the International Building Codes with a minimum score of seventy-five percent. Such applicants shall provide proof of test scores from the jurisdiction where the examination was taken.

Sec. 2.1.180 - Inactive Status.

There is established an inactive status for all license holders under this Code. An inactive license shall entitle the license holder to retain the license status most recently held prior to becoming inactive upon payment of a license fee which shall be the same as that required for the most recently held license status. An inactive license shall be renewed at each renewal rotation, and if such inactive license is not renewed, it shall expire and the provisions relating to obtaining a new license shall apply. An inactive licensee is not subject to the requirements of Article 1.4(c) of this Code.

Art. 2.1.190 - Revocation.

The building official may, upon his own motion, and shall upon the verified complaint in writing of any person, require any contractor to appear before the board of code standards and appeals for hearing upon five days' notice in writing, and mailed to his last known post office address, and such board shall have the power to place on probation for a specified time period, temporarily suspend or permanently revoke the license if the holder thereof is found guilty of or commits any one or more of the following acts or omissions:

(a) Abandonment of any contract without legal causes;

(b) Diversion of funds or property received for performance or completion of a specific contract, or for a specified purpose in the performance or completion of any contract, and their application or use for any other contract, obligation or purpose, or the failure, neglect or refusal to use such funds or property for the performance or completion of such contract;

(c) Fraudulent departure from or disregard of plans or specifications in any material respect, without consent of the owner or his duly authorized representative;

(d) Willful and deliberate disregard and violation of the provisions of this Code or any other ordinance of the city, or failure to comply with any lawful order of the Director of the MABCD;

(e) Failure to keep records showing all receipts and disbursements of the licensee in all of his transactions as a contractor as the term is defined in this Article, and to produce the

same for examination by the board of code standards and appeals when so required;

(f) Misrepresentations of a material fact by application in obtaining a license or permit;

(g) The doing of any fraudulent act by the licensee as a contractor in consequence of which another is substantially injured;

(h) Fraudulent use of license to obtain building permits for another;

(i) Carelessness or negligence in providing reasonable safety measures for the protection of workmen and the public;

(j) Failure to obtain permits as required in this Code.

(k) Failure by a corporation to have an active member or officer who has been approved by the board of code standards and appeals as a qualified person as required by Section 2.1.170 of this Code.

Sec. 2.1.200 - Renewal or reinstatement of license.

(a) All biennial licenses expire on December 31st of the next Renewal year, regardless of when the license was obtained. License renewal fees are due on or before January 2nd of the succeeding calendar year, to be known as the Renewal Year. The biennial license renewals due on the Renewal Year that are acquired at the beginning of the first week of December of the calendar year preceding the Renewal Year through January 31st of the Renewal Year are without penalty. Biennial licenses renewal after January 31st of the Renewal Year will be at the following rates:

February 1 thru the last day of February —25% of the license fee

March 1 thru the last day of March —50% of the license fee

After March 31st - 50% of license fee and required appearance before the Board.

Whenever extenuating circumstances prevented the renewal of a license (documented illness, hospitalization or other confinement) a written request to appear before the board of code standards and appeals to consider reinstatement of a license without penalty or retesting may be presented to the MABCD with an application and fee as specified in this Code.

(b) Contractors whose licenses have lapsed or have been suspended by the board shall not be reinstated until the contractor has appeared before the board to show just cause why the license should be reinstated. If the suspension involves a code violation, the contractor must also show that the violation has been corrected in accordance with this Code. The license shall be revoked if the violation is not corrected prior to the lapse of the suspension.

(c) When a license of a contractor has been revoked, a new license shall not be granted until the contractor has made application for and has passed an examination as required for the original license, and has appeared before the board to show just cause why the new license should be granted. If the license was revoked due to a code violation, a new license will not be granted until the violation has been corrected in accordance with this Code.

Sec. 2.1.210 - Hearings.

(a) *Hearings.* All matters pertaining to the approval, issuance, suspension, revocation, renewal, and reinstatement of licenses, including examinations, shall be by the board of code standards and appeals.

(b) *Appeal.* ***See Article 1.5 of this Code.***

Sec. 2.1.220 - Exemptions.

Articles 2.1.010 through 2.1.210 of this Code, inclusive, shall not apply to:

(a) Subcontractors working for and under the supervision of a general contractor;

(b) An owner remodeling or repairing a single-family dwelling for his own personal use and occupancy;

(c) An owner constructing a single-family dwelling for his own personal use and occupancy, provided that only one building permit is issued within a three year period to any one individual;

(d) An owner of a residential property may remove a portion thereof or wreck a wood framed single-family dwelling and buildings accessory thereto, provided that a permit is obtained from the MABCD prior to starting the demolition.

(e) A job where the work involved is nonstructural and does not exceed a total cost of two thousand five hundred dollars;

(f) Specialty contractors installing microwave dishes, antennas, poles, towers, tanks and similar structures;

(g) A building owner or agent may install awnings on such buildings provided that a permit is obtained from the MABCD prior to the installation.

(h) A building owner or agent may remove existing windows from such building and close the opening(s) with the same kind of wall material provided that the openings are not required by the Building Code and a permit is obtained from the MABCD prior to any such alteration.

Article 2, Section 2. - INTERNATIONAL BUILDING CODE

Sec. 2.2.010. - Adoption of the International Building Code.

The International Building Code, as published by the International Codes Council, Inc., 2006 Edition, including Appendix J, is hereby adopted and incorporated herein by reference, subject to such amendments thereto as are set forth hereinafter.

Sec. 2.2.020. - Section 101.4.1 amended.

Section 101.4.1 of the International Building Code, is amended to read as follow:

> *101.4.1 Electrical.* The provisions of Article 4 of this Code shall apply to the installation of electrical systems, including alternations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

Sec. 2.2.030. - Section 101.4.2 amended.

Section 101.4.2 of the International Building Code, is amended to read as follows:

> *101.4.2 Gas.* The provisions of Article 3 of this Code shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this Code. These requirements apply to gas piping systems extending from point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

Sec. 2.2.040. - Section 101.4.3 amended.

Section 101.4.3 of the International Building Code, is amended to read as follows:

> *101.4.3 Mechanical.* The provisions of Article 5 of this Code shall apply to the installation, alterations, repairs, and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilation, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy-related systems.

Sec. 2.2.050. - Section 101.4.4 amended.

Section 101.4.4 of the International Building Code, is amended to read as follows:

> *101.4.4 Plumbing.* The provisions of Article 3 of this Code shall apply to the installation, alterations, repairs and replacement of plumbing systems, including equipment, appliances, fixtures and appurtenances, and where connected to water or sewage system and all aspects of a medical gas system.

Sec. 2.2.060. - Section 101.4.5 amended.

This Section applies only within the city limits of the City of Wichita.

Section 101.4.5 of the International Building Code, is amended to read as follows:

> *101.4.5 Property maintenance.* The provisions of Sections 18.40 and Section 20.04 of the Code of the City of Wichita shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety, hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

Sec. 2.2.070. - Section 101.4.6 amended.

Section 101.4.6 of the International Building Code, is amended to read as follows:

> *101.4.6 Fire prevention.* The provisions of Title 15 of the City Code of the City of Wichita or Section 12 of Code of Sedgwick County shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from storage, handling or use of structures, materials, or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

Sec. 2.2.080. - Section 101.4.7 deleted.

Section 101.4.7 of the International Building Code, is deleted.

Sec. 2.2.090. - Section 103.3 amended.

Section 103.3 of the International Building Code, is amended to read as follows:

> *103.3 Deputies.* In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plans examiner(s) and other employees having powers as delegated by the building official.

Sec. 2.2.100. - Section 105.1 amended.

Section 105.1 of the International Building Code, is amended to read as follows:

> *105.1 Required.* Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or outdoor paved area, of which is regulated by this Code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Sec. 2.2.110. - Section 105.1.1 deleted.

Section 105.1.1 of the International Building Code, is deleted.

Sec. 2.2.120. - Section 105.1.2 deleted.

Section 105.1.2 of the International Building Code, is deleted.

Sec. 2.2.130. - Section 105.2 amended.

Section 105.2 of the International Building Code, is amended to read as follows:

> 105.2 Work exempt from permit. Exemptions from permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any other laws or ordinances of this jurisdiction. Permits shall

not be required for the following:

Building:

1. (a). One-story accessory structures not to exceed 200 square feet (18m^2).

All detached accessory structures greater than 25 s.f. (2.3 m^2) but equal to or less than 400 s.f. (37.16 m^2) square feet shall be tied down to the earth using anchoring methods described in the MABCD's "Non Vehicle Storage Structure Anchoring Standards".

(b). Playhouses or tree houses having single or multi-level floors with or without roofs.

2. (a). Concrete or masonry fences not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall and other fences not over 8 feet (2438 mm) high, unless the fence encloses an outdoor seating area.

(b). Concrete or masonry monument sign bases not over 4 feet (1219 mm) in height measured from the lowest point of the adjoining grade. The sign size and content requires separate approval and permit.

3. Oil derricks.

4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.

5. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1.

6. Sidewalks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below.

7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finishes.

8. Temporary motion picture, television and theater stage sets and scenery.

9. Prefabricated swimming pools accessory to a Group R, Division 3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (19,000 L) and are installed entirely above ground.

10. Swings and other playground equipment.

11. Windows awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.

12. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

13. Interior platforms not over 200 square feet (18.58 m^2) in area, nor more than 30 inches (762 mm) above the adjacent floor.

14. Exterior decks, curb ramps (maximum 6 inch (153 mm) vertical rise), stoops and porches not more than 30 inches (762 mm) above grade without overhead structures and not over any basement or story below.

15. Emergency board-up or securing of a building and installing temporary bracing after a fire, storm, vehicle damage or other disaster, which caused the building to be open or unsafe. The building owner or his/her agent may cause such work to be done provided the MABCD is notified on the following business day.

16. Repair or Replacement roofing and/or siding materials not exceeding 400 square feet (37.16 m^2) within any 12-month period.

17. Repair or replacement of interior gypsum wallboard on non-fire rated walls or ceilings when the total area does not exceed 100 square feet (9.29 m^2) within any 12-month period and provided that no framing, electrical, mechanical or plumbing changes are made.

18. Paved areas not used for the purpose of parking or storage of vehicles and/or equipment or storage.

19. Replacement of windows or doors or replacement of roof skylights or equipment with the same size or smaller unit(s) that does not involve the removal, cutting, alteration or replacement of any building structural member; including but not limited to studs, headers, girders, beams, joists, rafters, cripples, jacks or other supportive framing member(s). The framing used to infill existing openings for the purpose of installing smaller unit(s) shall be exempt from permit requirements. Placement of smaller windows or doors shall not reduce the minimum size requirements of escape and rescue openings, or egress door(s), or fire department access required by this Code. The replacement door or window shall not be of a lower fire rating than the original assembly, unless a lower fire rating is allowed by this Code.

Electrical:

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

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

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

Gas:

1. Portable heating appliance.

2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliances.

2. Portable ventilation equipment.

3. Portable cooling unit.

4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this Code.

5. Replacement of any minor part that does not alter its approval or make it unsafe.

6. Portable evaporate cooler.

7. Self-contained refrigeration systems containing 10 pounds (5 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.

Plumbing:

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

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

Sec. 2.2.140. - Section 105.2.1 amended.

Section 105.2.1 of the International Building Code, is amended to read follows:

105.2.1 Emergency repairs. Where repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

Sec. 2.2.150. - Section 105.2.2 amended.

Section 105.2.2 of the International Building Code, is amended to read as follows:

105.2.2 Repairs. Application or notice to the building official is not required for ordinary repairs to structures. Such repairs shall not include the cutting away or any wall, partition or portion thereof, the removal or cutting of any structural beam or load bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements.

Sec. 2.2.160. - Section 105.2.3 deleted.

Section 105.2.3 of the International Building Code, is deleted.

Sec. 2.2.170. - Section 105.5 amended.

Section 105.5 of the International Building Code, is amended to read as follows:

> *105.5 Expiration.* Every permit issued shall expire unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Work shall be considered to have been suspended or abandoned if it has been more than 180 days since the last requested inspection. Before work can be recommenced, the permit must be reinstated. The fee for the re-instatement shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and that such suspension or abandonment has not exceeded one year. In order to resume work after suspension or abandonment for a period of one year, a new permit shall be required. The building official is authorized to grant, one or more extensions of time, for periods not more than 180 days each. The extensions shall be requested in writing and justifiable cause demonstrated.

Sec. 2.2.180. - Section 105.7 amended.

Section 105.7 of the International Building Code, is amended to read as follows:

> *105.7 Placement of permit.* Work requiring a permit shall not be commenced until the permit holder or an agent of the permit holder has posted or has made available an inspection record card such as to allow the building official to conveniently make the required entries thereon regarding inspection of the work. This card shall be maintained and made available by the permit holder until final approval has been granted by the building official.

Sec. 2.2.190. - Section 108.2 amended.

Section 108.2 of the International Building Code, is amended to read as follows:

> *108.2 Schedule of permit fees.* On buildings, structures or alternations requiring a permit, a fee for each permit shall be paid as required, in accordance with the fee schedule as established by Article 1.2 of this Code.

Sec. 2.2.200. - Plan review fees.

Plan review fees. When submittal documents are required by Section 106 of the International Building Code, a plan review fee shall be paid at the time of submitting the documents for plan review. When submitted for a project within the city limits of the City of Wichita, said plan review fee shall be 55 percent of the building permit fee as shown in Table B of this Code. The plan review fees specified in this section are separate fees from those fees set forth in Section 108.2 of the International Building Code and are in addition to building permit fees. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 106.3.4.2 of the International Building Code, an additional plan review fee shall be charged at the rate shown in Table D of this Code.

When submitted for a project within the unincorporated area of Sedgwick County, including the small cities under contract for inspection services, said plan review fee shall be 65 percent of the building permit fee as shown in Table C of this Code. The plan review fees specified in this section are separate fees from those fees set forth in Section 108.2 of the International Building Code and are in addition to building permit fees.

Sec. 2.2.210. - Section 108.6 amended.

Section 108.6 of the International Building Code, is amended to read as follows:

> *108.6 Refunds.* The building official may authorize refunding of any fee paid hereunder, which was erroneously paid or collected. The building official may authorize refunding of not more than 80 percent of the fee paid when no work has been done under a permit issued in accordance with this Code and the period of 180 days has not expired since the issuance of said permit.

Sec. 2.2.220. - Section 109.3.10 amended.

Section 109.3.10 of the International Building Code, is amended to read as follows:

> *109.3.10 Final inspection.* The final inspection shall be made after all work required by the building permit is completed. If landscaping is required by the building permit, the landscaping shall be installed by the holder of the building permit, property owner, or their duly authorized agent. A letter of credit or bond in the amount of 125% of the cost of the landscaping shall be submitted to the MABCD before the final inspection approval will be issued to the contractor. The building shall not be occupied prior to obtaining final inspection approval.

Sec. 2.2.230. - Section 110.2 amended.

Section 110.2 of the International Building Code, is amended to read as follows:

> *110.2 Certificate issued.* After the building official inspects the building or structure and finds no violation of the provisions of this Code or other laws that are enforced by the MABCD, the building official shall issue a certificate of occupancy that contains the following:
>
> 1. The building permit number.
>
> 2. The address of the structure.
>
> 3. The name of the owner.
>
> 4. A description of that portion of the structure for which the certificate is issued.
>
> 5. A statement that the described portion of the structure has been inspected for compliance with the various sections of the Wichita-Sedgwick County Unified Building and Trade Code regulating building construction or use.

Sec. 2.2.240. - Section 111 deleted.

Section 111 of the International Building Code, is deleted.

Sec. 2.2.250. - Section 305.2 amended.

Section 305.2 of the International Building Code, is amended to read as follows:

> *305.2 Day care.* The use of a building or structure, or portion thereof, for educational, supervision or personal care services for more than ten children older than 2½ years of age, shall be classified as a Group E occupancy.

Sec. 2.2.260. - Section 308.2 amended.

Section 308.2 of the International Building Code, is amended to read as follows:

> 308.2 Group I-1. This occupancy shall include buildings, structures or parts thereof housing more than 16 persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment that provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following:
>
> > Residential board and care facilities
> >
> > Assisted living facilities
> >
> > Halfway houses
> >
> > Group homes
> >
> > Congregate care facilities
> >
> > Social rehabilitation facilities
> >
> > Alcohol and drug centers
> >
> > Convalescent facilities
>
> A facility such as the above with ten or fewer persons shall be classified as a Group R-3 or shall comply with the *International Residential Code* in accordance with Section 101.2. A facility such as above, housing at least eleven and not more than 16 persons, shall be classified as Group R-4.

Sec. 2.2.270. - Section 308.5 amended.

Section 308.5 of the International Building Code, is amended to read as follows:

> *308.5 Group I-4, day care facilities.* This group shall include buildings and structures occupied by persons of any age who receive custodial care for less than 24 hours by individuals other than parents or guardians, relatives by blood, marriage or adoption, and in a place other than the home of the person cared for. A facility such as the above with ten or

fewer persons shall be classified as a Group R-3 or shall comply with the International Residential Code in accordance with Section 101.2. Places of worship during religious functions are not included.

Sec. 2.2.280. - Section 308.5.1 amended.

Section 308.5.1 of the International Building Code, is amended to read as follows:

Section 308.5.1 of the International Building Code, is amended to read as follows:

308.5.1 Adult care facility. A facility that provides accommodations for less than 24 hours for more than ten unrelated adults and provides supervision and personal care services shall be classified as Group I-4.

Exception: A facility where occupants are capable of responding to an emergency situation without physical assistance from the staff shall be classified as Group R-3.

Sec. 2.2.290. - Section 308.5.2 amended.

Section 308.5.2 of the International Building Code, is amended to read as follows:

308.5.2 Child care facility. A facility that provides supervision and personal care on less than a 24-hour basis for more than ten children 2½ years of age or less shall be classified as Group I-4.

Exception: A child day care facility that provides care for more than ten but no more than 100 children 2½ years or less of age, when the rooms where such children are cared for are located on the level of exit discharge and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.

Sec. 2.2.300. - Section 310.1 amended.

Section 310.1 of the International Building Code, is amended to read as follows:

310.1 Residential Group R. Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institution Group I or when not regulated by the *International Residential Code* in accordance with Section 101.2. Residential occupancies shall include the following:

R-1 Residential occupancies containing sleeping units where the occupants are primarily transient in nature, including:

Boarding houses (transient)

Hotels (transient)

Motels (transient)

R-2 Residential occupancies containing sleeping units or more than two dwelling units where the occupancies are primarily permanent in nature, including:

Apartment houses

Boarding houses (not transient)

Convents

Dormitories

Fraternities and sororities

Hotels (nontransient)

Vacation timeshare properties

Congregate living facilities with 16 or fewer occupants are permitted to comply with the construction requirements for Group R-3.

R-3 Residential occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I, including:

Buildings that do not contain more than two dwelling units.

Adult facilities that provide accommodations for ten or fewer persons of any age for less than 24 hours.

Child care facilities that provide accommodations for ten or fewer persons of any age for less than 24 hours.

Congregate living facilities with 16 or fewer persons.

Adult and child care facilities that are within a single-family home are permitted to comply with the *International Residential Code.*

R-4 Residential occupancies shall include buildings arranged for occupancy as residential care/assisted living facilities including more than ten but not more than 16 occupants, excluding staff.

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3, except as otherwise provided for in this Code, or shall comply with the *International Residential Code.*

Sec. 2.2.310. - Section 402.6.1 created.

Section 402.6.1 of the International Building Code, is hereby created to read as follows:

402.6.1 Reduced open space. The permanent open space of 60 feet shall be permitted to be reduced to not less than 40 feet, provided the following requirements are met:

1. The reduced open space shall not be allowed for more than 75 percent of the perimeter of the covered mall building and anchor buildings.

2. The exterior wall facing the reduced open space shall have a minimum fire-resistance rating of 3 hours.

3. Openings in the exterior wall facing the reduced open space shall have opening protectives with a minimum fire protection rating of 3 hours.

4. Group E, H, I, or R occupancies are not within the covered mall building or anchor stores.

Sec. 2.2.320. - Section 406.2.2 amended.

Section 406.2.2 of the International Building Code, is amended to read as follows:

406.2.2 Clear height. The clear height of each floor level in vehicle and pedestrian traffic areas shall not be less than 7 feet (2134 mm). Vehicle and pedestrian areas accommodating van-accessible parking required by the guidelines of the Americans with Disabilities Act (ADA) must have a minimum clear height of 98 inches to and on each level accommodating van accessible parking and meet all provisions of Americans with Disabilities Act Accessibility Guideline (ADAAG) 4.6.5.

Sec. 2.2.330. - Section 408.3.1 amended.

Section 408.3.1 of the International Building Code, is amended to read as follows:

408.3.1 Door width. Doors to resident sleeping units shall have a clear width of not less than 32 inches (813 mm).

Sec. 2.2.340. - Section 412.2.1 amended.

Section 412.2.1 of the International Building Code, is amended to read as follows:

412.2.1 Exterior walls. Exterior walls located less than 25 feet (7692 mm) from property lines, lot lines or a public way shall have a fire-resistance rating not less than 2 hours.

Sec. 2.2.350. - Section 412.2.3 amended.

Section 412.2.3 of the International Building Code, is amended to read as follows:

412.2.3 Floor surface. Floors shall be graded and drained to prevent water or fuel from remaining on the floor. Floor drains shall discharge through an oil separator to the sanitary sewer.

Exception: Aircraft hangars with individual lease spaces not exceeding 2,000 square feet (186 m^2) each in which servicing, repairing or washing in not conducted and fuel is not dispensed shall have floors that are graded toward the door, but shall not require a separator.

Sec. 2.2.360. - Section 4112.2.6 amended.

Section 412.2.6 of the International Building Code, is amended to read as follows:

[F] *412.2.6 Fire suppression.* Aircraft hangars shall be provided with fire suppression as required by NFPA 409. Aircraft Maintenance Hangar shall be defined as any of following:

major disassembling, inspection, and reassembling of aircraft; repair of aircraft; modification of the aircraft, rebuilding of structural damage, correction of a system malfunction or replacement of a major component; aircraft painting or paint removal; aircraft engine overhaul and maintenance; welding operations; and aircraft fuel tank or system repair or cleaning. Aircraft Storage Hangar shall be defined as any of following: Routine service checks, corrections of flight crew complaints, and minor repair and maintenance preformed while the aircraft is routinely in out-of-flight status.

Exceptions: 1. Aircraft Maintenance Hangars, shall not require an automatic sprinkler and foam-extinguishing system where the fire area does not exceed 17,500 square feet (1626 m^2) and the following conditions are met:

a. The hangar access door height of 28 feet (8.5m) or less.

b. The building is protected by an approved Monitored Optical Fire Detection System throughout.

2. Aircraft Storage Hangars, shall not require an automatic sprinkler and foam-extinguishing system where the fire area does not exceed 26,000 square feet (2416 m^2) and the following conditions are met:

a. The hangar access door height of 28 feet (8.5m) or less.

b. The building is protected by an approved Monitored Optical Fire Detection System throughout.

3. Group II hangers as defined in NFPA 409 storing private aircraft are exempt from foam suppression requirements.

Sec. 2.2.365. - Sections 421—421.3.4, 421.4—421.6.

Section 421, 421.1, 421.2, 421.3, 421.3.1, 421.3.2, 421.3.3, 421.3.4, 421.4, 421.5, 421.6, 421.7 and 421.8 of the International Building Code is hereby created to read as follows:

421 Occupancies. Live/work units shall be classified as a Group R-2 occupancy. Separation requirements found in Section 508 shall not apply within the live/work unit when the live/work unit is in compliance with Section 419. High hazard and storage occupancies shall not be permitted in a live/work unit. The aggregate area of storage in the nonresidential portion of the live/work unit shall be limited to 10 percent of the space dedicated to nonresidential activities. 421.1 General. A live/work unit is a dwelling unit or sleeping unit in which a significant portion of the space includes a nonresidential use that is operated by the tenant and shall comply with sections 419.1 through 419.8.

Exception: Dwelling or sleeping units that include an office that is less than 10 percent of the area of the dwelling unit shall not be classified as a live/work unit.

421.2 Limitations. The following shall apply to all live/work areas:

1. The live/work unit is permitted to be a maximum of 3,000 square feet;

2. The nonresidential area is permitted to be a maximum 50 percent of the area of

each live/work unit;

3. The nonresidential area function shall be limited to the first or main floor only of the live/work unit; and

4. A maximum of five nonresidential workers or employees are allowed to occupy the nonresidential area at any one time.

421.3 Means of Egress. Except as modified by this section, the provisions for Group R-2 occupancies in Chapter 10 shall apply to the entire live/work unit.

421.3.1 Egress Capacity. The egress capacity for each element of the live/work unit shall be based on the occupant load for the function served in accordance with Table 1004.1.1.

421.3.2 Sliding Doors. Where doors in a means of egress are of the horizontal sliding type, the force to slide the door to its fully open position shall not exceed 50 pounds with a perpendicular force against the door of 50 pounds.

421.3.3 Spiral Stairs. Spiral stairs that conform to the requirements of Section 1009.8 shall be permitted.

421.3.4 Locks. Egress doors shall be permitted to be locked in accordance with Exception 4 of Section 1008.1.8.3.

421.4 Vertical Openings. Floor openings between floor levels of a live/work unit are permitted without enclosure.

421.5 Fire Protection. The live/work unit shall be provided with a monitored fire alarm system where required by Section 907.2.9 and an automatic sprinkler system in accordance with Section 903.2.7 as amended.

421.6 Structural. Floor loading for the area within a live/work unit shall be designed to conform to Table 1607.1 based on the function within the space.

421.7 Accessibility. Accessibility shall be designed in accordance with Chapter 11.

421.8 Ventilation. The applicable requirements of the International Mechanical Code shall apply to each area within the live/work unit for the function within that space.

Sec. 2.2.370. - Section 507.3 amended.

Section 507.3 of the International Building Code, is amended to read as follows:

507.3 Sprinklered, one story. The area of a one-story, Group B, E, F, M, or S building or a one-story Group A-1, A-2 or A-4 building of other than Type V construction shall not be limited when the building is provided with an automatic sprinkler system throughout in accordance with Section 903.3.1.1 and is surrounded and adjoined by public ways or yards not less than 60 feet (18288 mm) in width.

Exceptions:

1. Buildings and structures of Type I and II construction for rack storage facilities that do

not have access by the public shall not be limited in height, provided that such buildings conform to the requirements of Sections 507.2 and 903.3.1.1 and NFPA 230.

2. The automatic sprinkler system shall not be required in areas occupied for indoor participant sports, such as tennis, skating, swimming and equestrian activities in occupancies in Group A-4, provided that:

2.1 Exit doors directly to the outside are provided for occupants of the participant sports areas; and

2.2 The building is equipped with a fire alarm system with manual fire alarm boxes installed in accordance with Section 907.

3. Group A-1 and A-2 occupancies of other than Type V construction shall be permitted, provided:

3.1 All assembly and educational occupancies are separated from other spaces as required for separated uses in Section 508.3.3.4 with no reduction allowed in the fire-resistance rating of the separation based upon the installation of an automatic sprinkler system.

3.2 Each Group A and E occupancy shall not exceed the maximum allowable area permitted in Section 503.1; and

3.3 All required exists shall discharge directly to the exterior.

Sec. 2.2.380. - Section 507.6 amended.

Section 507.6 of the International Building Code, is amended to read as follows:

507.6 Group A-3 buildings. The area of a one-story, Group A-3 building of Type II construction shall not be limited when all of the following criteria are met:

1. The building shall not have a stage other than platform.

2. The building shall be equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

3. The building shall be surrounded and adjoining by public ways or yards not less than 60 feet (18288 mm) in width.

Sec. 2.2.390. - Table 508.2 amended.

Table 508.2 of the International Building Code, is amended to read as follows:

TABLE 508.2 - INCIDENTAL USE AREAS

ROOM OR AREA	SEPARATION AND/OR PROTECTION
Furnace room where any piece of Equipment is over 400,000 Btu Per hour input	1 hour or provide automatic fire-extinguishing system
Rooms with boilers where the Largest piece of equipment is Over 15 psi and 10 horsepower	1 hour or provide automatic fire-extinguishing system
Refrigerant machinery rooms	1 hour or provide automatic sprinkler system
Parking garage (Section 406.2)	2 hours; or 1 hour and provide automatic fire-extinguishing system
Hydrogen cut-off rooms, not Classified as Group H	1-hour in Group B, F, M, S and U occupancies. 2-hour in Group A, E, I and R occupancies
Incinerator rooms	2 hours and automatic sprinkler system
Paint shops, not classified as Group H, located in occupancies Other than Group F	2 hours; or 1 hour and provide automatic fire-extinguishing system
Laboratories and vocational Shops, not classified as Group H, located in Group E or I-2 occupancies	1-hour or provide automatic fire-extinguishing system
Laundry rooms over 100 square Feet	1 hour or provide automatic fire-extinguishing system
Group I-3 cells equipped with Padded surfaces	1 hour
Group I-2 waste and linen collection rooms	1 hour
Waste and linen collection rooms over 100 square feet	1 hour or provide automatic fire-extinguishing system
Stationary lead-acid battery systems having a liquid capacity of more than 100 gallons used for facility standby power, emergency power or uninterrupted power supplies	1-hour in Group B, F, M, S and U occupancies. 2-hour in Group A, E, I and R occupancies.

For SI: 1 square foot + 0.0929 m^2, 1 pound per square inch = 6.9kPa.

1 British thermal unit per hour = 0.293 watts, 1 horsepower = 746 watts.

1 gallon = 8.79 L.

Sec. 2.2.400. - Table 601 amended.

Table 601 of the International Building Code, is amended to read as follows:

TABLE 601[h] - FIRE-RESISTANCE RATING REQUIREMENTS
FOR BUILDING ELEMENTS (hours)

BUILDING ELEMENT	TYPE I		TYPE II		TYPE III		TYPE IV	TYPE V	
	A	B	A[e]	B	A[e]	B	HT	A[e]	B
Primary Structural Frame[a]	3[b]	2[b]	1	0	1	0	HT	1	0
Bearing walls Exterior[g] Interior	 3 3[b]	 2 2[b]	 1 1	 0 0	 2 1	 2 0	 2 1/HT	 1 1	 0 0
Nonbearing walls and partitions Exterior	See Table 602								
Nonbearing Walls And Partitions Interior[f]	0	0	0	0	0	0	See Section 602.4.6	0	0
Floor construction and secondary members	2	2	1	0	1	0	HT	1	0
Roof construction and secondary members	11/2[c]	1[c, d]	1[c, d]	0[c, d]	1[c, d]	0[c, d]	HT	1[c, d]	0

For SI: 1 foot = 304.8mm.

a. The primary structural frame shall be considered to be the columns and the girders, beams, trusses and spandrels having direct connections to the column and bracing members designed to carry gravity loads. The following structural members shall be considered secondary members and not part of the primary structural frame:

i. Structural members not having direct connections to the columns;
ii. Members of the floor construction not having direct connections to the columns; and
iii. Bracing members other than those that are part of the primary structural frame.

b. Roof supports: Fire-resistance ratings of structural frame and bearing walls are permitted to the reduced by 1 hour where supporting a roof only.

c. Except in Group F-1, H, M, and S-1 occupancies, fire protection of structural members shall not be required, including protection of roof framing and decking where every part of the roof construction is 20 feet or more above any floor immediately below. Fire–retardant-treated wood members shall be allowed to be used for such unprotected members.

d. In all occupancies, heavy timber shall be allowed where 1-hour or less fire-resistance rating is required.

e. An approved automatic sprinkler system in accordance with Section 903.3.1.1 shall be allowed to the substituted for 1-hour fire-resistance-rated construction, provided such system is not otherwise required by other provisions of this code or used for an allowable area increase in accordance with Section 506.3 or an allowable height increase in accordance with Section 504.2. The 1-hour substitution for the fire resistance of exterior walls shall not be permitted.

f. Not less than the fire-resistance rating required by other sections of this code.

g. Not less than the fire-resistance rating based on fire separation distance (See Table 602).

h. Canopies under which temporary transactions occur or the loading and unloading of passengers of private or pleasure-type motor vehicles may be of non-combustible construction, subject to the following conditions:

i. The canopy is open on three or more sides and is not more than 1500 square feet (139.4 m^2).

ii. Canopy structures shall not be located in areas where building openings are prohibited or openings are required to be protected by Table 602.

iii. Buildings or portions thereof with exits having canopy structures located over the exit discharge shall be provided with an alternate means of egress as required by Section 1015.2.1.

Sec. 2.2.410. - Chapter 5, Section 508.5.1 amended – Where required, Exception.

Section 2.2.410 applies only within the city limits of the City of Wichita.

Chapter 5, Section 508.5.1 of the International Fire Code, **2006 Edition**, is amended to read as follows:

> **Section 508.5.1 Where required.** Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.
>
> **Exceptions:**
>
> 1. For Group R-3 and Group U occupancies, the distance requirement shall be 500 feet (152,400 mm).
>
> 2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 500 feet (152,400 mm).

Sec. 2.2.420. - Section 704.2 amended.

Section 704.2 of the International Building Code, is amended to read as follows:

> *704.2 Projections.* Cornices, eave overhangs, exterior balconies and similar projections extending beyond the floor area shall conform to the requirements of this section and Section 1406. Exterior egress balconies and exterior exit stairways shall also comply with Sections 1014.5 and 1023.1, respectively. Projections shall be no closer than 5 ft. (1524 mm) to the property line or the assumed property line.

Sec. 2.2.430. - Section 704.5 amended.

Section 704.5 of the International Building Code, is amended to read as follows:

> *704.5 Fire-resistance ratings.* Exterior walls shall be fire-resistance rated in accordance with Tables 601 and 602. The fire-resistance rating of exterior walls with a fire separation distance of equal to or greater than 5 feet (1524 mm) shall be rated for exposure to fire from the inside. The fire-resistance rating of exterior walls with a fire separation distance of less than 5 feet (1524 mm) shall be rated for exposure to fire from both sides.

Sec. 2.2.440. - Table 704.8 amended.

Table 704.8 of the International Building Code, is amended to read as follows:

TABLE 704.8 - MAXIMUM AREA OF EXTERIOR WALL OPENINGS[a]

FIRE SEPARATION DISTANCE (feet)								
CLASSIFICATION OF OPENINGS	**0 to less than 3[f, j]**	**3 to less than 5[c, g]**	**5 to less than 10[c, e, g, h]**	**10 to less than 15[d, e, g]**	**15 to less than 20[d,g]**	**20 to less than 25[d,g]**	**25 to less than 30[d,g]**	**30 or greater**
Unprotected	Not Permitted	Not Permitted[c]	10%[I]	15%[I]	25%[i]	45%[i]	70%[i]	No Limit[b]
Protected	Not Permitted	15%	25%	45%	75%	No Limit[b]	No Limit[b]	No Limit[b]

For SI: 1 foot = 304.8mm.

a. Values given are percentage of the area of the exterior wall.

b. See Section 704.7 for unexposed surface temperature.

c. For occupancies in Group R-3, the maximum percentage of unprotected and protected exterior wall openings shall be 25 percent.

d. The area of openings in an open parking structure with a fire separation distance of equal or greater than 10 feet shall not be limited.

e. For occupancies in Group H-2 or H-3, unprotected openings shall not be permitted for openings with a fire separation distance of less than 15 feet.

f. For requirements for fire walls for buildings with different heights, see Section 705.6.1.

g. The area of unprotected and protected openings is not limited for occupancies in Group R-3, with a fire separation distance equal to and greater than 5 feet.

h. For special requirements for Group U occupancies, see Section 406.1.2.

i. Buildings whose exterior bearing wall, exterior nonbearing wall and exterior structural frame are not required to the fire-resistance rated by Table No. 601 or 602 shall be permitted to have unlimited unprotected openings.

j. Includes accessory buildings to Group R-3.

Sec. 2.2.450. - Section 704.11 amended.

Section 704.11 of the International Building Code, is amended to read as follows:

704.11 Parapets. Parapets shall be provided on exterior walls of buildings.

Exceptions: A parapet need not be provided on an exterior wall where any of the following conditions exist:

1. The wall is not required to be fire-resistance rated in accordance with Table 602 because of fire separation distance.

2. The building has an area of not more than 1,000 square feet (93 m^2) on any floor.

3. Walls that terminate at roofs of not less than 2-hour fire-resistance-rated construction or where the roof, including the deck and supporting construction, is constructed entirely of noncombustible materials.

4. One-hour fire-resistance-rated exterior walls that terminate at the underside of the roof sheathing, deck or slab, provided:

4.1. Where the roof/ceiling framing elements are parallel to the walls, such framing and elements supporting such framing shall not be of less than 1-hour fire-resistance-rated construction for a width of 4 feet (1220 mm) for Groups R and U and 10 feet (3048 mm) for other occupancies, measured from the interior side of wall.

4.2. Where roof/ceiling framing elements are not parallel to the wall, the entire span of such framing shall not be less than 1-hour fire-resistance-rated construction.

4.3. Openings in the roof shall not be located within 5 feet (1524 mm) of the 1-hour fire-resistance-rated exterior wall for Group R and U and 10 feet (3048 mm) for other occupancies, measured from the interior side of the wall.

4.4. The entire building shall be provided with not less than a Class B roof covering.

5. In Group R-2 and R-3 where the entire building is provided with a Class C roof covering, the exterior wall shall be permitted to terminate at the underside of the roof sheathing or deck in Type III, IV and V construction, provided:

5.1. The roof sheathing or deck is constructed of approved noncombustible materials or of fire-retardant-treated wood for a distance of 4 feet (1220 mm); or

5.2. The roof is protected with 0.625-inch (16 mm) Type X gypsum board directly beneath the underside of the roof sheathing or deck, supported by a minimum of

nominal 2-inch (51 mm) ledgers attached to the sides of the roof framing members for a minimum distance of 4 feet (1220 mm).

6. Where the wall is located no closer than 5 feet (1524 mm) to the property line or assumed property line.

Sec. 2.2.460. - Section 705.1 amended.

Section 705.1 of the International Building Code, is amended to read as follows:

705.1 General. Each portion of a building separated by one or more fire walls that comply with the provisions of this section shall be considered a separate building. The extent and location of such fire walls shall provide a complete separation. Where a fire wall also separates occupancies that are required to be separated by a fire barrier wall, the most restrictive requirements of each separation shall apply.

Exceptions:

1. Area separation walls constructed prior to the adoption of the 2000 Edition of the International Building Code may be increased in length by not more than 25 percent of the length of the existing wall, not to exceed 30 feet. The method of construction and fire rating of the additional wall length shall be in general conformance to that of the existing wall.

2. Where building separation is required by the adopted electrical code to allow for multiple electrical services, the firewall may be constructed in accordance with the provisions of a two-hour fire barrier per Section 706. If the fire wall coincides with that of a required fire barrier, then the most restrictive requirement shall apply. For allowable area purposes, the building is considered as one structure with no benefit from the fire wall.

Sec. 2.2.470. - Section 706.5 amended.

Section 706.5 of the International Building Code, is amended to read as follows:

706.5 Continuity. Fire barriers shall extend from the top of the floor/ceiling assembly below to the underside of the floor or roof slab or deck above and shall be securely attached thereto. Such fire barriers shall be continuous through concealed spaces, such as the space above a suspended ceiling. The supporting construction for the fire barrier walls shall be protected to afford the required fire-resistance rating of the fire barrier supported, except for 1-hour fire-resistance-rated incidental use area separations as required by Table 508.2 in buildings of Type IIB, IIIB, and VB construction. Hollow vertical spaces within a fire barrier shall be fireblocked in accordance with Section 717.2 at every floor level.

Exceptions:

1. The maximum required fire-resistance rating for assemblies supporting fire barriers separating tank storage as provided for in Section 415.6.2.1 shall be 2 hours, but not less than required by Table 601 for the building construction type.

2. Shaft enclosures shall be permitted to terminate at a top enclosure complying with Section 707.12.

3. Protection of supporting construction of a fire barrier required to extend through a concealed space of an exterior architectural element is not required where the use below is transient in nature and has little or no impact to fire loading.

Sec. 2.2.480. - Section 715.5.7.2 amended.

Section 715.5.7.2 of the International Building Code, is amended to read as follows:

715.5.7.2 Size limitations. The total area of windows shall not exceed 25 percent of the area of the area of a common wall with any room.

Exception: Window openings of unlimited area may be glazed with approved fixed laminated glass, subject to the following conditions:

1. The glass shall be protected by a sprinkler system served by a domestic line and equipped with listed quick-response sprinklers approved by the Fire Department. The sprinkler system shall completely wet the entire surface of the glass wall when activated.

2. The laminated glass shall be in a gasketed non-combustible frame as installed that the glazing system may deflect without breaking (loading) the glass before the sprinkler system operates.

3. Obstructions such as curtain rods, drapery traverse rods, curtains, drapes or similar materials shall not be installed between the sprinkler and the glass. For the purpose of this section, non-combustible doors with approved fixed laminated glass may be considered as window openings, when subjected to the above conditions. The above doors shall comply with Section 715.4.7 and 715.4.7.1.

Sec. 2.2.485. - Section 803.10 and 803.10.1 created.

Section 803.10 and 803.10.1 of the International Building Code, is created to read as follows:

Site-fabricated Stretch System. A system, fabricated on site and intended for acoustical, tackable or aesthetic purposes, that is comprised of three elements; (a) a frame (constructed of plastic, wood, metal or other material) used to hold fabric in place, (b) a core material (infill, with the correct properties for the application) and (c) an outside layer, comprised of a textile, fabric or vinyl, that is stretched taunt and held in place by tension or mechanical fasteners via the frame.

Section 803.10.1 Site fabricated stretched systems. Where used as interior wall or interior ceiling finish materials, site-fabricated stretch systems shall be tested in the manner intended for use, and shall comply with the requirements of Section 803.1.1 or 803.1.2. If the materials are tested in accordance with ASTM E 84 or UL 723, specimen preparation and mounting shall be in accordance with ASTM E 2573.

Sec. 2.2.490. - Section 901.1 amended.

Section 901.1 of the International Building Code, is amended to read as follows:

901.1 Scope. The provisions of this chapter shall specify where fire protection systems are

required and shall apply to the design, installation and operation of fire protection systems. Where buildings, or portions thereof, are divided into fire areas so as not to exceed the limits established for requiring a fire protection system in accordance with this chapter, such fire areas shall be separated by fire barriers having a fire-resistance rating of not less than that determined in accordance with Table 508.3.3 and Section 706.

Exception: Buildings constructed prior to the adoption of the 2000 Edition of the International Building Code may have a non-conforming fire area increased by not more than 25 percent of the fire area limitation, for the occupancy classification, as specified under Section 903.2. All additions to the fire area shall be considered as accumulative and subject to the limitations of the construction type.

Sec. 2.2.500. – Chapter 9, Section 901.6 amended – Inspection, testing and maintenance.

In the jurisdiction of the City of Wichita:

Chapter 9, Section 901.6 of the International Fire Code, 2006 Edition, is amended to read as follows:

Section 901.6 Inspection, testing and maintenance. Fire detection, alarm and extinguishing systems shall be maintained in an operative condition at all times, and shall be replaced or repaired where defective. Non-required fire protection systems and equipment shall be inspected, tested and maintained or removed. Installation and alterations to fire detection, alarm and extinguishing systems shall be done in accordance with applicable standards and shall be performed by a NICET II Wichita Licensed Fire Protection Contractor.

In the jurisdiction of Sedgwick County:

Article 12, Section 901.6.3.of the International Fire Code, 2003 Edition, is added to read as follows:

Authorized Inspectors, test and maintenance personnel. No person or business entity shall inspect, test or maintain any system regulated by this section unless said person or business entity is a licensed fire protection contractor who has passed an appropriate examination. The International Code Council test for general contractors in the state of Kansas (ICC address of 5360 S. Workman Mill Rd. Whittier, CA 90601) or the "Block Test" administered by Experior (address of 2100 NW 53rd Ave. Gainesville, FL 32653), are designated as the standard examinations for determining the qualifications of person seeking licensure.

Those persons who were licensed as required by the Department of Code Enforcement on December 31, 2003, and whose license has not subsequently lapsed or been suspended or revoked, shall not be required to pass any such examination. Those persons not so licensed on that date, shall be at least a NICET Level II Fire Protection Contractor.

Sec. 2.2.510. - Section 903.2.1.1 amended.

Section 903.2.1.1 of the International Building Code, is amended to read as follows:

[F] 903.2.1.1 Group A-1. An automatic sprinkler system shall be provided for Group A-1 occupancies where one of the following conditions exists:

1. The fire area exceeds 12,000 square feet (1115 m^2) for Type II-B, III-B, V-A, and V-B construction or the basic allowable area for the construction type per Table 503 for the remaining construction types.

2. The fire area is located on a floor other than the level of exit discharge.

3. The fire area contains a multi-theater complex.

Sec. 2.2.520. - Section 903.2.1.2 amended.

Section 903.2.1.2 of the International Building Code, is amended to read as follows:

[F] 903.2.1.2 Group A-2. An automatic sprinkler system shall be provided for Group A-2 occupancies where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet (465 m^2);

2. The fire area has an occupant load of 300 or more; or

3. The fire area is located on a floor other than the level of exit discharge.

Sec. 2.2.530. - Section 903.2.1.3 amended.

Section 903.2.1.3 of the International Building Code, is amended to read as follows:

[F] 903.2.1.3 Group A-3. An automatic sprinkler system shall be provided for Group A-3 occupancies where one of the following conditions exists:

1. The fire area exceeds 12,000 square feet (1115 m^2) for Type II-B, Type III-B, Type V-A, and Type V-B construction or the basic allowable area for the construction type per Table 503 for the remaining construction types.

2. The fire area is located on a floor other than the level of exit discharge.

   Exception: Areas used exclusively as participant sports areas where the main floor area is located at the same level as the level of exit discharge of the main entrance and exit.

Sec. 2.2.540. - Section 903.2.1.4 amended.

Section 903.2.1.4 of the International Building Code, is amended to read as follows:

[F] 903.2.1.4 Group A-4. An automatic sprinkler system shall be provided for Group A-4 occupancies where one of the following conditions exists:

1. The fire area exceeds 12,000 square feet (1115 m^2) for Type II-B, Type III-B, Type V-A, and Type V-B construction or the basic allowable area for the construction type per Table 503 for the remaining construction types.

2. The fire area is located on a floor other than the level of exit discharge.

   Exception: Areas used exclusively as participant sports areas where the main floor area is located at the same level as the level of exit discharge of the main entrance and exit.

Sec. 2.2.550. - Section 903.2.3 deleted.

Section 903.2.3 of the International Building Code, is deleted as applicable within the city limits of the City of Wichita. In Sedgwick County only, Section 903.2.3 reads as follows: An automatic sprinkler system shall be provided throughout all building where a Group F-1 occupancy exceeds the basic allowable area for the construction type per Table 503 for the remaining construction types; or where more than three stories in height; or where the combined fire area on all floors, including mezzanines, exceed double the basic allowable areas for the construction type per Table 503.

Sec. 2.2.555. - Section 903.2.3.1 created.

Section 903.2.3.1 of the International Building Code, is amended to read as follows:

903.2.3.1 Woodworking operations. An automatic sprinkler system shall be provided throughout all Group F-1 occupancy fire areas that contain woodworking operations which generate finely divided combustible waste or use finely divided combustible materials.

EXCEPTION: A room or the aggregate area of rooms containing woodworking operations within a fire area where the area is 2,500 square foot (232 m^2) or less. Walls that define the rooms that contain the wood working operations shall be of non-combustible construction.

Sec. 2.2.560. - Section 903.2.7 amended.

Section 903.2.7 of the International Building Code, is amended to read as follows:

[F] 903.2.7 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

Exceptions:

1. Apartment buildings of four units or less.

2. Group R-3 occupancies as regulated by this Code.

Sec. 2.2.570. - Section 903.2.8 deleted.

Section 903.2.8 of the International Building Code, is deleted.

In the unincorporated area of Sedgwick County, including the small cities under contract for

inspection services Section 903.2.8 is amended to read as follows:

> *[F] 903.2.8 Group S-1.* An automatic sprinkler system shall be provided throughout all buildings where the fire area containing a Group S-1 occupancy exceeds the basic allowable area for the construction type per Table 503 for the remaining construction types; or where more than three stories in height; or where the combined fire area on all floors, including mezzanines, exceed double the basic allowable areas for the construction type per Table 503.

Sec. 2.2.580. - Section 903.2.9 amended.

Section 903.2.9 of the International Building Code, is amended to read as follows:

> *[F] 903.2.9 Group S-2.* An automatic sprinkler system shall be provided throughout buildings having a fire area that exceeds 12,000 square feet (1115 m^2) and classified as enclosed parking garages in accordance with Section 406.4 or where located beneath other groups.
>
> Exception: Enclosed parking garages located beneath Group R-3 occupancies.

Sec. 2.2.590. - Section 903.2.9.1 amended.

Section 903.2.9.1 of the International Building Code, is amended to read as follows:

> *[F] 903.2.9.1 Commercial parking garages.* An automatic sprinkler system shall be provided throughout buildings used for storage of commercial trucks or buses where the fire area exceeds 12,000 square feet (1115 m^2).

Sec. 2.2.600. - Section 903.2.10.1.1 amended.

Section 903.2.10.1.1 of the International Building Code, is amended to read as follows:

> *[F] 903.2.10.1.1 Opening dimensions and access.* Openings shall have a minimum dimension of not less than 30 inches (762 mm) in width and 48 inches (1219 mm) in height. Such openings shall be accessible to the fire department from the exterior and shall not be obstructed in a manner that fire fighting or rescue cannot be accomplished from the exterior.

Sec. 2.2.665. - Section 903.3.1.2.1 created.

Section 903.3.1.2.1 of the International Building Code, is amended to read as follows:

> *[F] 903.3.1.2.1 Balconies and decks.* Sprinkler protection shall be provided for exterior balconies, decks and ground floor patios of dwelling units where the building is of Type V construction, provided there is a roof or deck above. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch (25 mm) to 6 inches (152 mm) below the structural members and a maximum distance of 14 inches (356 mm) below the deck of the exterior balconies and decks that are constructed of open wood construction.

Sec. 2.2.670. - Chapter 9, Section 903.3.6 amended – Hose thread.

Section 903.3.6 of the International Building Code, is applicable within the city limits of the City of Wichita.

Chapter 9, Section 903.3.6 of the International Fire Code, 2006 Edition, is amended to read as follows:

> **Section 903.3.6. - Hose threads.** Fire hose threads and fittings used in connection with automatic sprinkler systems shall comply with NFPA 1963 or as otherwise approved, and shall be compatible with fire department hose threads. Fire hose thread used in connection with fire-extinguishing systems shall be national standard hose thread or as approved by the fire code official.

Sec. 2.2.680.- Chapter 9, Section 903.3.7 amended – Fire department connections.

Section 903.3.7 of the International Building Code, is applicable within the city limits of the City of Wichita.

Chapter 9, Section 903.3.7 of the International Fire Code, 2006 Edition, is amended to read as follows:

> **Section 903.3.7 - Fire department connections.** The location of fire department hose connections shall be approved by the fire code official. The maximum distance shall be 150 feet (45 720 mm) from a fire hydrant. The required hydrant shall be no closer than 40 feet (12 192 mm) to the structure.

Sec. 2.2.690. - Section 907.2 created.

Section 907.2 of the International Building Code, is hereby amended to read as follows:

> *[F] 907.2 Where required—new buildings and structures.* An approved fire alarm system installed in accordance with the provisions of this Code and NFPA 72 shall be provided in new buildings and structures in accordance with Sections 907.2.1 through 907.2.23 and provide occupant notification in accordance with section 907.9 unless other requirements are provided by another section of this Code. A minimum of one manual fire alarm box shall be provided in an approved location to initiate a fire alarm signal for fire alarm systems employing automatic fire detectors or waterflow detection devices. Where other sections of this Code allow elimination of fire alarm boxes due to sprinklers, a single fire alarm box shall be installed.
>
> *Exceptions:*
>
> 1. The manual fire alarm box is not required for fire alarm systems dedicated to elevator recall control and supervisory service.
>
> 2. The manual fire alarm box is not required for Group R-2 occupancies unless required by the fire code official to provide a means for fire watch personnel to initiate

an alarm during a sprinkler system impairment event. Where provided, the manual fire alarm box shall not be located in an area that is accessible to the public.

Sec. 2.2.700. - Section 907.2.1 amended.

Section 907.2.1 of the International Building Code, is amended to read as follows:

[F] 907.2.1 Group A. A manual fire alarm system shall be installed in rooms containing Group A occupancies having an occupant load of 300 or more. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

Exception: Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system and the alarm notification appliances will active upon sprinkler water flow.

Sec. 2.2.710. - Section 907.2.1.1 amended - System initiation in Group A occupancies with an occupant load of 1,000 or more.

Section 907.2 of the International Building Code, is applicable only within the city limits of the City of Wichita.

Chapter 9, Section 907.2.1.1 of the International Fire Code, 2006 Edition, is amended to read as follows:

[B] Section 907.2.1.1 System initiation in rooms containing Group A occupancies with an occupant load of 1,000 or more. Activation of the fire alarm in rooms containing Group A occupancies with an occupant load of 1,000 or more shall initiate a signal using an emergency voice/alarm communications system in accordance with NFPA 72.

Exception: Where approved, the prerecorded announcement is allowed to be manually deactivated for a period of time, not to exceed 3 minutes, for the sole purpose of allowing a live voice announcement from an approved, constantly attended location.

Sec. 2.2.720. - Section 907.2.3 amended.

Section 907.2.3 of the International Building Code, is amended to read as follows:

[F] 907.2.3 Group E. An automatic fire alarm system with smoke detection in accordance with provisions set forth in KAR 22-1.3 and (Current edition) NFPA 101 Life Safety Code Section 16.3.4 shall be installed in Group E occupancies.

In the unincorporated area of Sedgwick County, including the small cities under contract for inspection services Section 907.2.10.1.2 is amended to read as follows:

[F] 907.2.10.1.2 Groups R-2, R-3, R-4 and I-1. Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.

2. In each room used for sleeping purposes except in Group R-3 occupancies.

3. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

In the unincorporated area of Sedgwick County, including the small cities under contract for inspection services Section 907.2.10.1.4 is amended to read as follows:

Section 907.2.10.1.4. Additions, alterations or repairs to Group R shall be amended to read as follows:

Where an addition, alteration or repair to an individual dwelling unit or guestrooms in Group R requires a permit, smoke alarms shall be installed within that individual dwelling unit or guestrooms in accordance with this section. Where one or more sleeping rooms are added to or created in an existing Group R, smoke alarms shall be installed in accordance with this section.

Exception: Smoke alarms located in an existing individual dwelling unit, sleeping room or guestroom may remain as previously approved unless the addition, alteration or repair results in the removal of interior wall or ceiling finishes exposing the structure within the sleeping area. In all cases, smoke alarms shall comply with Section 907.2.10.2.

Sec. 2.2.730. - Group I-4 created.

Group I-4. Group I-4 occupancies shall be equipped with an automatic fire alarm system with smoke detection in accordance with provisions set forth in KAR 22-1.3 and (Current edition) NFPA 101 Life Safety Code Section 16.3.4.

Sec. 2.2.740. - Section 910.2.1 amended.

Section 910.2.1 of the International Building Code, is amended to read as follows:

[F] 910.2.1 Group F-1 or S-1. Buildings and portions thereof used as Group F-1 or S-1 occupancy having more than 50,000 square feet (4645 m^2) in undivided area.

Exceptions:

1. Group S-1 aircraft repair hangars.

2. Areas completely separated by non-combustible partitions so that no one area exceeds 50,000 square feet (4645 m^2). Openings shall be provided with approved automatic or self-closing devices to ensure closure of the opening.

Sec. 2.2.750. - Section 910.3.5 amended.

Section 910.3.5 of the International Building Code, is amended to read as follows:

910.3.5 Draft curtains. Where required by Table 910.3, draft curtains shall be provided in accordance with this section. The requirement for curtain boards in buildings designed to accommodate high-piled stock, as defined by the International Fire Code, shall be in accordance with IFC Table 2306.2.

Exception: Where areas of buildings are equipped with ESFR sprinklers, draft curtains shall not be provided within these areas. Draft curtains shall only be provided at the separation between the ESFR sprinklers and the conventional sprinklers.

Sec. 2.2.760. - Section 1003.5 amended.

Section 1003.5 of the International Building Code, is amended to read as follows:

1003.5 Elevation change. Where changes in elevation of less than 12 inches (305 mm) exist in the means of egress, sloped surfaces shall be used. Where the slope is greater than one unit vertical in 20 units horizontal (5-percent slope), ramps complying with Section 1010 shall be used. Where the difference in elevation is 6 inches (152 mm) or less, the ramp shall meet the requirements of the Americans with Disability Act ("ADA").

Exceptions:

1. A single step with a maximum riser height of 7 inches (178 mm) is permitted for buildings with occupancies in Groups F, H, R-2 and R-3 and Group S and U at exterior doors not required to be accessible by the Americans with Disabilities Act ("ADA") or locations served by a ramp meeting the requirements of the Americans with Disabilities Act ("ADA").

2. A stair with a single riser or with two risers and a tread is permitted at locations not required to the accessible by the Americans with Disabilities Act ("ADA"), provided that the risers and treads comply with Section 1009.3, the minimum depth of the tread is 13 inches (330 mm) and at least one handrail complying with Section 1012 is provided within 30 inches (762 mm) of the centerline of the normal path of egress travel on the stair.

3. A step is permitted in aisles serving seating that has a difference in elevation less than 12 inches (305 mm) at locations not required to the accessible by the Americans with Disabilities Act ("ADA"), provided that the risers and treads comply with Section 1025.11 and aisle is provided with a handrail complying Section 1025.13.

Any change in elevation in a corridor serving nonambulatory persons in Group I-2 occupancy shall be by means of a ramp or sloped walkway.

Sec. 2.2.770. -Chapter 10, Section 1004.1 amended - Design occupant load.

Chapter 10, Section 1004.1 of the International Fire Code, 2006 Edition, is amended to read as follows:

[B] Section 1004.1 Design occupant load. In determining means of egress requirements, the number of occupants for whom means of egress facilities shall be provided shall be determined in accordance with this section. Where occupants from accessory areas egress through a primary space, the calculated occupant load for the primary space shall include the total occupant load of the primary space plus the number of occupants aggressing though it from the accessory area. See Chapter 1, Section 107.6 – Overcrowding for exceeding the designed.

Sec. 2.2.780. - Section 1006.3 amended.

Section 1006.3 of the International Building Code, is amended to read as follows:

1006.3 Illumination emergency power. The power supply for means of egress illumination shall normally be provided by the premises' electrical supply.

In event of power supply failure, an emergency electrical system shall automatically illuminate the following areas:

1. Aisles and enclosed egress stairways in rooms and spaces that require two or more means of egress.

2. Corridors, exit enclosures and exit passageways in buildings required to have two or more exits.

3. Exterior egress components at other than the level of exit discharge until exit discharge is accomplished for buildings required to have two or more exits.

4. Interior exit discharge elements, as permitted in Section 1024.2, in buildings required to have two or more exits.

Sec. 2.2.790. - Section 1006.4 amended.

Section 1006.4 of the International Building Code, is amended to read as follows:

1006.4 Performance of system. Emergency lighting facilities shall be arranged to provide initial illumination that is at least an average of 1 foot-candle (11 lux) and a minimum at any point of 0.1 foot-candle (1 lux) measured along the path of egress at floor level. A licensed Electrical Engineer shall certify such system.

Exception: Emergency lighting facilities shall be placed at intervals not to exceed 50 feet (15240 mm) on center or 25 feet (7620 mm) in any one direction along the path of egress. Obstructions or changes in direction or exit travel shall be considered the conclusion of the emergency light facility.

Sec. 2.2.800. - Section 1007.1 amended.

Section 1007.1 of the International Building Code, is amended to read as follows:

1007.1 Accessible means of egress required. Accessible means of egress shall comply with this section. Accessible spaces shall be provided with not less than one accessible means of

egress. Where more than one means of egress is required by Section 1015.1 or 1019.1 from any accessible space, each accessible portion of the space shall be served by not less than two accessible means of egress. Accessible means of egress for alterations shall comply with the Americans with Disabilities Act.

Sec. 2.2.810. - Section 1007.3 created.

Section 1007.3 of the International Building Code is hereby amended to read as follows:

1007.3. Exit Stairways. In order to be considered part of an accessible means of egress, an exit stairway shall have a clear width of 48 inches minimum between handrails and shall either incorporate an area of refuge within an enlarged floor-level landing or shall be accessed from either an area of refuge complying with Section 1007.6 or a horizontal exit.

Exceptions:

1. Unenclosed exit stairways as permitted by Section 1020.1 are permitted to be considered part of an accessible means of egress.

2. The area of refuge is not required at unenclosed exit stairways as permitted by Section 1020.1 in buildings or facilities equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.

3. The clear width of 48 inches between handrails is not required at exit stairways in buildings or facilities equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.

4. The clear width of 48 inches between handrails is not required for exit stairways accessed from a horizontal exit.

5. Areas of refuge are not required at exit stairways serving open parking garages.

6. Areas of refuge are not required at exit stairways in buildings equipped throughout by an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.

7. Areas of refuge are not required for smoke-protected seating areas complying with Section 1025.6.2.

8. The areas of refuge are not required in Group R-2 occupancies.

Sec. 2.2.820. - Section 1007.4 created.

Section 1007.4 of the International Building Code, is hereby amended to read as follows:

1007.4 Elevators. In order to be considered part of an accessible means of egress, an elevator shall comply with the emergency operation and signaling device requirements of Section 2.27 of ASME A17.1. Standby power shall be provided in accordance with Sections 2702 and 3003. The elevator shall be accessed from either an area of refuge complying with Section 1007.6 or a horizontal exit.

Exceptions:

1. Elevators are not required to be accessed from an area of refuge or horizontal exit in open parking garages.

2. Elevators are not required to be accessed from an area of refuge or horizontal exit in buildings and facilities equipped throughout by an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.

3. Elevators not required to be located in a shaft in accordance with Section 707.2 are not required to be accessed from an area of refuge or horizontal exit.

4. Elevators are not required to be accessed from an area of refuge or horizontal exit for smoke protected seating areas complying with Section 1025.6.2.

Sec. 2.2.830. - Section 1008.1.1 amended.

Section 1008.1.1 of the International Building Code, is amended to read as follows:

1008.1.1 Size of doors. The minimum width of each door opening shall be sufficient for the occupant load thereof and shall provide a clear width of not less than 32 inches (813 mm). Clear openings of doorways with swinging doors shall be measured between the face of the door and the stop, with the door open 90 degrees (1.57 rad). Where this section requires a minimum clear width of 32 inches (813 mm) and a door opening includes two door leaves without a mullion, one leaf shall provide a clear opening width of 32 inches (813 mm). The maximum width of a swinging door leaf shall be 48 inches (1219 mm) nominal. Means of egress doors in a Group I-2 occupancy used for the movement of beds shall provide a clear width not less than 41.5 inches (1054 mm). The height of doors shall not be less than 80 inches (2032 mm).

Exceptions:

1. The minimum and maximum width shall not apply to door openings that are not part of the required means of egress in Group R-2 and R-3 occupancies.

2. Door opening to resident sleeping unit in Group I-3 occupancies shall have a clear width of not less 32 inches (711 mm).

3. Door openings to storage closets less than 10 square feet (0.93 m^2) in area shall not be limited by the minimum width.

4. Width of door leafs in revolving doors that comply with Section 1008.1.3.1 shall not be limited.

5. Door openings within a dwelling unit or sleeping unit shall not be less than 78 inches (1981 mm) in height.

6. Exterior door openings in dwelling units and sleeping units, other than the required exit door, shall not be less than 76 inches (1930 mm) in height.

7. In other than Group R-1 occupancies, the minimum widths shall not apply to interior

egress doors within a dwelling unit or sleeping unit that is not required to be an Accessible unit, Type A unit or Type B unit.

8. Door openings required to be accessible within Type B units shall have a minimum clear width of 32 inches (813 mm).

Sec. 2.2.840. - Section 1008.1.2 created.

Section 1008.1.2 of the International building Code, is amended to read as follows:

1008.1.2 Door swing. Egress doors shall be side-hinged or pivot hinged swinging.

Exceptions:

1. Private garages, office areas, factory and storage areas with an occupant load of 10 or less.

2. Group I-3 occupancies used as a place of detention.

3. Critical or intensive care patient rooms within suites of health care facilities.

4. Doors within or serving a single dwelling unit in groups R-2 and R-3.

5. In other than group H occupancies, revolving doors complying with Section 1008.1.3.1.

6. In other than Group H occupancies, horizontal sliding doors complying with Section 1008.1.3.3 are permitted in a means of egress.

7. Power-operated doors in accordance with Section 1008.1.3.2.

8. Doors serving a bathroom within an individual sleeping unit in Group R-1.

9. In other than Group H occupancies, manually operated horizontal sliding doors are permitted in a means of egress from spaces with an occupant load of 10 or less.

Sec. 2.2.850. - Section 1008.1.4 amended.

Section 1008.1.4 of the International Building Code, is amended to read as follows:

1008.1.4 Floor Elevation. There shall be floor or landing on each side of a door. Such floor or landing shall be at the same elevation on each side of the door. Landings shall be level except for exterior landings, which are permitted to have a slope not to exceed 1 vertical to 50 horizontal (2-percent slope).

Exceptions:

1. Doors serving individual dwelling units Groups R-2 and R-3 where the following apply:

1.1 A door is permitted to open at the top step of an interior flight of stairs, provided the door does not swing over the top step.

1.2 Screen doors and storm doors are permitted to swing over stairs or landings.

1.3 A door is permitted to open at the top step of a flight of interior stairs in an attached garage, provided the door does not swing over the top step.

1.4 A door is permitted to open at the top step of a flight of exterior stairs from a patio, provided there are no more than four risers.

2. Exterior doors as provided for in Section 1003.5, Exception 1, and Section 1018.2, which are not on an accessible route.

3. In Group R-3 occupancies not required to be Accessible units, Type A units or Type B units, the landing at an exterior doorway shall not be more than 8 inches (203.2 mm) below the top of the threshold, provided the door, other than an exterior storm or screen door, does not swing over the landing.

4. Variations in elevation due to differences in finish materials, but not more than 0.5 inch (12.7 mm).

5. Exterior decks, patios or balconies that are part of Type B dwelling units, have impervious surfaces and that are not more than 4 inches (102 mm) below the finished floor level of the adjacent interior space of the dwelling unit.

6. Doors, gates and panels that serve as access points to building equipment rooms that are not normally occupied, except where serving the following:

a. Electrical rooms with equipment rated 1,200 amperes or more and over 6 feet (1829 mm) wide that contain overcurrent devices, switching devices or control devices (See IBC Section 1008.1.10).

b. Rooms or spaces having a floor area larger than 1,000 square feet (93 m^2), containing a refrigerant evaporator and maintained at a temperature below 680°F (200°C) (see IBC Section 1015.5).

Sec. 2.2.860. - Section 1008.1.5 amended.

Section 1008.1.5 of the International Building Code, is amended to read as follows:

1008.1.5 Landings at doors. Landings shall have a width not less than the width of the stairway or the door, whichever is greater. Doors in the fully open position shall not reduce a required dimension by more than 7 inches (178 mm). When a landing serves an occupant load of 50 or more, doors in any position shall not reduce the landing to less than one-half its required width. Landings shall have a length measured in the direction of travel of not less than 48 inches (1219 mm) and shall comply with the Americans with Disabilities Act.

Exception: Landings length in the direction of travel in Groups R-3 and U and within individual units of Group R-2 need not exceed 36 inches (914 mm).

Sec. 2.2.870. - Section 1008.1.8.4 amended.

Section 1008.1.8.4 of the International Building Code, is amended to read as follows:

1008.1.8.4 Bolt locks. Manually operated flush bolts or surface bolts are not permitted.

Exceptions:

1. On doors not required for egress in individual dwelling units or sleeping units.

2. Where a pair of doors serves a storage or equipment room, manually operated edge- or surface- mounted bolts are permitted on the inactive leaf.

3. Where a pair of doors serves an occupant load of less than 50 persons in a Group B, F, or S occupancy, manually operated edge- or surface-mounted bolts are permitted on the inactive leaf. The inactive leaf shall contain no doorknobs, panic bars, or similar operating hardware.

4. Where a pair of doors serves a Group B, F, or S occupancy, manually operated edge- or surface-mounted bolts are permitted on the inactive leaf provided such inactive leaf is not needed to meet egress width requirements and the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1. The inactive leaf shall contain no doorknobs, panic bars or similar operating hardware.

5. Where a pair of doors serves patient care rooms in Group I-2 occupancies, self-latching edge- or surface-mounted bolts are permitted on the inactive leaf provided that the inactive leaf is not needed to meet egress width requirements and the inactive leaf contains no doorknobs, panic bars, or similar operating hardware.

Sec. 2.2.880. - Section 1008.1.8.8 amended.

Section 1008.1.8.8 of the International Building Code is hereby amended to read as follows:

1008.1.8.8 Special Locking Arrangements in Group I-2. Approved delayed egress locks shall be permitted in a Group I-2 occupancy where the clinical needs of persons receiving care require such locking. Delayed egress locks shall be permitted in such occupancies where the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or an approved automatic smoke or heat detection system installed in accordance with Section 907, provided that the doors unlock in accordance with items 1 thru 6 below. A building occupant shall not be required to pass through more than one door equipped with a delayed egress lock before entering an exit.

1. The doors unlock upon activation of the automatic sprinkler system or automatic fire detection system.

2. The doors unlock upon the loss of power controlling the lock or lock mechanism.

3. The door locks shall have the capability of being unlocked by a signal from the

fire command center, a nursing station or other approved location.

4. The procedures for the operation(s) of the unlocking system shall be described and approved as part of the emergency planning and preparedness required by the International Fire Code.

5. All clinical staff shall have the keys, codes, or other means necessary to operate the locking devices.

6. Emergency lighting shall be provided at the door.

Exception: Items 1 through 3 shall not apply to doors to areas where persons, because of clinical needs, require restraint or containment as part of the function of a mental hospital.

Sec. 2.2.890. - Section 1008.1.8.9 amended.

Section 1008.1.8.9 of the International Building Code is hereby amended to read as follows:

1008.1.8.9 Electromagnetically Locked Egress Doors. Doors in the means of egress that are not otherwise required to have panic doors in buildings with an occupancy in Group A, B, E, M, R-1, or R-2 and doors to tenant spaces in Group A, B, E, M, R-1 or R-2 shall be permitted to be electromagnetically locked if equipped with listed hardware that incorporates a built-in switch and meets the requirements listed below:

1. The listed hardware that is affixed to the door leaf has an obvious method of operation that is readily operated under all lighting conditions.

2. The listed hardware is capable of being operated with one hand.

3. Operation of the listed hardware releases to the electromagnetic lock and unlocks the door immediately.

4. Loss of power to the listed hardware automatically unlocks the door.

Sec. 2.2.900. - Section 1009.2 amended.

Section 1009.2 of the International Building Code, is amended to read as follows:

1009.2 Headroom. Stairways shall have a minimum headroom clearance of 80 inches (2032 mm) measured vertically from a line connecting the edge of the nosings. Such headroom shall be continuous above the stairway to the point where the line intersects the landing below, one tread depth beyond the bottom riser. The minimum clearance shall be maintained the full width of the stairway and landing.

Exceptions:

1. Spiral stairways complying with Section 1009.8 are permitted a 78-inch (1981 mm) headroom clearance.

2. Stairways within an individual dwelling unit of Group R-2 and R-3 are permitted an

80-inch (2032 mm) headroom clearance.

Sec. 2.2.910. - Section 1009.5.1 amended.

Section 1009.5.1 of the International Building Code, is amended to read as follows:

1009.5.1 Stairway walking surface. The walking surface of treads and landings of a stairway shall not be sloped steeper than one unit vertical in 48 units horizontal (2-percent slope) in any direction. Stairway treads and landings shall have a solid surface. Finish floor surfaces shall be securely attached.

Exceptions:

1. Perforated openings for drainage on exterior stairs shall not be prohibited provided a sphere with diameter of 0.1875 inches (3/16 inch; 5 mm) cannot pass through the opening.

2. In Group F, H and S occupancies, other than areas of parking structures accessible to the public, openings in treads and landings shall not be prohibited provided a sphere with a diameter of 1.125 inches (29 mm) cannot pass through the opening.

Sec. 2.2.920. - Section 1009.10 amended.

Section 1009.10 of the International Building Code, is amended to read as follows:

1009.10 Handrails. Stairways shall have handrails on each side and shall comply with Section 1012. Where glass is used to provide the handrail, the handrail shall also comply with Section 2407.

Exceptions:

1. Aisle stairs complying with Section 1025 provided with a center handrail need not have additional handrails.

2. Stairways within dwelling units, spiral stairways and aisle stairs serving seating only on one side are permitted to have a handrail on one side only.

3. Decks, patios and walkways that have a single change in elevation where the landing depth on each side of the change of elevation is greater than what is required for a landing do not require handrails.

4. In Group R-3 occupancies, a change in elevation consisting of a single riser at an entrance or egress door does not require handrails.

5. Changes in room elevations of only one riser do not require handrails.

Sec. 2.2.930. - Section 1009.12 created.

Section 1009.12 of the International Building Code, is created to read as follows:

1009.12 Access to equipment rooms and areas. Room and areas containing equipment that must be accessed for maintenance are not required to be accessed by a stairway. Access

compliance to equipment rooms and areas is subject to provisions of other adopted standards of the Metropolitan Area Building Code Department and that of OSHA.

Sec. 2.2.940. - Section 1010.6.5 amended.

Section 1010.6.5 of the International Building Code, is amended to read as follows:

1010.6.5 Doorways. Where doorways are located adjacent to a ramp landing, maneuvering clearances required by the Americans with Disabilities Act ("ADA") are permitted to overlap the required landing area.

Sec. 2.2.950. - Section 1011.1 amended.

Section 1011.1 of the International Building Code, is amended to read as follows:

1011.1 Where required. Exits and exit access doors shall be marked by an approved exit sign readily visible from any direction of egress travel. Access to exits shall be marked by readily visible exit signs in cases where the exit or the path of egress travel is not immediately visible to the occupants. Exit sign placement shall be such that no point in a corridor is more than 100 feet (30480 mm) or the listed viewing distance for the sign, whichever is less, from the nearest visible exit sign. Exit signs required at doors shall not be located more than 12 feet (3,658 mm) above the finish floor, nor more than 2 feet (610 mm) from either edge of door.

Exceptions:

1. Exit signs are not required in rooms or areas that require only one exit or exit access.

2. Main exterior exit doors or gates that are obviously and clearly identifiable as exits need not have exit signs where approved by the building official.

3. Exit signs are not required in sleeping areas in occupancies in Group U and individual sleeping units or dwelling units in Group R-1, R-2 or R-3.

4. Exit signs are not required in sleeping areas in occupancies in Group I -3.

5. In occupancies in Groups A-4 and A-5, exit signs are not required on the seating side of vomitories or openings into seating areas where exit signs are provided in the concourse that are readily apparent from the vomitories. Egress lighting is provided to identify each vomitory or opening within the seating area in an emergency.

Sec. 2.2.960. - Section 1012.3 amended.

Section 1012.3 of the International Building Code, is amended to read as follows:

1012.3 Handrail graspability. The diameter or width of the gripping surfaces of a handrail shall be 1.25 inches (32 mm) to 1.5 inches (38 mm) or the shape shall provide an equivalent gripping surface.

Exceptions:

1. Handrails within a dwelling unit and stairways serving multi-family occupancies subject to the provisions of the Fair Housing Act, but excluding common areas subject to the provisions of the Americans with Disabilities Act ("ADA") shall meet one of the below requirements:

1.1. Handrails with a circular cross section shall have an outside diameter of at least 1.25 inches (32 mm) and not greater than 2 inches (51 mm) or shall provide equivalent graspability.

1.2. If the handrail is not circular, it shall have a perimeter dimension of at least 4 inches (102 mm) and not greater than 6.25 inches (160 mm) with a maximum cross-section dimension of 2.25 inches (57 mm). Edges shall have a minimum radius of 0.01 inch (0.25 mm).

2. In buildings served by an accessible ramp or elevator, the handrails shall meet one of the following requirements:

2.1. Handrails with a circular cross section shall have an outside diameter of at least 1.25 inches (32 mm) and not greater than 2 inches (51 mm) or shall provide equivalent graspability.

2.2. If the handrail is not circular, it shall have a perimeter dimension of at least 4 inches (102 mm) and not greater than 6.25 inches (160 mm) with a maximum cross-section dimension of 2.25 inches (57 mm). Edges shall have a minimum radius of 0.01 inch (0.25 mm).

Sec. 2.2.970. - Section 1012.5 amended.

Section 1012.5 of the International Building Code, is amended to read as follows:

1012.5 Handrail extensions. Handrails shall return to a wall, guard or the walking surface or shall be continuous to the handrail of an adjacent stair flight or ramp run. At stairways where handrails are not continuous between flights, the handrails shall extend horizontally at least 12 inches (305 mm) beyond the top riser. At ramps where handrails are not continuous between runs, the handrail shall extend horizontally above the landing 12 inches (305 mm) minimum beyond the top and bottom ramps.

Exceptions:

1. Handrails within a dwelling unit and stairways serving multi-family occupancies that are not subject to the provisions of the Americans with Disabilities Act ("ADA") need extend only from the top riser to the bottom riser.

2. Aisle handrails in Group occupancies in accordance with Section 1025.13.

3. In buildings served by an accessible ramp or elevator, the handrails need to extend only from the top riser to the bottom riser.

Sec. 2.2.980. - Section 1013.1 amended.

Section 1013.1 of the International Building Code, is amended to read as follows:

1013.1 Where required. Guards shall be located along open-sided walking surfaces, mezzanines, industrial equipment platforms, stairways, ramps and landings that are located more than 30 inches (762 mm) above the floor or grade below. Guards shall be adequate in strength and attachment in accordance with Section 1607.7. Where glass is used to provide a guard or as a portion of the guard system, the guard shall also comply with Section 2407. Guards shall also be located along glazed sides of stairways, ramps and landings that are located more than 30 inches (762 mm) above the floor or grade below where the glazing provided does not meet the strength and attachment requirements in Section 1607.7.

Exception: Guards are not required for the following locations:

1. On the loading side of loading docks or piers.

2. On the audience side of stages and raised platforms, including steps leading up to the stage and raised platforms.

3. On raised stage and platforms floor areas, such as runways, ramps and side stages used for entertainment or presentations.

4. At vertical openings in the performance area of stages and platforms.

5. At elevated walking surfaces appurtenant to stages and platforms for access to and utilization of special lighting or equipment.

6. Along vehicle service pits not accessible to the public.

7. In assembly seating where guards in accordance with Section 1025.14 are permitted and provided.

8. At window wells a protective cover designed to a minimum of 20 pounds per square foot (0.96 KN/m^2) uniformly distributed live load may be substituted for guards. The window well covers shall be provided with an emergency egress hatch located above the ladder or stairway, with the minimum egress opening maintained. The force required to open the egress hatched shall not exceed 30 pounds (133.45 N). Window well covers and grates shall be constructed of materials approved for exterior use.

Sec. 2.2.990. - Section 1014.3 created.

Section 1014.3 of the International Building Code, is amended to read as follows:

1014.3 Common path of egress travel. In occupancies other than Group H-1, H-2 and H-3, the common path of egress travel shall not exceed 75 feet (22,806 mm). In Groups H-1, H-2 and H-3 occupancies, the common path of egress travel shall not exceed 25 feet (7620 mm). For common path of egress travel in Group A occupancies and assembly occupancies in Group E occupancies having fixed seating, see Section 1025.8.

Exceptions:

1. The length of a common path of egress travel in Group B, F and S occupancies shall not be more than 100 feet (30,480 mm), provided that the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1.

2. Where a tenant space in Group B, S and U occupancies has an occupant load of not more than 30, the length of a common path of egress travel shall not be more than 100 feet (30,480 mm).

3. The length of a common path of egress travel in a Group I-3 occupancy shall not be more than 100 feet (30,480 mm).

4. The length of a common path of egress travel in a Group R-2 occupancy shall not be more than 125 feet (38,100 mm), provided that the building is protected throughout with an approved automatic system in accordance with Section 903.3.1.1 or 903.3.1.2.

Sec. 2.2.1000. - Section 1017.1 amended.

Section 1017.1 of the International Building Code, is amended to read as follows:

1017.1 Construction. Corridors shall be fire-resistance rated in accordance with Table 1017.1. The corridor walls required to be fire-resistance rated shall comply with Section 708 for fire partitions.

Exceptions:

1. A fire-resistance rating is not required for corridors in an occupancy in Group E where each room that is used for instruction has at least one door directly to the exterior and rooms for assembly purposes have at least one-half of the required means of egress doors opening directly to the exterior. Exterior doors specified in this exception are required to be at ground level.

2. A fire-resistance rating is not required for corridors contained within a dwelling or sleeping unit in and occupancy in Group R.

3. A fire-resistance rating is not required for corridors in open parking garages.

4. A fire-resistance rating is not required for corridors in an occupancy in Group B which is a space requiring only a single means of egress complying with Section 1015.1.

5. A fire-resistance rating is not required for corridors not exceeding 20 feet (6096 mm) in length, when they provide direct, obvious and unobstructed means of travel to an exit or until egress is provided from the building, provided that all openings, except the entrance to the corridor, are protected with self-closing doors of non-combustible construction or solid wood core, not less than 1 inch (35 mm) in thickness or fixed glazing. Use of rolling or sliding doors shall not be permitted, unless equipped with a closing device which operates with the actuation of an approved listed smoke detector.

Sec. 2.2.1010. - Section 1017.3 amended.

Section 1017.3 of the International Building Code, is amended to read as follows:

1017.3 Dead ends. Where more than one exit or exit access doorway is required, the exit access shall be arranged such that there are no dead ends in corridors more than 20 feet (6096 mm) in length.

Exceptions:

1. In occupancies in Group I-3 of Occupancy Condition 2, 3 or 4 (see section 308.4), the dead end in a corridor shall not exceed 50 feet (15,240 mm).

2. In occupancies in Groups B, E, F, I-1, M, R-1, R-2, R-4, S, and U, where the building is equipped throughout with an automatic sprinkler system in accordance with 903.3.1.1, the length of the dead-end corridors shall not exceed 50 feet (15,240 mm).

3. A dead-end corridor shall not be limited in length where the length of the dead-end corridor is less than 2.5 times the least width of the dead-end corridor.

Sec. 2.2.1020. - Section 1019.1 amended.

Section 1019.1 of the International Building Code, is amended to read as follows:

1019.1 Minimum number of exits. All rooms and spaces within each story shall be provided with and have access to the minimum number of approved independent exits required by Table 1019.1 based on the occupant load of the story, except as modified in Section 1015.1 or 1019.2. For the purpose of this chapter, occupied roofs shall be provided with exits as required for stories. The required number of exits from any story, basement or individual space shall be maintained until arrival at grade or grade or the public way.

Exception: Floors and basements used exclusively for the service of the building or equipment and not normally occupied, may have access to only one exit, unless classified as an H occupancy or required due to the type or size of equipment utilized. For purpose of this exception, storage rooms, maintenance offices and similar uses shall not be considered as providing service to the building.

TABLE 1019.1 - MINIMUM NUMBER OF EXITS FOR OCCUPANT LOAD

OCCUPANT LOAD (persons per story)	MINIMUM NUMBER OF EXITS (per story)
1-500	2
501-1,000	3
More than 1,000	4

Sec. 2.2.1030. - Section 1019.2 amended.

Section 1019.2 of the International Building Code, is amended to read as follows:

1019.2 Single exits. Only one exit shall be required from Group R-3 occupancy buildings or from stories of other buildings as indicated in Table 1019.2. Occupancies shall be permitted to have a single exit in buildings otherwise required to have more than one exit if the areas served by the single exit do not exceed the limitations of Table 1019.2. Mixed occupancies shall be permitted to be served by single exits provided each individual occupancy complies with the applicable requirements of Table 1019.2 for that occupancy. Where applicable, cumulative occupant loads from adjacent occupancies shall be considered in accordance with the provisions of Section 1004.1. Basements with a single exit shall not be located more than one story below grade plane.

TABLE 1019.2 - STORIES WITH ONE EXIT

STORY	OCCUPANCY	MAXIMUM OCCUPANTS (OR DWELLING UNITS) PER FLOOR AND TRAVEL DISTANCE
First Story or Basement	A, B[d], E[e], F[d], M, U, S[d]	49 occupants and 75 feet travel distance
	H-2, H-3	3 occupants and 25 feet travel distance
	H-4, H-5, I, R	10 occupants and 75 feet travel distance
	S[a]	29 occupants and 100 feet travel distance
Second Story	B[b], F, M, S[a]	29 occupants and 75 feet travel distance
	R-2	4 dwelling units and 50 feet travel distance
Third Story	R-2[c]	4 dwelling units and 50 feet travel distance

For SI: 1 foot = 304.8 mm.

a. For the required number of exits for parking structures, see Section 1019.1.1.

b. For the required number of exits for air traffic control towers, see Section 412.1.

c. Buildings classified as Group R-2 equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.1.2 and provided with emergency escape and rescue openings in accordance with Section 1026.

d. Group B, F and S occupancies in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 shall have a maximum travel distance of 100 feet.

e. Day care maximum occupant load is 10.

Sec. 2.2.1040. - Section 1020.1 amended.

Section 1020.1 of the International Building Code, is amended to read as follows:

1020.1 Enclosures required. Interior exit stairways and interior exit ramps shall be enclosed with fire barriers constructed in accordance with Section 706 or horizontal assemblies constructed in accordance with Section 711, or both. Exit enclosures shall have a fire-resistance rating of not less than 2 hours where connecting four stories or more and not less than 1 hour where connecting less than four stories. The number of stories connected by the exit enclosure shall include any basements but not any mezzanines. An exit enclosure shall not be used for any purpose other than means of egress.

Exceptions:

1. In all occupancies, other than Group H and I occupancies, a stairway is not required to be enclosed when the stairway serves an occupant load of less than 10 or serving a space that qualifies under the exception to Section 2.2.850 and the stairway complies with either Item 1.1 or 1.2. In all cases, the maximum number of connecting open stories shall not exceed two.

1.1. The stairway is open to not more than one story above the story at the level of exit discharge; or

1.2. The stairway is open to not more than one story below the story at the level of exit discharge.

2. Exits in buildings of Group A-5 where all portions of the means of egress are essentially open to the outside need not be enclosed.

3. Stairways serving and contained within a single residential dwelling unit or sleeping unit in Group R-1, R-2 or R-3 occupancies are not required to be enclosed.

4. Stairways that are not required means of egress element are not required to be enclosed where such stairways comply with Section 707.2.

5. Stairways in open parking structures that serve only the parking structure are not required to be enclosed.

6. Stairways in Group I-3 occupancies, as provided for in Section 408.3.6, are not

required to be enclosed.

7. Means of egress stairways as required by Section 410.5.3 are not required to be enclosed.

8. In other than Group H and I occupancies, a maximum of 50 percent of egress stairways serving one adjacent floor are not required to be enclosed, provided at least two means of egress are provided from both floors served by the unenclosed stairways. Any two such interconnected floors shall not be open to other floors. Unclosed exit stairways shall be remotely located as required in Section 1015.2.

9. In other than Group H and I occupancies, interior egress stairways serving only the first and second stories of a building equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 are not required to be enclosed, provided at least two means of egress are provided from both floors served by the unenclosed stairways. Such interconnected stories shall not be open to other stories. Unenclosed exit stairways shall be remotely located as required in Section 1015.2.

Sec. 2.2.1050. - Section 1025.9.1 amended.

Section 1025.9.1 of the International Building Code, is amended to read as follows:

1025.9.1 Minimum aisle width. The minimum clear width of aisles shall be as follows, unless greater widths are required by the provisions of the Americans with Disabilities Act ("ADA"):

1. Forty-eight inches (1219 mm) for aisle stairs having seating on each side.

   Exception: Thirty-six inches (914 mm) where the aisle serves less than 50 seats.

2. Thirty-six inches (914 mm) for aisle stairs having seating on only one side.

3. Twenty-three inches (584 mm) between an aisle stair handrail or guard and seating where the aisle is subdivided by a handrail.

4. Forty-two inches (1067 mm) for level or ramped aisles having seating on both sides.

   Exceptions:

   1. Thirty-six inches (914 mm) where the aisle serves less than 50 seats.

   2. Thirty inches (762 mm) where the aisle does not serve more than 14 seats.

5. Thirty-six inches (914 mm) for level or ramped aisles having seating on only one side.

   Exceptions:

   1. Thirty inches (762 mm) where the aisle does not serve more than 14 seats.

   2. Twenty-three inches (584 mm) between an aisle stair handrail and seating where an aisle does not serve more than five rows on one side.

Sec. 2.2.1060. - Section 1025.13 amended.

Section 1025.13 of the International Building Code, is amended to read as follows:

1025.13 Handrails. Ramped aisles having a slope exceeding one unit vertical 20 units horizontal (5-percent slope) and aisle stairs shall be provided with handrails located either at the side or within the aisle width.

Exceptions:

1. Handrails are not required for ramped aisles having a gradient no greater than one unit vertical to eight units horizontal (12.5-percent slope) and seating on both sides where accessible seating is not required along either side of the aisle by Americans with Disabilities Act ("ADA").

2. Handrails are not required if, at the side of the aisle, there is a guard that complies with the graspability requirements of handrails.

Sec. 2.2.1070. - Section 1101.2 amended.

Section 1101.2 of the International Building Code, is amended to read as follows:

1101.2 Design. Buildings and facilities shall be designed and constructed to be accessible in accordance with the current guidelines of the Americans with Disabilities Act ("ADA"), except as modified by this chapter. The exclusion of private clubs and religious entities from accessibility requirements referenced in ADA does not apply. Accessible routes shall coincide with or be located in the same area as a general circulation path. Where the circulation path is interior, the accessible route shall also be interior. The provisions of this section are not intended to substitute or alleviate greater levels of accessibility that may be required on projects involving governmental funding or which require approval by other governmental agencies. Nor are the provisions of this section intended to reduce or eliminate any of the provisions of the Americans with Disabilities Act as established by federal law.

Exceptions:

1. Floors or portions not customarily occupied, including, but not limited to, elevator pits; observation galleries used primarily for security purposes; elevator penthouses; nonoccupiable spaces accessed only by ladders, catwalks, crawl spaces or freight elevators; and equipment catwalks; and machinery, mechanical and electrical equipment rooms.

2. Subject to the approval of the building official, areas where work cannot reasonably be performed by persons having severe impairment (mobility, sight or hearing) need not provide accessibility to such persons. Approval is contingent upon receipt of a letter from the employer's Personnel Department, along with a job description and qualifications statement from the employer, adequate to show that the employer has specified that the work cannot be reasonably performed by a person having a severe impairment (mobility, sight or hearing).

3. Temporary structures, sites and equipment directly associated with the construction process such as construction site trailers, scaffolding, bridging or material hoists are not required to be accessible. This exception does not include walkways or pedestrian protection required by Chapter 33.

4. Subject to the approval of the building official, private clubs and religious entities may appeal accessibility provisions under International Building Code Section 104.10 and 104.11.

5. Facilities for children may be designed in accordance with the Accessibility Guidelines for Children's Facilities; Proposed Rule dated July 22, 1996 in lieu of ADA guidelines. Specific elements, such as restroom stalls, will require full compliance with whichever guideline is selected by the designer.

Side reach range. If the clear space allows for a parallel approach by a person in a wheelchair, the maximum high side reach allowed shall be 48 inches (1220 mm) and the low side reach shall be no less than 15 inches (380 mm) above the floor.

Water closet flush controls. Flush controls for water closets shall be automatic or mounted on the wide side of toilet areas no more 44 inches (1120 mm) above the floor.

Sec. 2.2.1080. - Accessible unisex toilet room in Group A.

In Group A occupancies, an accessible unisex toilet room shall be provided where an aggregate of six or more male and female water closets are required. This accessible unisex toilet room is in addition to all other accessible restrooms required by the Americans with Disabilities Act ("ADA"). In buildings of mixed occupancy, only those water closets required for the Group occupancy shall be used to determine the accessible unisex toilet room requirement.

(a) *Location.* The accessible unisex toilet room shall be located on an accessible route and not located more than one story above or below separate sex toilet facilities. The accessible route from any separate sex toilet facilities to an accessible unisex toilet room shall not exceed 500 feet. Additionally, in passenger transportation facilities and airports, the accessible route from separate sex toilet facilities to an accessible unisex toilet room shall not pass through security checkpoints.

(b) *Clear floor space.* When doors swing into a accessible unisex toilet room, a clear floor space not less than 30 inches by 48 inches shall be provided, within the room, beyond the area of the door swing. The wheelchair turning space as required by Section 4.2.3 of the Americans with Disabilities Act ("ADA") shall be maintained without reduction.

(c) *Required fixtures.* The accessible unisex toilet room shall include only one water closet and one lavatory.

Sec. 2.2.1090. - Group R occupancies: Hotels, motels, lodging houses, congregate residences and other transient lodging facilities.

Hotels, motels, lodging houses, congregate residences and other transient lodging facilities shall be designed in accordance with the requirements of the Americans with Disabilities Act ("ADA" or "the Act").

Exception: Lodging houses, congregate residences and other transient lodging containing less than six guest rooms; or multi-bed rooms or spaces for less than six occupants.

(a) *Multi-unit dwellings.* In Group R, Division 2 apartment buildings and Group R, Division 3 Occupancies where there are four or more dwelling units in a single structure, all dwelling units shall comply with the current Accessibility Guidelines of the Fair Housing Act and shall be here-in-after referenced as "adaptable" dwelling units.

Exceptions:

1. Where no elevator service is provided in a building, only ground floor dwellings need comply.

2 Where no elevator service is provided in a building and the ground floor does not contain dwelling units, only those dwelling units located on the first floor containing either Group R, Division 2 apartment occupancies or Group R, Division 3 Occupancies need comply.

3. A multi-story dwelling unit not provided with elevator service is not required to comply. Where a multi-story dwelling unit is provided with elevator service to only one floor, the floor provided with elevator service shall comply with the requirements, and a toilet facility shall be provided on that floor.

4. The number of adaptable dwelling units provided in multiple non-elevator buildings on a single site may be reduced to a percentage of the ground floor units that is equal to the percentage of the entire site having grades, prior to development, that are 10 percent or less; but in no case shall the number of adaptable units be less than 20 percent of the ground floor dwelling units on the entire site.

5. The required number of adaptable dwelling units shall not apply to a site where the lowest floor or the lowest structural building members are required to be at or above the base flood elevation resulting in:

5.1. A difference in elevation between the minimum required floor elevation at the primary entrances and all vehicular and pedestrian arrival points within 50 feet (15,240 mm) exceeding 30 inches (762 mm); or

5.2. A slope exceeding 10 percent between the minimum required floor elevations at the primary entrances and all vehicular and pedestrian arrival points within 50 feet (15,240 mm).

Where no such arrival points are within 50 feet (15,240 mm) of the primary entrances, the closet arrival point shall be used.

(b) *Public and Common Use Areas and Facilities.* When accessible or adaptable dwellings units, guest and sleeping rooms are required, public and common use areas and facilities available for use by people other than residents and their guests, such as recreational facilities, laundry facilities, garage and recycling collection areas, mailbox locations, lobbies, foyers and management offices, shall be accessible. These public and common use areas shall be designed per the requirements of Americans with Disabilities ("ADA").

Exception: When recreational facilities are provided accessory to accessible or adaptable dwelling units, only 25 percent of the recreational facilities need be accessible, provided not less than one of each type in each group of such facilities shall be accessible. All recreational facilities of each type on a site shall be considered in determining the total number of each type, which are required to be accessible.

(c) *Group U Occupancies.* Group U, Division 1 Occupancies shall be accessible as follows:

Design and Construction.

1. Private garages and carports that contain required accessible parking shall be designed with a minimum width of 14 feet 2 inches and a vehicular door, if provided, shall be at least 10 feet wide.

2. In Group U, Division 1 agricultural buildings, access need be provided only to paved work areas and areas open to the general public and should be designed and constructed per the requirements of Americans with Disabilities Act ("ADA").

Sec. 2.2.1100. - Self-service storage facilities.

Self-service storage facilities shall provide accessible self-storage spaces in accordance with the Table A below:

TABLE A - ACCESSIBLE SELF-SERVICE STORAGE FACILITIES

TOTAL SPACES IN FACILITY	MINIMUM NUMBER OF REQUIRED ACCESSIBLE SPACES
1 to 200	5%, but not less than 1
Over 200	10, plus 2% of total number of units over 200

a. Accessible individual self-service storage spaces. Accessible individual self-storage spaces shall be dispersed throughout the various classes of spaces provided. Where more classes of spaces are provided than the number of required accessible spaces, the number of accessible spaces shall not be required to exceed that required by Table A. Accessible spaces are permitted to be dispersed in a single building or a multi-building facility.

b. Accessible units. Accessible units shall be provided with doors that meet the provisions of Section 404 of the Americans with Disabilities Act ("ADA").

Sec. 2.2.1110. - Signage.

(a) *Signage: International symbol of accessibility.* The following elements and spaces of accessible facilities shall be identified by the international symbol of accessibility:

1. Accessible parking spaces.

2. Accessible areas of refuge.

3. Accessible passenger loading zones.

4. Accessible toilet and bathing facilities. In addition, signage shall indicate the location of the nearest unisex toilet room where provided in accordance with Section 2.2.870 of this Code. In no case shall the provisions of Section 4.1.3, item 16 "Building Signage" of the Americans with Disabilities Act ("ADA") be reduced or eliminated.

(b) *Other signs.* Inaccessible building entrances, inaccessible public toilets and bathing facilities, and elevators not on an accessible route shall be provided with directional signage indicating the route to the nearest similar accessible element. In assembly areas, a sign notifying the general public of the availability of assistive listening systems shall be provided at ticket offices or similar locations. Each door to an exit stairway shall have a tactile sign, including raised letters and Braille, stating EXIT. At exits and elevators serving a required accessible space, but not providing an approved accessible means of egress, signs shall be installed indicating the location of accessible means of egress."

Sec. 2.2.1120. - Parking: Location.

Accessible parking spaces shall be located on the shortest possible accessible route of travel from adjacent parking to an accessible building entrance. In parking facilities that do not serve a particular building, accessible parking spaces shall be located on the shortest accessible route to an accessible pedestrian entrance to the parking facility. Where buildings have multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located near the accessible entrances. In no case shall the provisions of Section 4.1.2, item 5 of the Americans with Disabilities Act ("ADA") be reduced or eliminated.

Sec. 2.2.1130. - Counters and bars.

Counters and bars. Where food or alcoholic beverages are served or consumed at a counter or bar exceeding 34 inches (865 mm) in height for consumption by customers seated on stools or standing at the counter or bar, a portion of the main counter or bar which is 60 inches (1525 mm) in length minimum shall be provided in compliance with the requirements for fixed or built-in seating and tables in accordance with the Americans with Disabilities Act ("ADA" or "the Act").

Exception: A counter or bar with a design occupant load of 10 or less and where service is available at accessible tables within the same room or area.

Sec. 2.2.1140. - Parking space design.

Parking Space Design. Effective on or after January 1, 2006 for building permits reviewed and issued for new construction projects/development that require or provide new parking; new, expanded or re-constructed parking lots; or parking lots that are being restriped as part of a building permit, all accessible parking spaces shall be designed and installed in accordance with the "Universal Parking Design" standards of Appendix Section A4.6.3 of the Americans with Disabilities Act Accessibility Guidelines, as amended.

Sec. 2.2.1150. - Section 1208. amended.

Section 1208.2 of the International Building Code, is amended to read as follows:

1208.2 Minimum ceiling heights. Occupiable spaces, habitable spaces and corridors shall have ceiling height of not less than 7 feet 6 inches (2286 mm). Bathrooms, toilet rooms, kitchens, storage rooms and laundry rooms shall be permitted to have a ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. Beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.

2. Basement rooms ceilings and other obstructions shall have clear height of not less than 6 feet 8 inches (2033 mm).

3. If any room in a building has a sloped ceiling, the prescribed ceiling height for the room is required in one-half the area thereof. Any portion of the room measuring less than 5 feet (1524 mm) from the finish floor to the ceiling shall not be included in any computation of the minimum area thereof.

4. Mezzanines constructed in accordance with Section 505.1.

Sec. 2.2.1160. - Section 1210.1 amended.

Section 1210.1 of the International Building Code, is amended to read as follows:

1210.1 Floors. Toilet and bathing room floors shall have a smooth, hard, nonabsorbent surface that extends upward onto the walls at least 4 inches (102 mm).

Exceptions:

1. Dwelling units.

2. Toilet rooms which are not accessible to the public and which have not more than one water closet.

3. Toilets rooms within an office space and are not accessible to the public.

Sec. 2.2.1170. - Section 1210.2 amended.

Section 1210.2 of the International Building Code, is amended to read as follows:

1210.2 Walls. Walls within 2 feet (610 mm) of urinals and water closets shall have a smooth, hard, nonabsorbent surface, to a height of 4 feet (1219 mm) above the floor, and except for structural elements, the materials used in such wall shall be of a type that is not adversely affected by moisture.

Exceptions:

1. Dwelling units and sleeping units.

2. Toilet rooms which are not accessible to the public and which have not more than one water closet.

3. Toilet rooms within an office space and not accessible to the public.

Sec. 2.2.1180. - Section 1503.4 amended.

Section 1503.4 of the International Building Code, is amended to read as follows:

1503.4 Roof drainage, condensate drainage and waste water. Design and installation of roof drainage systems shall comply with Article 3 of this Code and the provisions of this Section. Roofs shall be sloped a minimum of 1 unit vertical in 48 units horizontal (2-percent slope) for drainage unless designed by a licensed engineer for water accumulation. Unless roofs are sloped to drain over roof edges, primary piped roof drains or wall scuppers shall be installed at each low point of the roof. Roof drains (including primary and secondary piped drains and primary and secondary wall scuppers) shall be sized and discharged in accordance with Article 3 of this Code. The storm drainage 60-minute duration rate, based on a 100-year return (maximum rate of rainfall), for Wichita has been determined by the building official to 3.9 inches (99 mm). Roof drainage water from a building shall not be allowed to flow over public or private property, unless permitted by an approved drainage agreement or easement. Discharge from mechanical equipment condensate drains and any other waste water and roof down spouts shall not discharge onto a pedestrian walking surface. A Storm Water Quality Compliance Statement is required to be filed with the MABCD for discharges, other than storm water, that flow to storm water drainage systems.

Sec. 2.2.1190. - Section 1503.4.1 created.

Section 1503.4.1 of the International Building Code, is created to read as follows:

1503.4.1 Secondary drainage required. Secondary (emergency overflow) piped roof drains or secondary scuppers shall be provided where the roof perimeter construction extends above the roof in such a manner that water will be entrapped if the primary drains allow buildup for any reason. Secondary piped drains and scuppers shall be sized and located to prevent the depth of ponding water from exceeding that for which the roof was designed. The secondary drainage system shall be separate from the primary system and shall discharge independently at grade or other approved point of discharge. Secondary piped roof drains shall be installed with the inlet flow line 2 inches (51 mm) above the roof low point.

Sec. 2.2.1200. - Section 1503.4.2 created.

Section 1503.4.2 of the International Building Code, is created to read as follows:

1503.4.2 Secondary scuppers. Secondary scuppers shall be installed with the flow line 2 inches (51 mm) maximum above the low point of the roof and shall not have an opening dimension of less than 4 inches (102 mm). Secondary scuppers shall be located minimum 4

feet (1219 mm) horizontally from primary scuppers and primary piped roof drains. Conductor heads installed at secondary wall scuppers shall include an unobstructed opening in the face of the conductor head at least equal in area to the secondary wall scupper opening and shall not have an opening dimension of less than 4 inches (102 mm), or the top of the conductor head shall be installed 2 inches (51 mm) above the low point of the roof. The flow through the primary system shall not be considered when locating and sizing scuppers.

Sec. 2.2.1210. - Section 1603.1.8 amended.

Section 1603.1.8 of the International Building Code, is amended to read as follows:

1603.1.8 General special inspections requirements. Items requiring special inspection and observations in accordance with Chapter 17 of the Code of the City of Wichita shall be shown or noted on the structural plan sheets of the construction documents.

Sec. 2.2.1220. - Section 1607.11.2.1 amended.

Section 1607.11.2.1 of the International Building Code, is amended to read as follows:

1607.11.2.1 Flat, pitched and curved roofs. Ordinary flat, pitched and curved roofs shall be designed for the minimum live loads of 20 pounds per square foot or other controlling combinations of loads in Section 1605, which ever produces the greater load. In structures, where special scaffolding is used as a work surface for workers and materials during maintenance and repair operations, a lower roof load than specified above shall not be used unless approved by the building official. Greenhouses shall be designed for a minimum roof live load of 12 psf (0.58 kN/m^2).

Sec. 2.2.1230. - Section 1608.2 amended.

Section 1608.2 of the International Building Code, is amended to read as follows:

1608.2 Ground snow loads. The ground snow load for Wichita has been determined by the building official to be 15 psf (0.72 kN/m^2).

Sec. 2.2.1240. - Section 1609.3 amended.

Section 1609.3 of the International Building Code, is amended to read as follows:

1609.3 Basic wind speed. The basic wind speed (3-second gust wind speed) for Wichita has been determined by the building official to be 90 mph (40 m/s).

Sec. 2.2.1250. - Section 1609.3.1 amended.

Section 1609.3.1 of the International Building Code, is amended to read as follows:

1609.3.1 Wind speed conversion. The fastest mile wind velocities for Wichita have been determined by the building official to be 76 mph (34 m/s).

Sec. 2.2.1260. - Storm shelters: Scope.

Storm shelters: Scope. When a room or area is represented by a manufacturer or builder as a storm shelter, or is a designated location of refuge by an owner/user of a structure, the shelter shall meet the following requirements:

1. For a shelter with less than 12 occupants, the shelter may be constructed using the provisions of the current addition of FEMA 320 "Taking Shelter From The Storm".

2. For a shelter with 12 or more occupants, the shelter shall be designed by a licensed design professional in accordance with FEMA 361 "Design And Construction Guidance Of Community Shelters," editions 1 or 2. A licensed engineer shall seal a certificate to be posted on the inside of each shelter stating it was designed in accordance with FEMA 361.

3. Storm shelters shall comply with the provisions of the Americans with Disabilities Act ("ADA").

Sec. 2.2.1270. - Wind zone.

The Windstorm Zone for Wichita has been determined by the building official to the Zone IV (250 mph wind speed).

Sec. 2.2.1280. - Section 1612.1 amended.

Section 1612.1 of the International Building Code, is amended to read as follows:

> *1612.1 General.* Within any areas as established in Chapter 27.04 of the Code of the City of Wichita (Known as the "Wichita Flood Damage Prevention Code"), all new construction of buildings, structures and portions of buildings and structures, including substantial improvements and restoration of substantial damage to buildings and structures, shall comply with the Wichita Flood Damage Prevention Code.

In the unincorporated area of Sedgwick County, including the small cities under contract for inspection services Section 1612.1 is amended to read as follows:

> The provisions of this chapter shall apply to all areas of special flood hazard within the unincorporated areas of Sedgwick County, Kansas.

Sec. 2.2.1290. – Section 1612.2 deleted.

Section 1612.2 of the International Building Code, is deleted.

Sec. 2.2.1300. – Section 1612.3 deleted.

Section 1612.3 of the International Building Code, is deleted.

Sec. 2.2.1310. – Section 1612.4 deleted.

Section 1612.4 of the International Building Code, is deleted.

Sec. 2.2.1320. – Section 1612.5 deleted.

Section 1612.5 of the International Building Code, is deleted.

Sec. 2.2.1330. - Section 1613.5.3 amended.

1613.5.3 Site coefficients and adjusted maximum considered earthquake spectral response acceleration parameters. The maximum considered earthquake spectral response acceleration for short periods, S_{ms}, and at 1-second period, S_{m1}, for Wichita has been determined by the building official to be 0.14 and 0.056 respectively.

Sec. 2.2.1340. - Section 1701.1 amended.

Section 1701.1 of the International Building Code, is amended to read as follows:

> *1701.1 Scope.* The provisions of this chapter shall govern the quality, workmanship and requirements for materials covered. Materials of construction and tests shall conform to the applicable standards listed in this Code. No provision in this chapter shall relieve the material suppliers, material fabricators, erectors, or contractors of any responsibility to manufacture, fabricate, or construct the structure in accordance with code provisions and the construction documents.

Sec. 2.2.1350. - Section 1702.1 amended.

Section 1702.1 of the International Building Code, is amended to read as follows:

1702.1 General. The following words and terms shall, for the purposes of this chapter and as used elsewhere in this Code, have the meanings shown herein.

> *APPROVED AGENCY.* An established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when such agency has been approved.
>
> *APPROVED FABRICATOR.* An established and qualified person, firm or corporation approved by the building official pursuant to Chapter 17 of the Code of the City of Wichita.
>
> *CERTIFICATE OF COMPLIANCE.* A certificate stating that materials and products meet specified standards or that work was done in compliance with approved construction documents.
>
> *DESIGNATED SEISMIC SYSTEM.* Those architectural, electrical and mechanical systems and their components that require design in accordance with Chapter 13 of ASCE 7 and for which component importance factor, I_p, is greater than 1 in accordance with Section 13.1.3 of ASCE 7.

FABRICATED ITEM. Structural, load-bearing or lateral load-resisting assemblies consisting of materials assembled prior to installation in building or structure or subjected to operations such as heat treatment, thermal cutting, cold working or reforming after manufacture and prior to installation in a building or structure. Materials produced in accordance with standard specifications referenced by this Code, such as rolled structural steel shapes, steel-reinforcing bars, masonry units and wood structural panels shall not be considered "fabricated items."

INSPECTION CERTIFICATE. An identification applied on a product by an approved agency containing the name of the manufacturer, the function and performance characteristics, and the name and identification of an approved agency that indicates that the product or material has been inspected and evaluated by an approved agency (see Section 1703.5 and "Label," "Manufacturer's designation" and "Mark").

LABEL. An identification applied on a product by the manufacturer that contains the name of the manufacturer, the function and performance characteristics of the product or material, and the name and identification of an approved agency and that indicates that the representative sample of the product or material has been tested and evaluated by an approved agency (see Section 1703.5 and "Inspection certificate," "Manufacturer's designation" and "Mark").

MAIN WIND-FORCE-RESISTING SYSTEM. An assemblage of structural elements assigned to provide support and stability for the overall structure. The system generally receives wind loading from more than one surface.

MANUFACTURER'S DESIGNATION. An identification applied on a product by the manufacturer indicating that a product by the manufacturer indicating that a product or material complies with a specified standard or set of rules (see also "Inspection certificate," "Label" and "Mark").

MARK. An identification applied on a product by the manufacturer indicating the name of the manufacturer and the function of a product or material (See also "Inspection certificate," "Label" and "Manufacturer's designation").

SPECIAL INSPECTION. Inspection as herein required of the materials, installation, fabrication, erection or placement of components and connections requiring special expertise to ensure compliance with approved construction documents and referenced standards (see Section 1704).

SPECIAL INSPECTION, CONTINUOUS. The full-time observation of work requiring special inspection by an approved special inspector who is present in the area where the work is being performed.

SPECIAL INSPECTION, PERIODIC. The part-time or intermittent observation of work requiring special inspection by an approved special inspector who is present in the area where the work has been or is being performed and at the completion of the work.

SPECIAL INSPECTOR. The owner, building official, and the licensed design engineer shall approve the special inspector. The inspector shall also show competent knowledge to the building official, licensed design engineer, licensed design architect, and owner for those

items to receive special inspection. The special inspector shall prevent a conflict of interest by not performing testing of construction materials for which the special inspector is engaged to observe compliance.

SPRAYED FIRE-RESISTANT MATERIALS. Cementations or fibrous materials that are spray applied to provide fire-resistant protection of the substrates.

STRUCTURAL OBSERVATION. The visual observation of the structural system by a registered design professional for general conformance to the approved construction documents at significant construction stages and at completion of the structural system. Structural observation does not include or waive the responsibility for the inspection required by Section 109, 1704 or other sections of this code.

Sec. 2.2.1360. - Section 1704.1 amended.

Section 1704.1 of the International Building Code, is amended to read as follows:

1704.1 General. Where application is made for construction as described in this section, the owner or the registered design professional in responsible charge acting as the owner's agent shall employ one or more special inspectors to provide inspections during construction on the types of work listed under Section 1704. The special inspector shall be a qualified person who shall demonstrate competence, to the satisfaction of the building official, for inspection of the particular type of construction or operation requiring special inspection. These inspections are in addition to the inspections specified in Section 109.

The special inspector shall be a qualified person who shall demonstrate competence, to the satisfaction of the building official, for inspection of the particular type of construction or operation requiring special inspection. The registered design professional in responsible charge and engineers of record involved in the design of the project are permitted to act as the approved agency and their personnel are permitted to act as the special inspector for the work designed by them, provided those personnel meet the qualification requirements of this section to the satisfaction of the building official. The special inspector shall provide written documentation to the building official demonstrating his or her competence and relevant experience or training. Experience or training shall be considered relevant when the documented experience or training is related in complexity to the same type of special inspection activities for projects of similar complexity and material qualities. These qualifications are in addition to the qualifications specified in other sections of this Code.

Exceptions:

1. Special inspections are not required for work of a minor nature or as warranted by conditions in the jurisdiction as approved by the building official, or as described in items 1.1 thru 1.4 listed below.

1.1 Buildings and other structures, or additions to existing buildings or structures, where there is a design occupant load of less 500 persons in any one area or room of the new construction or where the total design occupant load of the new construction is less 1,000 persons, as calculated under Section 1004.1.

1.2 New hospitals and other health care facilities, or additions thereto, having surgery

or emergency treatment facilities or capacity for less than 100 residential patients for the new construction area.

1.3 Buildings or structures, or additions to existing buildings or structures, where the floor area of the new construction is less than 50,000 square feet, or where the height of the exterior building walls are less than 22 feet as measured from the grade plane.

1.4 Conventional construction for the Wichita, Kansas, area, such as foundations not supported on reinforced concrete piers into weathered shale, etc., or required to obtain some desired or specified ksf allowable bearing.

2. Special inspections are not required for building components unless the design involves the practice of professional engineering or architecture as defined by applicable state statutes and regulations governing the professional registration and certification of engineers or architects or the building components are fabricated at an AISC Certified Fabricator.

3. Unless otherwise required by the building official, special inspections are not required for occupancies in Group R-3 as applicable in Section 101.2 and occupancies in Group U that are accessory to a residential occupancy including, but not limited to, those listed in Section 312.1.

Sec. 2.2.1370. - Section 1704.1.1 amended.

Section 1704.1.1 of the International Building Code, is amended to read as follows:

1704.1.1 Statement of special inspection. The permit applicant shall submit a statement of special inspections prepared by the registered design professional in responsible charge in accordance with Section 106.1 as a condition for permit issuance. This statement shall include a complete list of materials and work requiring special inspections by this section, the inspections to be performed and list of the individuals, approved agencies or firms intended to be retained for conducting such inspections. A building permit shall not be issued without a special inspection certificate filed. At the time of filing, all special inspections and inspections shall be identified on the special inspection certificate. A Certificate of Occupancy shall not be issued without a special inspection certificate completed by the licensed design professional and approved by the building official.

Exceptions:

1. A statement of special inspections is not required for structures designed and constructed in accordance with the conventional construction provisions of Section 2308.

2. The statement of special inspections is permitted to be prepared by a qualified person approved by the building official for construction not designed by a registered design professional.

Sec. 2.2.1380. - Duties and responsibilities of the special inspector.

The special inspector shall observe the work assigned for conformance to approved design drawings, specifications and code provisions. The special inspector shall observe the material

testing by representatives of commercial laboratories and determine if the testing is being performed in accordance with applicable testing standards, procedures and frequencies. Additionally, the special inspector shall observe the installation/erection of construction material and collect all material certifications and assemble observations into a report. All deficiencies shall be reported to the contractor for correction. Defective material or assemblies, if uncorrected, shall be brought to the attention of the licensed design professional and to the building official. The special inspector shall submit a final signed report stating whether work requiring special inspection was, to the best of the inspector's knowledge, in conformance to the approved plans and specifications and the applicable workmanship provisions of this Code.

Sec. 2.2.1390. - Section 1704.3 amended.

Section 1704.3 of the International Building Code, is amended to read as follows:

1704.3 Steel construction. The special inspections for steel elements of buildings and structures shall be as required by Section 1704.3 and Table 1704.3.

Exceptions:

1. Special inspection of the steel fabrication process shall not be required where the fabricator does not perform any welding, thermal cutting or heating operation of any kind as part of the fabrication process. In such cases, the fabricator shall be required to submit a detailed procedure for material control that demonstrates the fabricator's ability to maintain suitable records and procedures such that, at any time during the fabrication process, the material specification, grade and mill test reports for the main stress-carrying elements are capable of being determined.

2. The special inspector need not be continuously present during welding of the following items, provided the materials, welding procedures and qualifications of welders are verified prior to the start of the work; periodic inspections are made of the work in progress; and a visual inspections of all welds is made prior to completion or prior to shipment of shop welding.

   2.1. Single-pass filet welds not exceeding 5/16 inch (7.9 mm) in size.

   2.2. Floor and roof deck welding.

   2.3. Welded studs when used for structural diaphragm.

   2.4. Welded sheet steel for cold-formed steel framing members such as studs and joists.

   2.5. Welding of stairs and railing systems.

3. Special inspections are not required for Tension Indicating Bolts/Washers.

Sec. 2.2.1400. - Section 1805.2.1 amended.

Section 1805.2.1 of the International Building Code, is amended to read as follows:

1805.2.1 Frost protection. Except where otherwise protected from frost, foundations walls, piers and other permanent supports of buildings and structures shall be protected by one or more of the following methods:

1. Extending below the frost line of the locality. The frost line for the jurisdiction of the MABCD shall be 24 inches (610 mm) below the finish grade;

2. Construction in accordance with ASCE 32;

3. Erecting on solid rock.

Exceptions:

1. Free-standing buildings meeting all of the following conditions shall not be required to the protected:

1.1. Classified in Occupancy Category I, in accordance with Section 1604.5;

1.2. Area of 600 square feet (56 m^2) or less for light-frame construction or 400 square feet (37 m^2) or less for other than light-frame construction; and

1.3. Eave height of 10 feet (3048 mm) or less.

2. For other than Group R-2 and R-3 occupancies, a one-story prefabricated building not over 150 square feet (13.94 m^2) in floor area and supported in an approved manner may be attached to a building having a permanent foundation extending below the frost line. The roof and exterior walls of the prefabricated building shall be flashed in an approved manner to form a weather-tight seal between structures.

Footings shall not bear on frozen soil unless such frozen condition is of a permanent character.

Sec. 2.2.1410. – Section 3001.3 amended.

Section 3001.3 of the International Building Code, is amended to read as follows:

3001.3 Accessibility. Passenger elevators required to be accessible by the Americans with Disabilities Act ("ADA" or "the Act") shall be accessible.

Sec. 2.2.1420 - Section 3002.3 amended.

Section 3002.3 of the International Building Code, is amended to read as follows:

3002.3 Emergency signs. An approved pictorial sign of a standardized design shall be posted adjacent to each elevator call station on all floors instructing occupants to use the exit stairways and not to use the elevators in case of fire. The sign shall read: IN FIRE EMERGENCY, DO NOT USE ELEVATOR. USE EXIT STAIRS. The emergency sign shall not be required for elevators that are part of an accessible means of egress complying with Section 1003.2.13.3. Any signs required by the Americans with Disabilities Act Accessibility Guidelines (ADAAG) shall comply with ADAAG 4.30.4 relating to raised

and Braille characters and pictorial symbol signs.

Sec. 2.2.1430. - Section 3002.6 amended.

Section 3002.6 of the International Building Code, is amended to read as follows:

3002.6 Prohibited doors. Doors, other than hoistway doors and the elevator car door, shall be prohibited at the point of access to an elevator car. Exception: Doors may be located at the point of access to an elevator car in lieu of an elevator lobby based on the below conditions:

1. Doors shall be readily openable from the car side without a key, tool, or special knowledge or effort.

2. Doors into the corridor shall be protected with not less than an automatic-closing, 20-minute door assembly in accordance with Section 715.1, except that:

2.1. The automatic-closing device shall be limited to an approved magnetic hold-open device released by actuation of a smoke detector or when the elevator's Firefighters Service is activated.

2.2. The automatic-closing device is provided with a closing or reclosing electrical time delay of not less than 20 seconds nor more than 30 seconds.

Sec. 2.2.1440. - Section J103.2 amended.

Section J103.2 of the International Building Code, is amended to read as follows:

J103.2 Exemptions. A grading permit shall not be required for the following:

1. A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth that does not exceed 50 cubic yards (38.3 m^3) on any one lot and does not obstruct a drainage course.

2. Excavation for construction of a structure permitted under this Code.

3. Cemetery graves.

4. Refuse disposal site controlled by other regulations.

5. Excavations for wells, or trenches for utilities.

6. Mining, quarrying, excavating, processing or stockpiling rock, sand, gravel, aggregate or clay controlled by other regulations, provided such operations do not affect the lateral support of, or significantly increase stresses in, soil on adjoining properties.

7. Exploratory excavations performed under direction of a registered design professional.

Exemption from the permit requirements of this appendix shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this

Code or any other laws or ordinances of this jurisdiction.

Article 2, Section 3 - INTERNATIONAL EXISTING BUILDING CODE

Sec. 2.3.010. - Adoption of the International Existing Building Code.

The International Existing Building Code, as published by the International Codes Council, Inc., 2006 Edition, including the appendices, is hereby adopted and incorporated herein by reference, subject to such amendments thereto as are set forth in this chapter.

Sec. 2.3.020. - Section 105.3 amended.

Section 105.3 of the International Existing Building Code, is amended to read as follows:

105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefore in writing on a form (Plan Information Sheet) furnished by the MABCD for that purpose. Such application and/or notes on the drawings shall:

1. Identify and describe the work in accordance with Chapter 4 of the International Existing Building Code to be covered by the permit for which application is made.

2. Describe the land on which the proposed work is to be done by legal description, street address, or similar description that will readily identify and definitely locate the proposed building or work.

3. Indicate the use and occupancy for which the proposed work is intended.

4. Be accompanied by construction documents and other information as required by Section 106.3.

5. State the valuation of the proposed work.

6. Be signed by the applicant or the applicant's authorized agent.

7. Provide a statement indicating the percentage of building area, by floor, of the work area (see Chapter 2 Definitions: WORK AREA) covered by the permit application.

8. Give such other data and information as required by the code official.

Sec. 2.3.030. - Section 105.3.2 amended.

Section 105.3.2 of the International Existing Building Code, is amended to read as follows:

105.3.2 Time limitation of application. An Application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of project activity, unless such application has been pursued in good faith or a permit has been issued; except that the code official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Sec. 2.3.040. - Section 105.5 amended.

Section 105.5 of the International Existing Building Code, is amended to read as follows:

> *105.5 Expiration.* Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Work shall be considered to have been suspended or abandoned if it has been more than 180 days since the last required inspection. Before work can be recommenced, a new permit must be obtained to do so, and the fee shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and that such suspension or abandonment has not exceeded one year. The code official is authorized to grant, in writing, one or more extensions of time for periods not more than 180 days each. The extensions shall be requested in writing and justifiable cause demonstrated.

Sec. 2.3.050. - Section 107.3 amended.

Section 107.3 of the International Existing Building Code, is amended to read as follows:

> *107.3 Temporary power.* The code official is authorized to give permission to temporarily supply and use power in part of an electrical installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat, or power in Article 4 of this Code.

Sec. 2.3.060. - Section 109.3.9 amended.

Section 109.3.9 of the International Existing Building Code, is amended to read as follows:

> *109.3.9 Final inspection.* The final inspection shall be made after all work required by the building permit is completed. If landscaping is required by the building permit, the landscaping shall be installed by the holder of the building permit, their duly authorized agent, or property owner. A letter of credit or bond in the amount of 125% of the cost of the landscaping shall be submitted to the MABCD before a final inspection approval will be issued to the general contractor. The building shall not be occupied prior to obtaining final inspection approval.

Sec. 2.3.065. - Section 110.2 amended.

Section 110.2 of the International Existing Building Code, is amended to read as follows:

> 110.2 Certificate issued. After the code official inspects the building and finds no violations of the provisions of this Code or other laws that are enforced by the MABCD, the code official shall issue a certificate of occupancy that shall contain the following:
>
> 1. The building permit number.

2. The address of the structure.

3. The name of the owner.

4. A description of that portion of the structure for which the certificate is issued.

5. A statement that the described portion of the structure has been inspected for compliance with all adopted codes of the City of Wichita and/or the resolutions of Sedgwick County regulating building construction or use.

Sec. 2.3.070. - Section 112.1 amended.

Section 112.1 of the International Existing Building Code, is amended to read as follows:

112.1 General. In order to hear and decide appeals of orders, decisions, or determinations made by the code official relative to the application and interpretation of this Code, there shall be and is hereby created a board of code standards and appeals. The board of code standards and appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting business.

Sec. 2.3.080. - Section 401.2 amended.

Section 401.2 of the International Existing Building Code, is amended to read as follows:

401.2 Work area. The work area, as defined in Chapter 2 of the International Existing Building Code, shall be identified on the construction documents. The architect of record shall specify the percentage of area, by floor, that constitutes work area. Reconfiguration of floor area shall be the removal, relocation or construction of new walls or building elements within a tenant area or building. Work area calculations shall include the rooms or spaces and areas directly adjacent to where reconfiguration is planned.

Exception: The area of the entire room or space does not need to be included within the work area calculation where the following conditions are met:

1. The area within ten feet of the reconfiguration (perimeter calculation) is less than 25 percent of the room or space, and

2. The occupancy of the area has not changed, and

3. The reconfiguration does not affect the existing exits from the room or space.

Sec. 2.3.090. - Section 501.4 amended.

Section 501.4 of the International Existing Building Code, is amended to read as follows:

501.4 Flood hazard areas. In flood hazard areas, repairs that constitute substantial improvement shall require that the building comply with Chapter 27.04 of the Code of the City of Wichita and Chapter 13 of the Sedgwick County Code.

Sec. 2.3.100. - Section 506.2.5 amended.

Section 506.2.5 of the International Existing Building Code, is amended to read as follows:

> *506.2.5 Flood hazard areas.* In flood hazard areas, damaged buildings that sustain substantial damage shall be brought into compliance with Chapter 27.04 of the Code of the City of Wichita and Chapter 13 of the Sedgwick County Code.

Sec. 2.3.110. - Section 602.3 amended.

Section 602.3 of the International Existing Building Code, is amended to read as follows:

> *602.3 Materials and methods.* All new work shall comply with materials and methods requirements in the *National Electrical Code, International Building Code,* Article 3 (Plumbing) and Article 5 (Mechanical) of this Code, as applicable, that specify material standards, detail of installation and connection, joints, penetrations, fire protection, and continuity of any element, component, or system in the building.
>
> **Exception:** Where building separation is required by the adopted electrical code to allow for multiple electrical services, a fire wall may be constructed in accordance with the provisions of a two-hour fire barrier per the *International Building Code*. If the fire wall coincides with that of a required fire barrier, then the most restrictive requirement shall apply. For allowable area purposes, the building is considered as one structure with no benefit derived from the fire wall.

Sec. 2.3.120. - Section 605.1 amended.

Section 605.1 of the International Existing Building Code, is amended to read as follows:

> *605.1 General.* A building, facility, or element that is altered shall comply with the applicable provisions in Section 605.1.1 through 605.1.12, Chapter 11, as amended, of the *International Building Code*, unless technically infeasible, the alteration shall provide access to the maximum extent technically feasible.
>
> **Exceptions:** The altered element or space is not required to be on an accessible route unless required by Section 506.2.

Sec. 2.3.130. - Section 605.1.1 amended.

Section 605.1.1 of the International Existing Building Code, is amended to read as follows:

> *605.1.1 Entrances.* Where an alteration includes alterations to an entrance, and the building or facility has an accessible entrance on an accessible route, the altered entrance is not required to be accessible unless required by Section 605.2. Signs complying with Section 2.2.1110 of this Code shall be provided.

Sec. 2.3.140. - Section 605.1.2 amended.

Section 605.1.2 of the International Existing Building Code, is amended to read as follows:

> *605.1.2 Elevators.* Altered elements of existing elevators shall comply with ASME A17.1 and *International Building Code* Chapter 11, as amended. Such elements shall also be altered in elevators programmed to respond to the same hall call control as the altered elevator.

Sec. 2.3.150. - Section 605.1.3 amended.

Section 605.1.3 of the International Existing Building Code, is amended to read as follows:

> *605.1.3 Platform lifts.* Platform (wheelchair) lifts complying with *International Building Code* Chapter 11, as amended, and installed in accordance with ASME A18.1 shall be permitted as a component of an accessible route.

Sec. 2.3.160. - Section 605.1.8 amended.

Section 605.1.8 of the International Existing Building Code, is amended to read as follows:

> *605.1.8 Dwelling or sleeping units.* Where Group I-1, I-2, I-3, R-1, R-2, or R-4 dwelling or sleeping units are being altered, the requirements for accessible alarms apply only to the quantity of the spaces being altered.

Sec. 2.3.170. - Section 607 deleted.

Section 607 of the International Existing Building Code, is deleted.

Sec. 2.3.180. - Section 705.3.1.2.1 amended.

Section 705.3.1.2.1 of the International Existing Building Code, is amended to read as follows:

> 705.3.1.2.1 Fire escape access and details. Fire escapes shall comply with all of the following requirements:
>
> 1. Occupants shall have unobstructed access to the fire escape without having to pass through a room subject to locking.
>
> 2. Access to a new fire escape shall be through a door, except that windows shall be permitted to provide access from single dwelling units or sleeping units in Group R-1, R-2, and I-1 occupancies or to provide access from spaces having a maximum of 10 in other occupancy classifications.
>
> 3. Newly constructed fire escapes shall be permitted only where exterior stairs cannot be utilized because of lot lines limiting the stair size or because of the sidewalks, alleys, or roads at grade level.
>
> 4. Openings within 10 feet (3048 mm) of fire escape stairs shall be protected by fire

assemblies having ¾ hour fire-resistance ratings. When located within a recess or vestibule, adjacent enclosure walls shall not be less than one-hour fire-resistance rated construction.

Exception: Opening protection shall not be required in buildings equipped throughout with an approved automatic sprinkler system.

5. In all buildings of Group E occupancy, up to and including the 12th grade, buildings of Group I occupancy, rooming houses, and childcare centers, ladders of any type are prohibited on fire escapes used as a required means of egress.

6. Fire escape balconies shall not be less than 44 inches (1118 mm) in width with no floor opening greater than 5/8 inch (15.9 mm) in width except the stairway opening. Stairway openings in such balconies shall not be less than 22 inches by 44 inches (559 mm by 1118 mm). The guard of each balcony shall not be less than 36 inches (914 mm) high with not more than 9 inches (229 mm) between intermediate rails.

7. Fire escapes shall extend to the roof or provide an approved gooseneck ladder between the top floor landing and the roof in buildings four or more stories in height having roofs with a slope not exceeding 4 units vertical in 12 units horizontal (33.3 percent slope). Such ladders shall be designed and connected to the building to withstand a horizontal force of 100 pounds per lineal foot (1459 N/m). Each rung shall support a concentrated load of 500 pounds (2224 N/m) placed anywhere on the rung to produce the maximum stress conditions. All ladders shall be at least 15 inches (381 mm) in clear width, be located within 12 inches (305 mm) of the building and shall be placed flatwise to the face of the building. Ladder rungs shall be at least ¾ inch (19.1 mm) in diameter and shall be located 10 inches to 12 inches (254 mm to 305 mm) on center. Openings for roof access ladders through cornices and similar projections shall have minimum dimensions of 30 inches by 33 inches (762 mm by 838 mm).

8. The lowest balcony shall not be more than 18 feet (5486 mm) from the ground. Fire escapes shall extend to the ground or be provided with counterbalanced stairs reaching to the ground.

9. The fire escape shall have a clearance from electrical service conductors as required by Article 4 of this Code.

Sec. 2.3.190. - Section 705.4.4 amended.

Section 705.4.4 of the International Existing Building Code, is amended to read as follows:

705.4.4 Panic hardware. In any work area, and in the egress path from any work area to the exit discharge, in buildings or portions thereof of Group A assembly occupancies with an occupant load greater than 49, all required exit doors equipped with latching devices shall be equipped with approved panic hardware.

Sec. 2.3.200. - Section 705.6 amended.

Section 705.6 of the International Existing Building Code, is amended to read as follows:

705.6 Dead-end corridors. Dead-end corridors in any work area shall not exceed 35 feet

(10 670 mm).

Exceptions:

1. Where dead-end corridors of greater length are permitted by the *International Building Code*.

2. In other than Group A and H occupancies, the maximum length of an existing dead-end corridor shall be 50 feet (15 240 mm) in buildings equipped throughout with an automatic fire alarm system installed in accordance with the *International Building Code*.

3. In other than Group A and H occupancies, the maximum length of an existing dead-end corridor shall be 70 feet (21 356 mm) in building equipped throughout with an automatic sprinkler system installed in accordance with the *International Building Code*.

4. In other than Group A and H occupancies, the maximum length of newly constructed, or extended dead-end corridor shall not exceed 50 feet (15 240 mm) on floors equipped with an automatic sprinkler system installed in accordance with the *International Building Code*.

Sec. 2.3.210. - Section 705.9 amended.

Section 705.9 of the International Existing Building Code, is amended to read as follows:

705.9 Stairs and handrails. Stairs shall comply with all of the following requirements:

1. Newly constructed stairs shall comply with the provisions of the *International Building Code*.

2. Existing winding or spiral stairways in any work area may serve as part of the means of egress from a building, including single exit buildings complying with 705.3.1.1, for a maximum occupant load of 10, provided that a complying handrail is located at the stair's outside perimeter. A winding or spiral stairway may not be the principal means of egress when used in conjunction with a fire escape as a second means of egress. Means of egress width shall comply with the building code. Circular stairways complying with the building code shall be acceptable as a means of egress.

3. An alteration or the replacement of an existing stairway shall not be required to comply with the requirements of a new stairway as outlined in the building code where the existing space and construction will not allow a reduction in pitch or slope.

4. The largest tread run within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm), nor be less than 10 inches (254 mm) in width. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm), nor be less than 4 inches (102 mm) in height. The maximum riser height shall not exceed 7 ½ inches (191 mm) in height.

Exceptions:

1. In Group R-3 occupancies, stairs may have a minimum tread run of 9 inches (229 mm) and a maximum riser of 8 inches (203 mm) in height.

2. Existing stairs serving an occupant load of 10 or less may have a minimum tread run of 9 inches (229 mm) in width and a maximum riser of 8 inches (203 mm) in height.

3. Existing stairs serving an occupant load of 10 or less may have a minimum width of 30 inches (763 mm). Stairs serving an occupant load of 11 or more, but not more than 50, may be 36 inches (915 mm) in width. Stairs serving occupant load of over 50 shall comply with the building code.

The requirements of Section 705.9.1 and 705.9.2 shall apply to handrails from the work area floor to the level of exit discharge.

Sec. 2.3.220. - Section 706.2 amended.

Section 706.2 of the International Existing Building Code, is amended to read as follows:

706.2 Stairs and escalators in existing buildings. In alterations where an escalator or stair is added where none existed previously, an accessible route shall be provided in accordance with Chapter 11, as amended, of the *International Building Code.*

Sec. 2.3.230. - Section 706.3 amended.

Section 706.3 of the International Existing Building Code, is amended to read as follows:

706.3 Dwelling units and sleeping units. Where Group I-1, I-2, I-3, R-1, R-2, or R-4 dwelling units or sleeping units are being added, the requirements of Chapter 11, as amended, of the *International Building Code* for accessible units and Chapter 9 of the *International Building Code* for accessible alarms apply only to the quantity of spaces being added.

Sec. 2.3.240. - Section 708.3.1 amended.

Section 708.3.1 of the International Existing Building Code, is amended to read as follows:

708.3.1 Enclosed areas. All enclosed areas, other than closets, kitchens, basements, garages, hallways, laundry areas, utility areas, storage areas, and bathrooms shall have a minimum of two duplex receptacle outlets and one light fixture.

Sec. 2.3.250. - Section 708.3.7 amended.

Section 708.3.7 of the International Existing Building Code, is amended to read as follows:

708.3.7 Clearances for equipment. Clearance for electrical service equipment shall be provided in accordance with Article 4 of this Code.

Sec. 2.3.260. - Section 710.1 amended.

Section 710.1 of the International Existing Building Code, is amended to read as follows:

710.1 Minimum fixtures. Where the occupant load of the story is increased by more than 20 percent, plumbing fixtures for the story shall be provided in quantities specified in the International Building Code.

Sec. 2.3.270. - Section 711 deleted.

Section 711 of the International Existing Building Code is deleted.

Sec. 2.3.280. - Section 803.2 amended.

Section 803.2 of the International Existing Building Code, is amended to read as follows:

803.2 Fire partitions in Group R-3 and fire barrier separations in mixed occupancy uses involving a Group R-3. Fire separation in Group R-3 occupancies shall be in accordance with Section 803.2.1.

Sec. 2.3.290. - Section 803.2.1 amended.

Section 803.2.1 of the International Existing Building Code, is amended to read as follows:

803.2.1 Separation required. Where the work area is in any attached dwelling unit in Group R-3 or any multiple single family dwelling (townhouse), walls separating the dwelling-units that are not continuous from the foundation to the underside of the roof sheathing shall be constructed to provide a continuous fire separation using construction materials consistent with the existing wall or complying with the requirements for new structures. All work shall be preformed on the side of the dwelling unit wall that is part of the work area.

Exception: Where alterations or repairs do not result in the removal of wall or ceiling finishes exposing the structure, walls are not required to be continuous through concealed floor spaces.

Where the work area is adjacent to a different occupancy group, then separation of the occupancy groups by means of an approved fire barrier shall be in accordance with the *International Building Code*.

Exceptions:

1. The required separation between a Group R-3 and an accessory garage for the storage of private or pleasure-type motor vehicles where no repair work is done or fuel dispensed may be built in conformance Section 406.1.4(1), of the *International Building Code*.

2. The required separation between a Group R-3 and a Group B, M or S-2 parking garage of 5,000 square feet (464 m^2) or less shall be protected with a fire barrier of not less than one-hour fire-resistant construction.

Sec. 2.3.300. - Section 808 is deleted.

Section 808 of the International Existing Building Code, is deleted.

Sec. 2.3.310. - Section 908.1 amended.

Section 908.1 of the International Existing Building Code, is amended to read as follows:

908.1 Special occupancies. Where the occupancy of an existing building or part of an existing building is changed to one of the following special occupancies as described in Article 4 of this Code, the electrical wiring and equipment of the building or portion thereof that contains the proposed occupancy shall comply with the applicable requirements of Article 4 of this Code whether or not a change of occupancy group is involved:

1. Hazardous locations.
2. Commercial garages, repair, and storage.
3. Aircraft hangers.
4. Gasoline dispensing and service stations.
5. Bulk storage plants.
6. Spray application, dipping, and coating processes.
7. Health care facilities.
8. Places of assembly.
9. Theaters, audience areas of motion picture and television studios, and similar locations.
10. Agricultural buildings.

Sec. 2.3.320. - Section 908.2 amended.

Section 908.2 of the International Existing Building Code, is amended to read as follows:

908.2 Unsafe conditions. Where the occupancy of an existing building or part of an existing building is changed, all unsafe conditions shall be corrected without requiring that all parts of the electrical system be brought up to the current requirements of Article 4 of this Code.

Sec. 2.3.330. - Section 908.3 amended.

Section 908.3 of the International Existing Building Code, is amended to read as follows:

908.3 Service upgrade. Where the occupancy of an existing building or part of an existing building is changed, electrical service shall be upgraded to meet the requirements of Article 4 of this Code for the new occupancy.

Sec. 2.3.340. - Section 908.4 amended.

Section 908.4 of the International Existing Building Code, is amended to read as follows:

908.4 Number of electrical outlets. Where the occupancy of an existing building or part of an existing building changed, the number of electrical outlets shall comply with Article 4 of this Code for the new occupancy.

Sec. 2.3.350. - Section 910.1 amended.

Section 910.1 of the International Existing Building Code, is amended to read as follows:

910.1 Increased demand. Where the occupancy of an existing building or part of an existing building is changed such that the new occupancy is subject to increased or different plumbing fixture requirements or to increased water supply requirements in accordance with the *International Building Code* and Article 3 (Plumbing) of this Code, the new occupancy shall comply with the intent of the respective code provisions.

Sec. 2.3.360. - Section 910.2 amended.

Section 910.2 of the International Existing Building Code, is amended to read as follows:

910.2 Food handling occupancies. If the new occupancy is a food handling establishment, all existing sanitary waste lines above the food or drink preparation or storage areas shall be panned or otherwise protected to prevent leaking pipes or condensation on pipes from contaminating food or drink. New drainage lines shall not be installed above such areas and shall be protected in accordance with Article 3 (Plumbing) of this Code.

Sec. 2.3.370. - Section 910.3 amended.

Section 910.3 of the International Existing Building Code, is amended to read as follows:

910.3 Interceptor required. If the new occupancy will produce grease or oil-laden wastes, interceptors shall be provided as required by the Water & Sewer Department and installed in accordance with Article 3 (Plumbing) of this Code.

Sec. 2.3.380. - Section 910.5 amended.

Section 910.5 of the International Existing Building Code, is amended to read as follows:

910.5 Group I-2. If the occupancy group is changed to Group I-2, the plumbing system shall comply with the applicable requirements of Article 3 (Plumbing) of this Code.

Sec. 2.3.390. - Section 912.8 amended.

Section 912.8 of the International Existing Building Code, is to read as follows:

912.8 Accessibility. Existing buildings or portions thereof that undergo a change of group or occupancy classification shall have all of the following accessible features:

1. At least one accessible building entrance.

2. At least one accessible route from an accessible building entrance to primary function

areas.

3. Signage complying with Chapter 11, as amended, of the *International Building Code*.

4. Accessible parking, where parking is provided.

5. At least one accessible passenger loading zone, where loading zones are provided.

6. At least one accessible route connecting accessible parking and accessible passenger loading zones to an accessible entrance.

Where it is technically infeasible to comply with the new construction standards for any of these requirements for a change of group or occupancy, the above items shall conform to the requirements to the maximum extent technically feasible. Change of group or occupancy that incorporate any alterations or additions shall comply with this section and Sections 605.1 and 1005.1 as applicable.

Exception: Type B dwelling or sleeping units required by Chapter 11, as amended, of the *International Building Code* are not required to be provided in existing buildings and facilities.

Sec. 2.3.400. - Section 1001.2 amended.

Section 1001.2 of the International Existing Building Code, is amended to read as follows:

1001.2 Creation or extension of nonconformity. An addition shall not create or extend any nonconformity in the existing building to which the addition is being made with regard to accessibility, structural strength, fire safety, means of egress, or the capacity of mechanical, plumbing, or electrical systems.

Exception: Area separation walls constructed prior to the adoption of the 2000 *International Building Code* (April 2, 2002) may be increased in length by not more than 25 percent of the length of the existing wall, not to exceed thirty feet. The method of construction and fire rating of the additional wall length shall be in general conformance to that of the existing wall. The materials used in the area separation wall construction shall comply with the building construction type, but may be any approved assembly that provides the same level of protection.

Sec. 2.3.410. - Section 1002.2 amended.

Section 1002.2 of the International Existing Building Code, is amended to read as follows:

1002.2 Area limitations. No addition shall increase the area of an existing building beyond that permitted under the applicable provisions of Chapter 5 of the *International Building Code* for new buildings unless fire separation as required by the *International Building Code* is provided.

Exceptions:

1. In-filling of floor openings and nonoccupiable appendages such as elevator and exit

stair shafts shall be permitted beyond that permitted by the *International Building Code*.

2. Allowable area expansion rights up to and including an additional 10% (percent) area increase which would have been allowed under the Code when the building was constructed, will be permissible without approval from the Director of the MABCD, subject to the fire area limitations of Sections 1002.3 of this Code.

Sec. 2.3.420. - Section 1002.3 amended.

Section 1002.3 of the International Existing Building Code, is amended to read as follows:

1002.3 Fire protection systems. Existing fire areas increased by the addition shall comply with Chapter 9 of the *International Building Code*.

Exception: Buildings constructed prior to the adoption of the 2000 *International Building Code* (April 2, 2002) may have a nonconforming fire area increase by not more than 25 percent of the fire area limitation, for the occupancy classification, as specified under Section 903.2 of the *International Building Code*. All additions to the fire area shall be considered as accumulative and subject to the limitations of the construction type.

Sec. 2.3.430. - Section 1003.5 amended.

Section 1003.5 of the International Existing Building Code, is amended to read as follows:

1003.5 Flood hazard areas. Additions and foundations in flood hazard areas shall comply with Chapter 27.04 of the Code of the City of Wichita and Chapter 13 of the Sedgwick County Code.

Sec. 2.3.440. - Section 1101.4 amended.

Section 1101.4 of the International Existing Building Code, is to read as follows:

1101.4 Flood hazard areas. In flood hazard areas, if all proposed work, including repairs, work required because of a change of occupancy, and alterations, constitutes substantial improvement, then the existing building shall comply with Chapter 27.04 of the Code of the City of Wichita and Chapter 13 of the Sedgwick County Code.

Sec. 2.3.450. - Section 1201.2 amended.

Section 1201.2 of the International Existing Building Code, is amended to read as follows:

1201.2 Conformance. The building shall be safe for human occupancy as determined by the *International Fire Code* and the *International Building Code*. Any repair, alteration, or change of occupancy undertaken within the moved structure shall comply with the requirements of this Code applicable to the work being performed. Any field-fabricated elements shall comply with the requirements of the *International Building Code* or the *International Residential Code* as applicable.

Sec. 2.3.460. - Section 1301.2 amended.

Section 1301.2 of the International Existing Building Code, is amended to read as follows:

> *1301.2 Applicability.* Structures existing prior to April 2, 2002, in which there is work involving additions, alterations, or changes of occupancy shall be made to conform to the requirements of this chapter or the provisions of Chapter 4 through 12. The provisions of Section 1301.2.1 through 1301.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, and S. These provisions shall not apply to buildings with occupancies in Group H or Group I.

Sec. 2.3.470. - Section 1301.2.5 amended.

Section 1301.2.5 of the International Existing Building Code, is amended to read as follows:

> 1301.2.5 Accessibility requirements. All portions of the buildings proposed for change of occupancy shall conform to the accessibility provisions of Chapter 11, as amended, of the *International Building Code*.

Sec. 2.3.480. - Section 1301.3.2 amended.

Section 1301.3.2 of the International Existing Building Code, is amended to read as follows:

> *1301.3.2 Compliance with other codes.* Buildings that are evaluated in accordance with this section shall comply with the *International Fire Code in accordance with the respective Codes of the City and County.*

Sec. 2.3.490. - Section 1301.3.3 amended.

Section 1301.3.3 of the International Existing Building Code, is amended to read as follows:

> *1301.3.3 Compliance with flood hazard provisions.* In flood hazard areas, buildings that are evaluated in accordance with this section shall comply with Chapter 27.04 of the Code of the City of Wichita and Chapter 13 of the Sedgwick County Code if the work covered by this section constitutes substantial improvement.

Sec. 2.3.500. - Section 1401.5 amended.

Section 1401.5 of the International Existing Building Code, is amended to read as follows:

> *1401.5 Facilities required.* Sanitary facilities for building occupants shall be provided during construction or demolition activities, where occupancy of the structure will still occur.

Sec. 2.3.510. - Section 1401.5.1 amended.

Section 1401.6.1 of the International Existing Building Code, is amended to read as follows:

1401.6.1 Walkways. A walkway shall be provided for pedestrian travel in front of every construction and demolition site unless the authority having jurisdiction authorizes the sidewalk to be fenced or closed. Walkways shall be of sufficient width to accommodate the pedestrian traffic, but in no case shall they be less than 4 feet (1219 mm) in width. Walkways shall be provided with a durable walking surface. Walkways shall be accessible in accordance with Chapter 11, as amended, of the *International Building Code* and shall be designed to support all imposed loads and in no case shall the design live load be less than 150 psf (7.2 kNm^2).

Exception: The walkway is not required when there is not an existing sidewalk or one planned for that location.

Article 2, Section 4 - INTERNATIONAL RESIDENTIAL CODE

Sec. 2.4.010. - Adoption of the International Residential Code.

The International Residential Code, as published by International Codes Council, Inc., 2006 Edition, is hereby adopted, subject to such amendments as set forth hereinafter.

Sec. 2.4.020. - Permit required.

Section R105.1 of the International Residential Code is amended to read as follows:

R105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Whenever any work for which a permit is required by this Code has commenced without first obtaining said permit, a special investigation fee equal to the amount of the permit fee shall be collected in addition to the permit fee.

Sec. 2.4.030. - Work exempt from permit.

Section R105.2 of the International Residential Code is amended to read as follows:

R105.2 Work exempt from permit: Exemption from permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

BUILDING:

1. One-story detached accessory structures, provided the floor area does not exceed 200 square feet (18.58 m^2) and a location permit is obtained from the MABCD prior to installation.

Exception: Non-fixed and movable storage cabinets equipped with doors that conceal

the contents within and having a footprint not exceeding 25 square feet (2.32 m^2), shall not require the issuance of a location permit.

All detached accessory structures greater than 25 (2.32 m^2) but equal to or less than 400 (37.16 m^2) square feet shall be tied down to the earth using anchoring methods described in "Non Vehicular Storage Structure Anchoring Standards" of the City of Wichita; or be attached to a permanent concrete foundation per R403.1.6.

1.1 Playhouses or tree houses having single or multi-level floors with or without roofs.

2. Concrete or masonry fences not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall and other fences not over 8 feet (2438 mm) high.

2.1 Concrete or masonry monument sign bases not 4 feet (1219 mm) in height measured from the lowest point of the adjoining grade. The sign size and content requires separate approval and permit.

3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.

4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2 to 1.

5. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade and not over any basement or story below.

6. Decks, stoops, and porches not more than 30 inches (762 mm) above adjacent grade without overhead structures and not over any basement or story below.

7. Replacement of floor covering, painting, papering, tiling, carpeting, cabinets, counter tops, paneling and similar finish work.

8. Prefabricated swimming pools that are less than 24 inches (610 mm) deep and the capacity does not exceed 5,000 gallons (18,925 L) in which the pool walls are entirely above ground.

9. Swings and other playground equipment accessory to a one- or two-family dwelling.

10. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.

11. Emergency board-up, or securing temporary bracing of a building after a fire, storm, vehicle damage or other disaster which caused the building to be open or unsafe. The building owner or his/her agent may cause such work to be done provided that the MABCD is notified the following business day.

12. Repair or replacement of roofing and/or siding materials not exceeding 400 square feet (37.16 m^2) within any 12 month period.

13. Repair or replacement of interior gypsum wallboard on non-fire rated walls or ceilings when the total area does not exceed 100 square feet (9.29 m^2) within any 12-month period and provided that no framing electrical, mechanical or plumbing changes are made.

14. Replacement of windows or doors or replacement of roof skylights or equipment with the same size or smaller unit(s) that does not involve the removal, cutting, alteration or replacement of any building structural member; including but not limited to studs, headers, girders, beams, joists, rafters, cripples, jacks or other supporting framing member(s). The framing used to infill existing openings for the purpose of installing smaller unit(s) shall be exempt from permit requirements. Placement of smaller windows or doors shall not reduce the minimum size requirements of escape and rescue openings, or egress door(s) required in Sections R310 and R311 of this Code. The replacement door or window shall not be of a lower fire rating than required by this Code for any rated wall or assembly.

ELECTRICAL:

Exemptions for electrical permits shall be governed by Article 4 of this Code.

GAS:

1. Portable heating, cooking or clothes drying appliances.

2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

3. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

MECHANICAL:

1. Portable heating appliances.

2. Portable ventilation appliances.

3. Portable cooling units.

4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this Code.

5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

6. Portable evaporative coolers.

7. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.

8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

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

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

Sec. 2.4.040. - Emergency repairs.

Section R105.2.1 of the International Residential Code, is amended as follows:

R105.2.1 Emergency repairs. Where repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

Sec. 2.4.050. - Repairs.

Section R105.2.2 of the International Residential Code, is amended to read as follows:

R105.2.2 Repairs. Application or notice to the building official is not required for ordinary repairs to structures. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting away of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any gas, mechanical or other work affecting public health or general safety.

Sec. 2.4.060. - Section R105.2.3 deleted.

Section R105.2.3 of the International Residential Code is deleted.

Sec. 2.4.070. - Permit expiration.

Section R105.5 of the International Residential Code is amended to read as follows:

R105.5 Expiration. Every permit issued shall expire unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Work shall be considered to have been suspended or abandoned if it has been more than 180 days since the last requested inspection. Before work can be recommenced, the permit must be re-instated. The fee for re-instatement shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and that such suspension or abandonment has not exceeded one year. In order to resume work after suspension or abandonment for a period exceeding one year, a new permit shall be required. The code official is authorized to grant, in writing, one or more extensions of time for

periods not more than 180 days each. The extensions shall be requested in writing and justifiable cause demonstrated.

Sec. 2.4.080. - Placement of inspection record card and address marker.

Section R105.7 of the International Residential Code, is amended to read as follows:

R105.7 Placement of the inspection record card and address marker. The inspection record card shall be kept on the site of the work until the completion of the project. Work requiring a permit shall not be commenced until the inspection record card is posted or otherwise made available on the site. The inspection record card shall be maintained and available on site until final inspection approval has been granted by the building official. Work shall not be started until the address is posted in such a position as to be plainly visible and legible from the street or road fronting the site.

Sec. 2.4.090. - Refunds.

Section R108.5 of the International Residential Code, is amended to read as follows:

R108.5 Refunds. The building official may authorize refunding of any fee paid hereunder, which was erroneously paid or collected. The building official may authorize refunding of not more than 80% of the fee paid when no work has been done under the permit in accordance with this Code and if 180 days has not expired since the issuance of said permit.

Sec. 2.4.100. - Section R109.1.6 created.

Section R109.1.6 of the International Residential Code is amended to read as follows:

R109.1.6 Final inspection. Final inspection shall be made after the permitted work is complete and prior to occupancy. This requirement may be waived by the building official for approvals granted to limited contractors who are part of self-certification programs established and monitored by the MABCD. In these instances the contractors must meet all established program criteria, must provide all required documentation, and be subject to periodic audits by the MABCD. The building official may revoke permission to self-certify, for cause, at any time.

Sec. 2.4.110. - R301.1.1 created.

Section R301.1.1 of the International Residential Code is amended to read as follows:

R301.1.1 Alternative provisions. As an alternative to the requirements in Section R301.1 the following standards are permitted subject to the limitations of this Code and the limitations therein. Where engineered design is used in conjunction with these standards the design shall comply with the International Building Code.

1. American Forest and Paper Association (AAF&PA) Wood Frame Construction Manual (WFCM).

2. American Iron and Steel Institute (AISI) Standard for Cold-Formed Steel

Framing - Prescriptive Method for One- and Two-Family Dwellings (COFS/PM) with Supplement to Standard for Cold-Formed Steel Framing - Prescriptive Method for One- and Two-Family Dwellings.

3. The Wichita Foundation, Basement and Slab-on-Grade Standards for One and Two Family Dwellings (August 30, 2011).

Sec. 2.4.115. - Table R301.2(1) amended.

Table R301.2(1) of the International Residential Code is amended to read as follows:

Table R301.2(1) Climatic and Geographic Design Criteria. The Climatic and Geographic Design Criteria for building design shall be as provided in Table R301.2(1).

Table R301.2(1) of the International Residential Code is amended to read as follows:

TABLE R301.2(1) - SECTION R301, DESIGN CRITERIA

Climatic and Geographic Design Criteria for Sedgwick County, Ks.

Ground Snow Load –	15 psf	Design Temps	
Wind Speed (mph) –	76w/90-3 sec. gust	Air Freezing Temp. -	400
Seis. Design Cat. -	A	Mean Air Temp. -	55-60 deg.
Weathering -	Severe	Summer -	98
Frost Line Depth -	24 inches		2.5% dry bulb
Termite -	Mod./Severe	Winter -	76
Winter Design Temp. -	97.50% - 7		2.5% wet bulb
Ice Barrier -	None Required	Heating Degree Days -	4,620

	Roof	Floor
Dead Load -	10 lb. psf	10 lb. psf.
Live Load -	20 lb. spf	40 lb. psf.

For SI: 1 pound per square foot = 0.0479kPa, 1 mile per hour = 0.447 m/s.

a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this Code. The weathering column shall be filled in with the weathering index (i.e., "negligible," "moderate" or "severe") for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.

b. The frost line depth may require deeper footings than indicated in Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade. For construction of one and two family dwelling

habitable spaces, the *Wichita Foundation, Basement and Slab-on-Grade Standards for One and Two Family Dwellings* (August 30, 2011) shall apply.

c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been any history of local subterranean termite damage.

d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.

e. The outdoor design dry-bulb temperature shall be selected from the columns of 97 ½ - percent values for winter from Appendix D of the *International Plumbing Code.* Deviations from the Appendix D temperatures shall be submitted to reflect local climates or local weather experience as determined by the building official.

f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.

g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the currently effective FIRM and FBFM, or other flood hazard map adopted by the community, as may be amended.

h. In accordance with Sections R905.2.7.a, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES". Otherwise, the jurisdiction shall fill in this part of the table with "NO".

i. The jurisdiction shall fill in this part of the table with the 100-year return period freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99%) value on the National Climatic Data Center data table "Air Freezing Index - USA Method (Base 32° Fahrenheit)" at www.ncdc.noaa.gov/fpsf.html.

j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index - USA Method (Base 32° Fahrenheit)" at www.ncdc.noaa.gov/fpsf.html.

Sec. 2.4.120. - Live load.

Section R301.5 of the International Residential Code, is amended to read as follows:

R301.5 Live load. The minimum uniformly distributed live load shall be as provided in Table R301.5.

TABLE R301.5 - MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS

(in pounds per square foot)

USE	LIVE LOAD

Attics with limited storage[b, g, h]	20
Attics without storage[b]	10
Decks[e]	40
Exterior balconies	60
Fire escapes	40
Guardrails and handrails[d]	200[i]
Guardrails in-fill components[f]	50[i]
Passenger vehicle garages[a]	50 [a]
Rooms other than sleeping rooms	40
Sleeping rooms	40
Stairs	40 [c]

For SI: 1 pound per square foot = 0.0479 kPa, 1 square inch = 645 mm^2, 1 pound = 4.45 N.

a. Elevated garage floors shall be capable of supporting a 2,000-pound load applied over a 20-square-inch area.

b. Attics without storage are those where the maximum clear height between joist and rafter is less than 42 inches, or where there are not two or more adjacent trusses with the same web configuration capable of containing a rectangle 42 inches high by 2 feet wide, or greater, located within the plane of the truss. For attics without storage, this live load need not be assumed to act concurrently with any other live load requirements.

c. Individual stair treads shall be designed for the uniformly distributed live load or a 300-pound concentrated load acting over an area of 4 square inches, whichever produces the greater stresses.

d. A single concentrated load applied in any direction at any point along the top.

e. See Section R502.2.1 for decks attached to exterior walls.

f. Guard in-fill components (all those except the handrail), balusters and panel fillers shall be designed to withstand a horizontally applied normal load of 50 pounds on an area equal to 1 square foot. This load need not be assumed to act concurrently with any other live load requirement.

g. For attics with limited storage and constructed with trusses, this live load need be applied only to those portions of the bottom chord where there are two or more adjacent trusses with the same web configuration capable of containing a rectangle 42 inches high or greater by 2 feet wide or greater, located within the plane of the truss. The rectangle shall fit between the top of the bottom chord and the bottom of any other truss member, provided that each of the following criteria is met:

1. The attic area is accessible by a pull-down stairway or framed opening in accordance with Section R807.1; and

2. The truss has a bottom chord pitch less than 2:12.

h. Attic spaces served by a fixed stair shall be designed to support the minimum live load specified for sleeping rooms.

i. Glazing used in handrail assemblies and guards shall be designed with a safety factor of 4. The safety factor shall be applied to each of the concentrated loads applied to the top of the rail, and to the load on the in-fill components. These loads shall be determined independent of one another, and loads are assumed not to occur with any other live load.

Sec. 2.4.130. - Exterior walls.

Section R302.1 of the International Residential Code is amended to read as follows:

Section R302.1 Exterior Walls of the International Residential Code, is amended to read as follows:

R302.1. Exterior walls. Exterior Walls of buildings constructed adjacent to a zero lot line (as defined in the zoning ordinance) may be of non-rated construction, provided: The wall contains no openings unless the sill height is located a minimum of 6 feet (1829 mm) above both the finished floor elevation and exterior grade or is constructed of translucent materials so as to not allow visibility into the adjacent property.

Exception: Foundation vents installed in compliance with this Code are permitted.

Sec. 2.4.140. - Habitable rooms.

Section R303.1 of the International Residential Code is amended to read as follows:

R303.1 Habitable rooms. All habitable rooms shall have an aggregate glazing area of not less than 8 percent of the floor area of such rooms. Natural ventilation shall be through windows, doors, louvers or other approved openings to the outdoor air. Such openings shall be provided with ready access or shall otherwise be readily controllable by the building occupants. The minimum openable area to the outdoors shall be 4 percent of the floor area being ventilated.

Exceptions:

1. The glazed areas need not be openable where the opening is not required by Section R310 and an approved mechanical ventilation system capable of producing 0.35 air change per hour in the room is installed or a whole-house mechanical ventilation system is installed capable of supplying outdoor ventilation air of 15 cubic feet per minute (cfm) (78 L/s) per occupant computed on the basis of two occupants for the first bedroom and one occupant for each additional bedroom.

2. The glazed area need not be installed in rooms where Exception 1 above is satisfied and artificial light is provided capable of producing an average illumination of 6 footcandles (65 lux) of the area of the room at a height of 30 inches (762 mm) above the floor level.

3. Use of sunroom additions and patio covers, as defined in Section R202, shall be permitted for natural ventilation if in excess of 40 percent of the exterior sunroom walls are open, or are enclosed only by insect screening.

In new dwellings and additions to existing one and two family dwellings, where a new

separate heating and/or cooling system is being added to serve, but not necessarily limited to serving the new addition, an outside air duct shall be connected to the main return air duct, prior to filter, of each heating and/or cooling system for the habitable space served. Duct size shall be based on the square footage of habitable space served as follows:

1. 1500 sq. ft. or less: 4 inch diameter or 12.6 square inches.

2. 1501 sq. ft. to 2000 sq. ft. 5 inch diameter or 19.6 square inches.

3. 2001 sq. ft. and larger 6 inch diameter or 28.3 square inches. All areas listed exclude finished basement area. The outside air duct shall be provide with a ¼ inch mesh inlet screen. The outside air duct shall not draw air from contaminated sources.

Sec. 2.4.150. - Bathrooms.

Section R303.3 of the International Residential Code, is amended to read as follows:

R303.3 Bathrooms. Bathrooms, water closet compartments and other similar rooms shall be provided with aggregate glazing area in windows of not less than 3 (0.3 m^2) square feet, one-half of which must be openable.

Exception: The glazed areas shall not be required where artificial light and a mechanical ventilation system are provided. The minimum ventilation rates shall be 50 cubic feet per minute (24 L/s) for intermittent ventilation or 20 cubic feet per minute (10 L/s) for continuous ventilation. Ventilation air from the space shall be exhausted directly to the outside or into a properly ventilated attic when all of the following are met:

1. The duct(s) conveying exhaust into the attic shall terminate a minimum of 36 inches above the top of the ceiling framing members, and shall not discharge upon any building element.

2. Attics into which bath and/or toilet room exhausts are discharged must be properly ventilated, in accordance with Section R806, and shall not discharge into an unvented attic assembly.

3. The exhaust duct(s) shall terminate above the top of the attic insulation with a "goose-neck" installed to prevent infiltration of insulating material into the duct.

4. Exhaust duct(s) run above the insulation inside of attics, with a developed length greater than 5 feet, shall be insulated.

Sec. 2.4.160. - Stairway illumination.

Section R303.6 of the International Residential Code, is amended to read as follows:

R303.6 Stairway Illumination: All interior and exterior stairways shall be provided with means to illuminate the stairway.

Sec. 2.4.170. - Hazardous locations.

Section R308.4 of the International Residential Code, is amended to read as follows:

R308.4 Hazardous locations. The following shall be considered specific hazardous locations for the purpose of glazing:

1. Glazing in swinging doors except jalousies.

2. Glazing in fixed and sliding panels of sliding door assemblies and panels in sliding and bi-fold closet door assemblies.

3. Glazing in storm doors.

4. Glazing in all unframed swinging doors.

5. Glazing in doors and enclosures for hot tubs, whirlpools, saunas, steam rooms, bathtubs and showers where the bottom exposed edge of the glazing is less than 60 inches (1524 mm) measured vertically above any standing or walking surface.

   Exception: Glazing that is 18 inches (1524 mm) or more, measured horizontally and in a straight line, from the water's edge of a hot tub, whirlpool or bathtub.

6. Glazing, in an individual fixed or operable panel adjacent to a door where the nearest vertical edge is within a 12 inch (305 mm) arc of the door in a closed position and whose bottom edge is less than 60 inches (1524 mm) above the floor or walking surface.

7. Glazing in an individual fixed or operable panel, other than those locations described in items 5 and 6 above, that meets all of the following conditions:

   7.1. Exposed area of an individual pane larger than 9 square feet (0.836 m2).

   7.2. Bottom edge less than 10 inches (254 mm) above the floor.

   7.3. Top edge more than 36 inches (914 mm) above the floor.

   7.4. One or more walking surfaces within 36 inches (914 mm) horizontally of the glazing.

8. All glazing in railings regardless of an area or height above a walking surface. Included are structural baluster panels and nonstructural in-fill panels.

9. Glazing in walls and fences enclosing indoor and outdoor swimming pools, hot tubs and spas where the bottom edge of the glazing is less than 60 inches (1524 mm) above a walking surface and within 60 inches (1524 mm) horizontally of the water's edge. This shall apply to single glazing and all panes in multiple glazing.

10. Glazing adjacent to stairways, landings and ramps within 36 inches (914 mm) horizontally of a walking surface when the exposed surface of the glass is less than 60 inches (1524 mm) above the plane of the adjacent walking surface.

11. Glazing in walls enclosing stairway landings or within 60 inches (1524 mm) of the top and bottom of stairways where the bottom edge of the glass is less than 60 inches (1524 mm) above the walking surface.

Exception: The following products, materials and uses are exempt from the above hazardous locations:

1. Openings in doors through which a 3-inch (76 mm) sphere is unable to pass.

2. Decorative glass in Items 1, 6 or 7.

3. Glazing in Section R 308.4, Item 6, when there is an intervening wall or other permanent barrier between the door and the glazing.

4. Glazing in Section R 308.4, Item 6, in walls perpendicular to the plane of the door in a closed position, other than the wall toward which the door swings when opened, or where access through the door is to a closet or storage area 3 feet (914 mm) or less in depth. Glazing in these applications shall comply with Section R 308.4, Item 7.

5. Glazing in Section R308.4, Items 7 and 10, when a protective bar is installed on the accessible side(s) of the glazing 36 inches ± 2 inches (914 mm ± 51 mm) above the floor. The bar shall be capable of withstanding a horizontal load of 50 pounds per linear foot (730 N/m) without contacting the glass and be a minimum of 1.5 inches (38 mm) in height.

6. Outboard panes in insulating glass units and other multiple glazed panels in Section R 308.4, Item 7, when the bottom edge of the glass is 25 feet (7620 mm) or more above grade, a roof, walking surfaces, or other horizontal [within 45 degrees (0.79 rad) of horizontal] surface adjacent to the glass exterior.

7. Louvered windows and jalousies complying with the requirements of Section R 308.2.

8. Mirrors and other glass panels mounted or hung on a surface that provides a continuous backing support.

9. Safety glazing in Section R 308.4, Items 10 and 11, is not required where:

9.1. The side of a stairway, landing or ramp has a guardrail or handrail, including balusters or in-fill panels, complying with provisions of Sections 1013 and 1607.7 of the International Building Code; and

9.2. The plane of the glass is more than 18 inches (457 mm) from the railing; or

9.3. When a solid wall or panel extends from the plane of the adjacent

walking surface to 34 inches (863 mm) to 36 inches (914 mm) above the floor and the construction at the top of that wall or panel is capable of withstanding the same horizontal load as the protective bar.

10. Glass block panels complying with Section R 610.

11. All windows in walls may be protected by an approved safety film installed by certified installers in accordance with the manufacture's specifications.

Sec. 2.4.180. – Section R309.5 deleted.

Section R309.5 of the International Residential Code is hereby deleted.

Sec. 2.4.190. - Minimum opening area.

Section R310.1.1 of the International Residential Code is amended as follows:

R310.1.1 Minimum opening area. All emergency escape and rescue openings shall have a minimum net clear opening of 4.5 (0.418 m^2) square feet with the window in an open position, with a total break-out area of 5.7 (0.530 m^2) square feet. The minimum net clear opening shall be maintained to a public way, yard or court.

Sec. 2.4.200. - Minimum opening height.

Section R310.1.2 of the International Residential Code is amended as follows:

R310.1.2 Minimum opening height. The minimum net clear opening height shall be:

1. 19¾ inches (501.7 mm) plus or minus ¼ inch for single, double hung and awning style windows.

For all other types of windows the minimum height shall be determined by multiplying the width times the height to achieve a total net clear opening of 4.5 (114.3 mm^2) square feet with a total break-out area of 5.7 (0.530 m^2) square feet.

Sec. 2.4.210. - Minimum opening width.

Section R310.1.3 of the International Residential Code is amended as follows:

R310.1.3 Minimum opening width. The minimum net clear opening width shall be:

1. 17 inches (431.8 mm) plus or minus ¼ inch in the open position for casements and slider windows.

2. 30¼ (768.35 mm) inches plus or minus ¼ inch for single and double hung units.

Sec. 2.4.220. - Ladder and steps.

Section R310.2.1 of the International Residential Code is amended to read as follows:

R310.2.1 Ladders, steps and fall protection. Window wells with a vertical depth greater than 44 inches (1118 mm) shall be equipped with a permanently affixed ladder or steps usable with the window in the fully open position. Ladders or steps required by this section shall not be required to comply with Sections R311.5 and R311.6. Ladders or rungs shall have a inside width of at least 12 inches (305 mm), shall project at least 3 inches (76 mm) to the back of the rung from the wall and shall be spaced not more than 12 inches (305 mm) on center vertically for the full height of the window well. Window wells with a vertical depth of more than 30 inches (762 mm) shall be provided with guardrails that are designed in accordance with Section R312, or a protective cover designed to a minimum of 20 pounds per square foot (0.96 KN per m^2) uniformly distributed live load. Window well covers shall be provided with an emergency egress hatch located above the ladder or steps, with the minimum egress opening maintained. The force required to open the egress hatch shall not exceed 30 pounds (133.45 N) and shall not require the use of keys, more than one operation, or any special knowledge or effort. Window well covers, grates, and guardrails shall be constructed of materials approved for exterior use.

Sec. 2.4.230. - Landings at doors.

Section R311.4.3 of the International Residential Code is amended to read as follows:

R311.4.3 Landings at doors. There shall be a floor or landing on each side of each exterior door. The floor or landing at the exterior door shall not be more than 1.5 inches (38 mm) lower than the top of the threshold. The landing shall be permitted to have a slope not to exceed 0.25 unit vertical in 12 units horizontal (2-percent).

Exceptions:

1. Where a stairway of four or fewer risers is located on the exterior side of a door, other than the required exit door, a landing is not required for the exterior side of the door provided the door, other than an exterior storm or screen door does not swing over the stairway.

2. The exterior landing at an exterior doorway shall not be more than 8 (203 mm) inches below the top of the threshold, provided that the door, other than an exterior storm or screen door, does not swing over the landing.

3. The height of floors at exterior doors other than the exit door required by Section R311.4.1 shall not be more than 8 (203 mm) inches lower than the top of the threshold.

The width of each landing shall not be less than the door served. Every landing shall have a minimum dimension of 36 inches (914 mm) measured in the direction of travel.

Sec. 2.4.240. - Riser height.

Section R311.5.3.1 of the International Residential Code is amended to read as follows:

Riser height: The maximum riser height shall be 8 (203 mm) inches. The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

Sec. 2.4.250. - Tread depth.

Section R311.5.3.2 of the International Residential Code is amended to read as follows:

R311.5.3.2 Tread depth. The minimum tread depth shall be 9 inches (228.6 mm). The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). Winder and circular treads shall have a minimum tread depth of 9 inches (228.6 mm) measured as above at a point 12 inches (305 mm) from the side where the treads are narrower. Winder and circular treads shall have a minimum tread depth of 6 inches (152 mm) at any point. Within any flight of stairs, the largest winder or circular tread depth at the 12-inch (305 mm) walk line shall not exceed the smallest by more than 3/8 inch (9.5 mm).

Sec. 2.4.260. – Section R311.5.3.3 deleted.

Section R311.5.3.3 of the International Residential Code is hereby deleted.

Sec. 2.4.270. - Landings for stairways.

Section R311.5.4 of the International Residential Code is amended to read as follows:

R311.5.4 Landings for stairways. There shall be a floor or landing at the top and bottom of each stairway.

Exception: A floor or landing is not required at the top of an interior flight of stairs, provided a door does not swing over the stairs.

A flight of stairs shall not have a vertical rise larger than 12 feet (3658 mm) between floor levels or landings.

The width of each landing shall not be less than the width of the stairway served. Every landing shall have a minimum dimension of 36 inches (914 mm) measured in the direction of travel.

Sec. 2.4.280. - Handrails.

Section R311.5.6.1 of the International Residential Code is amended to read as follows:

R311.5.6.1 Height. Handrail height, measured vertically from the sloped plane adjoining the tread nosing, or finish surface of ramp slope, shall be not less than 32 (813 mm) inches and not more than 38 inches (965 mm).

Sec. 2.4.290. - Handrails continuity.

Section R311.5.6.2 of the International Residential Code is amended to read as follows:

R311.5.6.2 Continuity. Handrails for stairways shall be continuous for the full length of the

flight, from a point directly above the top riser of the flight to a point directly above the lowest riser of the flight. Handrail ends shall be returned to the wall or shall terminate in newel posts or safety terminals at the top of each flight of stairs. Handrails adjacent to a wall shall have a space of not less than 1.25 (32.5mm) inches between the wall and the handrails.

Graspable portions of the handrail may not end up completely continuous from the top riser to the bottom riser. The rail shall return to the wall.

Exceptions:

(1) Handrails shall be permitted to be interrupted by a newel post at the turn.

(2) The use of a volute, turnout or starting easing, or starting newel shall be allowed over the lowest tread.

Sec. 2.4.300. - Handrail grip size.

Section R311.5.6.3 of the International Residential Code is amended to read as follows:

R311.5.6.3 Handrail grip size. All required handrails shall be of one of the following types or provide equivalent graspability.

1. Type I. Handrails with a circular cross section shall have an outside diameter of at least 1¼ inches (32 mm) and not greater than 2 inches (51 mm). If the handrail is not circular it shall have a perimeter dimension of at least 4 inches (102 mm) and not greater than 6¼ inches (160 mm) with a maximum cross section of dimension of 2¼ inches (57 mm).

2. Type II. Handrails with a perimeter greater than 6¼ inches (160 mm) shall provide a graspable finger recess area on the outboard side of the profile. The finger recess shall begin within a distance of ¾ inch (19 mm) measured vertically from the tallest portion of the profile and achieve a depth of at least 5/16 inch (8 mm) within 7/8 inch (22 mm) below the widest portion of the profile. This required depth shall continue for at least 3/8 inch (9.5 mm) to a level that is not less than 1¾ inches (45 mm) below the tallest portion of the profile. The minimum width of the handrail above the recess shall be 1¼ inches (32 mm) to a maximum of 2¾ inches (70 mm). Edges shall have a minimum radius of 0.01 inch (0.25 mm).

Sec. 2.4.310. - Guard opening limitations.

Section R312.2 of the International Residential Code is amended to read as follows:

R312.2 Guard opening limitations. Required guards on open sides of stairways, raised floor areas, balconies and porches shall have intermediate rails or ornamental closures which do not allow passage of a sphere 4 ½ inches (114.3 mm) or more in diameter. Required guards shall not be constructed with horizontal rails or other ornamental pattern that results in a ladder effect.

Exception:

1. The triangular openings formed by the riser, tread and bottom rail of a guard at the open side of a stairway are permitted to be of such a size that a sphere 6 inches (152 mm) cannot pass through.

2. Openings for required guards on the sides of stair treads shall not allow sphere 4 ½ inches (114.3 mm) to pass through.

Sec. 2.4.320. - Single-and multiple-station smoke alarms.

Section R313.2 of the International Residential Code is amended to read as follows:

R313.2 Location. Single and multiple-station smoke alarms shall be installed in the following locations:

1. Outside of each separate sleeping area in the immediate vicinity of the bedrooms.

2. On each additional story of the dwelling, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

When more than one smoke alarm is required to be installed within an individual dwelling unit the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Sec. 2.4.330. - Thermal barrier.

Section R314.4 of the International Residential Code is amended to read as follows:

R314.4 Thermal barrier. Unless otherwise allowed in Section R314.5 or Section R 314.6, foam plastic shall be separated from the interior of a building by an approved thermal barrier of minimum 0.5 inch (12.7 mm) gypsum wallboard or an approved finish material equivalent to a thermal barrier material that will limit the average temperature rise of the unexposed surface to no more than 250°F (139°C) after 15 minutes of fire exposure complying with the ASTME 119 standard time temperature curve. The thermal barrier shall be installed in such a manner that it will remain in place for 15 minutes based on NFPA 286 with the acceptance criteria of section R315.4, FM4880, UL 1040 or UL 1715.

Exception: Insulating concrete forms (ICFs) may be used without the thermal barrier described in Section 314.4 when the foam plastic meets the following criteria:

1. The foam plastic has a minimum self ignition temperature of 450 degrees C when tested in accordance with ASTM D 1929;

2. The foam plastic has a flame-spread rating of less than 25 and a smoke-developed rating of less than 450 when tested in accordance with ASTM E 84

3. The foam plastic wall assembly has a minimum two (2) hour fire resistance rating

when tested in accordance with ASTM E 119; and the ICF has a valid ICCES ER number.

Sec. 2.4.340. – Section R318.1 deleted.

Section R318.1 of the International Residential Code is hereby deleted.

Sec. 2.4.350. - Protection against decay.

Section R319.1 of the International Residential Code is amended to read as follows:

R319.1 Location required. Protection from decay shall be provided in the following locations by the use of naturally durable wood or wood that is preservative treated in accordance with AWPA U1 for the species, product, preservative and end use. Preservatives shall be listed in Section 4 of AWPA U1.

1. Wood joists or the bottom of a wood structural floor when closer than 18 inches (457 mm) or wood girders when closer than 12 inches (305 mm) to the exposed ground in crawl spaces or unexcavated area located within the periphery of the building foundation.

2. All wood framing members that rest on concrete or masonry exterior foundation walls and are less than 6 inches (152 mm) from the exposed ground.

3. Sills and sleepers on a concrete or masonry slab that is in direct contact with the ground unless separated from such slab by an impervious moisture barrier.

4. The ends of wood girders entering exterior masonry or concrete walls having clearances of less than 0.5 inch (12.7 mm) on tops, sides and ends.

5. Wood siding, sheathing and wall framing on the exterior of a building having a clearance of less than 6 inches (152 mm) from the ground.

6. Wood structural members supporting moisture-permeable floors or roofs that are exposed to the weather, such as concrete or masonry slabs, unless separated from such floors or roofs by an impervious moisture barrier.

Sec. 2.4.360. – Section R319.1.1 deleted.

Section R319.1.1 of the International Residential Code is hereby deleted.

Sec. 2.4.370. – Section R320.1.2 deleted.

Section R320.1.2 of the International Residential Code is hereby deleted.

Sec. 2.4.380. – Section R324 deleted.

Section R324 of the International Residential Code is hereby deleted.

Sec. 2.4.390. - Section R401.4 created.

Section R401.4 of the International Residential Code is amended to read as follows:

> *R401.4 Soil Tests.* In areas likely to have expansive, compressible, shifting or other unknown soil characteristics, the building official shall determine whether to require a soil test and/or analysis to determine the soil's characteristics at a particular location. This test shall be made by an approved testing agency using an approved method. For construction of one and two family dwelling habitable spaces, a soil test/analysis shall be submitted prior to issuance of a building permit in accordance with the Wichita Foundation, Basement and Slab-on-Grade Standards for One and Two Family Dwellings (August 30, 2011). Soil analysis and/or testing shall be verified and/or certified by the building permit applicant and the approved testing agency in a form approved by the building official.

Sec. 2.4.400. - Section R403.1.1 created.

Section R403.1.1 of the International Residential Code is amended to read as follows:

> *R403.1.1. Minimum size.* Minimum sizes for concrete and masonry footings shall be as set forth in Table R403.1 and Figure R403.1(1). For construction of one and two family dwelling habitable spaces, the Wichita Foundation, Basement and Slab-on-Grade Standards for One and Two Family Dwellings (August 30, 2011) shall apply.
>
> The footing width, W, shall be based on the load-bearing value of the soil in accordance with Table R401.4.1. Spread footings shall be a least 6 inches (152 mm) thick. Footing projections, P, shall be at least 2 inches (51 mm) and shall not exceed the thickness of the footing. The size of footings supporting piers and columns shall be based on the tributary load and allowable soil pressure in accordance with Table R401.4.1. Footings for wood foundations shall be in accordance with the details set forth in Section R403.2, and Figures R403.1(2) and R403.1(3).

Sec. 2.4.410. - Section R403.1.3.2 created.

Section R403.1.3.2 of the International Residential Code is amended to read as follows:

R403.1.3.2 Slabs-on-grade with turned-down footings and slabs-on-grade cast monolithically with a footing. For slabs-on-grade with turned-down footings and slabs-on-grade cast monolithically with a footing, construction of one and two family dwelling habitable spaces shall comply with the Wichita Foundation, Basement and Slab-on-Grade Standards for One and Two Family Dwellings (August 30, 2011).

Sec. 2.4.420. - Minimum depth.

Section 403.1.4 of the International Residential Code is hereby amended to read as follows:

R403.1.4 Minimum depth. All exterior footings shall be placed at least 24 (610 mm) inches below the undisturbed ground surface. For construction of one and two family dwelling habitable spaces, the Wichita Foundation, Basement and Slab-on-Grade Standards for One and Two Family Dwellings (August 30, 2011) shall apply. Where applicable, the depth of the footings shall also conform to Sections R403.1.4.1 through R403.1.4.2.

Sec. 2.4.430. - Frost protection.

Section R403.1.4.1 of the International Residential Code is amended to read as follows:

R403.1.4.1 Frost protection. Section 403.1.4.1 of the International Residential Code is amended to read as follows:

Frost Protection. Except where otherwise protected from frost, foundation walls, piers and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods:

1. Extended below the frost line specified in Table R301.2.(1), per amended Table footnote "b." and the Wichita Foundation, Basement and Slab-on-Grade Standards for One and Two Family Dwellings (August 30, 2011);

2. Constructing in accordance with Section R403.3;

3. Constructing in accordance with ASCE 32; or

4. Erected on solid rock

Exceptions:

1. Protection of freestanding accessory structures with an area of 400 (36.2m^2) square feet or less of light-framed construction with an eave-height of 10 feet (3048mm) or less shall not be required.

2. Protection of freestanding accessory structures with an area 400 square feet (36.2m^2) or less of other than light-framed construction with an eave-height of 10 feet (3048mm) or less shall not be required.

Footings shall not bear on frozen soil. Frost depth in Wichita is 24 inches.

Sec. 2.4.440 - Section R403.1.8 created.

Section R403.1.8 of the International Residential Code is amended to read as follows:

R403.1.8 Foundations on expansive soils. Foundations and floor slabs for buildings located on expansive soils shall be designed in accordance with Section 1805.8 of the International Building Code or as specified in the Wichita Foundation, Basement and Slab-on-Grade Standards for One and Two Family Dwellings (August 30, 2011).

Sec. 2.4.450. - Section R404.1 created.

Section R404.1 of the International Residential Code is amended to read as follows:

R404.1 Concrete and masonry foundation walls. Concrete and masonry foundation walls shall be selected and constructed in accordance with the provisions of Section R404 or in accordance with ACI 318, ACI 332, and NCMATR68-A or ACI 530/ASCE 5/TMS 402 or other approved structural standards. The Wichita Foundation, Basement and Slab-on-Grade Standards for One and Two Family Dwellings (August 30, 2011) may be used to comply with the requirements of this section, but do not preclude the right of the Metropolitan Area Building Code Department to require a footing/foundation to be designed by a Kansas licensed architect or engineer.

Pre-engineered foundation wall systems such as insulated concrete forms (ICF walls) shall be installed to comply with the manufacturer's specifications or with architect or engineer requirements. All specifications or design documents shall be on site for each required inspection.

When ACI 318, ACI 332 or ACI 530/ASCE 5/TMS 402 or the provisions of Section R404 are used to design concrete or masonry foundation walls, project drawings, typical details and specifications are not required to bear the seal of the architect or engineer responsible for design, unless otherwise required by the state law of the jurisdiction having authority.

Foundation walls that meet all of the following shall be considered laterally supported:

1. Full basement floor shall be a minimum 3.5 inches (89 mm) thick concrete slab poured tight against the bottom of the foundation wall.

2. Floor joists and blocking shall be connected to the sill plate at the top of wall by the prescriptive method called out in Table R404.1(1), or; shall be connected with an approved connector with listed capacity meeting Table R404.1(1).

3. Bolt spacing for the sill plate shall be no greater than per Table R404.1(2).

4. Floor shall be blocked perpendicular to the floor joists. Blocking shall be full depth within two joist spaces of the foundation wall, and be flat-blocked with minimum 2-inch by 4-inch (51mm by 102mm) blocking elsewhere.

5. Where foundation walls support unbalanced load on opposite sides of the building, such as a daylight basement, the building aspect ratio, L/W, shall not exceed

the value specified in Table R404.1(3). For such foundation walls, the rim board shall be attached to the sill with a 20 gage metal angle clip at 24 inches (610 mm) on center, with five 8d nails per leg, or an approved connector supplying 230 pounds per linear foot (3.36 kN/m) capacity.

Sec. 2.4.460. - Floor trusses.

Section R502.11.4 of the International Residential Code is amended to read as follows:

Floor Truss design drawings. Floor truss design drawings, prepared in compliance with Section R502.11.1, shall be provided to the building official at the framing inspection. Truss design drawings shall be provided with the shipment of trusses delivered to the job site. Truss design drawings shall include, at a minimum, the information specified below:

1. Slope or depth, span, and spacing.
2. Location of all joints.
3. Required bearing widths.
4. Design loads as applicable:
   - 4.1. Top chord live load (including snow loads);
   - 4.2. Top chord dead load;
   - 4.3. Bottom chord live load;
   - 4.4. Bottom chord dead load;
   - 4.5. Concentrated loads and their points of application; and
   - 4.6. Controlling wind and earthquake loads.
5. Adjustments to lumber and joint connector design values for conditions of use.
6. Each reaction force and direction.
7. Joint connector type and description, e.g., size, thickness or gauge, and the dimensioned location of each joint connector except where symmetrically located relative to the joint interface.
8. Lumber size, species and grade for each member.
9. Connection requirements for:
   - 9.1. Truss-to-truss girder;
   - 9.2. Truss ply-to-ply; and
   - 9.3. Field splices.
10. Calculated deflection ratio and/or maximum description for live and total load.

11. Required permanent truss member bracing location.

Sec. 2.4.470. - General.

Section R506.1 of the International Residential Code is amended to read as follows:

R506.1 General. Concrete slab-on-grade floors shall be a minimum 3.5 inches (89 mm) thick and designed and installed in accordance with the Wichita Foundation, Basement and Slab-on-Grade Standards for One and Two Family Dwellings (August 30, 2011).

Sec. 2.4.480. - Section R502.2.2 created.

Section R502.2.2 of the International Residential Code is amended to read as follows:

R502.2.2 Decks. The "City of Wichita Standard for Residential Wood Framed Decks" may be used to design and construct decks to comply with the requirements of this section. Decks which fall outside of the scope of the standard will require design by a Kansas licensed architect or engineer. Where supported by attachment to an exterior wall, decks shall be positively anchored to the primary structure and designed for both vertical and lateral loads as applicable. Such attachment shall not be accomplished by the use of toenails or nails subject to withdrawal. Where positive connection to the primary building structure cannot be verified during inspection, decks shall be self supporting. For decks with cantilevered framing members, connections to exterior walls or other framing members, shall be designed and constructed to resist uplift resulting from the full live load specified in Table R301.5 acting on the cantilevered portion of the deck.

Sec. 2.4.490. – Section R506.2.3 deleted.

Section R506.2.3 of the International Residential Code is hereby deleted.

Sec. 2.4.500. - Wall bracing.

Section R602.10 of the International Residential Code is amended to read as follows:

R602.10 Wall bracing. All exterior walls shall be braced in accordance with this section. In addition, interior braced wall lines shall be provided in accordance with Section R602.10.1.1. For buildings in Seismic Design Categories D0, D1 and D2, walls shall be constructed in accordance with the additional requirements of Sections R602.10.9, R602.10.11, and R602.11.

In addition, the following methods of shear wall bracing are acceptable:

1. Method stated in "Bracing of Wall Sections in Residential Homes Up to 12 Foot Vertical Walls"-City of Wichita" 2007.

2. Method stamped by Kansas Licensed Structural Engineer.

Sec. 2.4.510. - Cement, fiber-cement and glass mat gypsum backers.

Cement, fiber-cement or glass mat gypsum backers in compliance with ASTM C 1288, C 1325 or C 1178 and installed in accordance with manufacturers' recommendations shall be used as backers for wall tile in shower areas and wall panels in shower areas.

Sec. 2.4.520. - Size and Spacing.

Section R703.7.4.1 of the International Residential Code is amended to read as follows:

> *R703.7.4.1 Size and spacing.* Veneer ties, if strand wire, shall not be less in thickness than No. 9 U.S. gage [(0.148 in.) (4 mm)] wire and shall have a hook embedded in the mortar joint, or if sheet metal, shall be not less than No. 26 [(0.0245 in.)(0.62 mm)] U.S. gage by 7/8 inch (22 mm) corrugated. Each tie shall be spaced not more than 16 (406 mm) inches on center horizontally and vertically and shall support not more than 1.96 (0.19 m^2) square feet of wall area. When stud spacing is 24 (610 mm) inches on center, ties may be spaced 24 inches (610 mm) on center to match stud spacing (maximum 1.96 (0.19 m^2) square feet still required). All ties shall be attached to a stud.
>
> **Exception:** In Seismic Design Category D0, D1 or D2 or townhouses in Seismic Design Category C or in wind areas of more than 30 pounds per square foot pressure (1.44 kPa), each tie shall support not more than 2 square feet (0.2 m^2) of wall area.

Sec. 2.4.530. – Section R801.3 deleted.

Section R801.3 of the International Residential Code is hereby deleted.

Sec. 2.4.540. - Wood trusses.

Section R802.10.1 of the International Residential Code is amended to read as follows:

> *Roof Truss design drawings.* Roof truss design drawings, prepared in conformance with Section R802.10.1, shall be provided to the building official at the framing inspection. Truss design drawings shall include at a minimum, the information specified below.

1. Slope or depth, span and spacing.
2. Location of all joints.
3. Required bearing widths.
4. Design loads as applicable.
    - 4.1. Top chord live load (including snow loads).
    - 4.2. Top chord dead load.
    - 4.3. Bottom chord live load.

4.4. Bottom chord dead load.

4.5. Concentrated loads and their points of application.

4.6. Controlling wind and earthquake loads.

5. Adjustments to lumber and joint connector design values for conditions of use.

6. Each reaction force and direction.

7. Joint connector type and description (e.g., size, thickness or gauge) and the dimensioned location of each joint connector except where symmetrically located relative to the joint interface.

8. Lumber size, species and grade for each member.

9. Connection requirements for:

9.1. Truss to girder-truss.

9.2. Truss ply to ply.

9.3. Field splices.

10. Calculated deflection ratio and/or maximum description for live and total load.

11. Required permanent truss member bracing location.

Sec. 2.4.550. - Attic access.

Section R807.1 of the International Residential Code is amended to read as follows:

Attic access. Buildings with combustible ceiling or roof construction, shall have an attic access opening to attic areas that exceed 120 (11.15 m^2) square feet and have a vertical height of 30 inches (762 mm) or more from the top of the ceiling joist to the bottom of the roof rafter.

The rough-framed opening shall not be less than 22 inches by 30 inches (559 mm by 762 mm) and shall be located in a readily accessible location or in an area that maintains a clear unobstructed area 22 inches by 30 inches (559 mm by 762 mm) from the attic access opening to the floor below. A 30-inch (762 mm) minimum unobstructed headroom in the attic space shall be provided at some point above the access opening. See Section M1305.1.3 for access requirements where mechanical equipment is located in attics.

Sec. 2.4.560. - Re-covering versus replacement.

Section R907.3 of the International Residential Code is amended to read as follows:

R907.3 Re-covering versus replacement. New roof coverings shall not be installed without first removing all existing layers of roof coverings where any of the following conditions occur:

1. Where the existing roof or roof covering is water-soaked or has deteriorated to the point that the existing roof or roof covering is not adequate as a base for additional roofing.

2. Where the existing roof covering is wood shake, slate, clay, and cement or asbestos-cement tile.

3. Where the existing roof has two or more applications of any type of roof covering.

Exceptions:

1. Complete and separate roofing systems, such as standing-seam metal roof systems, that are designed to transmit the roof loads directly to the building's structural system and that do not rely on existing roofs and roof coverings for support, shall not require the removal of existing roof coverings.

2. Installation of metal panel, metal shingle, and concrete and clay tile roof coverings over existing wood shake roofs shall be permitted when the application is in accordance with Section R907.4.

3. The application of new protective coating over existing spray polyurethane foam roofing systems shall be permitted without tear-off of existing roof coverings.

Sec. 2.4.570. - Vent and insulation clearance.

Section R806.3 of the International Residential Code is amended to read as follows:

Vent and insulation clearance. Where eave or cornice vents are installed, insulation shall not block the free flow of air. A minimum of a 1-inch (25 mm) space shall be provided between the insulation and the roof sheathing and at the location of the vent. The net cross section area of the space shall be equal to or greater than the free area of the eave or cornice vent it serves.

Sec. 2.4.580. - Part IV - Energy Conservation deleted.

Part IV - Energy Conservation of the International Residential Code is deleted.

Sec. 2.4.590. - Part V - Mechanical chapters adopted.

Mechanical chapters 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, and 24 of the International Residential Code are hereby adopted by this Code.

Sec. 2.4.600. - Part VI - Fuel Gas.

Part VI, Fuel Gas, of the International Residential Code is hereby adopted.

Sec. 2.4.610. - Part VII - Plumbing deleted.

Part VII - Plumbing, of the International Residential Code is deleted.

Sec. 2.4.620. - Part VIII - Electrical deleted.

Part VIII - Electrical, of the International Residential Code is deleted.

Sec. 2.4.630. - Section M1305.1.4.1 created.

Section M1305.1.4.1 of the International Residential Code is amended to read as follows:

> *M1305.1.4.1 Ground Clearance.* Equipment and appliances installed at grade level shall be supported on a level concrete slab or other approved material extending above adjoining grade or shall be suspended a minimum of 6 inches (152 mm) above adjoining grade. Supports for heat pumps shall be at least 3 inches and conform to the manufacturer's specifications.

Sec. 2.4.640. - Appliance clearance.

Section M1306.1 of the International Residential Code is amended to read as follows:

> *M1306.1 Appliance clearance.* Appliances shall be installed with the clearances from unprotected combustible materials as indicated on the appliance label and in the manufacturer's installation instructions. Standard Installation Clearances for Unlisted Heat-Producing Appliances shall be in accordance with Table 3-1 as follows:
>
> Table 3-1 shall be created as follows:

TABLE 3-1 - Standard Installation Clearances in Inches for Unlisted Heat-Producing Appliances

See Section 304.0.

In × 25.4 = mm

RESIDENTIAL-TYPE APPLIANCES		APPLIANCE				
	FUEL	ABOVE TOP OF CASING OR APPLIANCE	FROM TOP AND SIDES OF WARM-AIR BONNET OR PLENUM	FROM FRONT	FROM BACK	FROM SIDES
BOILERS AND WATER HEATERS[11]						
Steam Boilers – 15psi (103.4 kPa)	Automatic oil or comb. gas-oil	6		24	6	6
Water Boilers -	Automatic Gas	6		18	6	6

250°F (121°C) Water Heaters - 200°F (93°C) All water walled or jacketed	Solid	6		24	6	6
FURNACES – CENTRAL OR HEATERS[11]						
Electric Central Warm-Air Furnaces Gravity, Upflow, Downflow, Horizontal and Duct Warm Air - 250°F (121°C) max.	Automatic oil or comb. gas-oil	6[2]	6[2]	24	6	6
	Automatic gas	6[2]	6[2]	18	6	6
	Solid	18[2]	18[2]	48	18	18
	Electric	6[2]	6[2]	18	6	6
FURNACES – FLOOR						
For Mounting in Combustible Floors	Automatic oil or comb. gas-oil	36		12	12	12
	Automatic gas	36		12	12	12
HEAT EXCHANGERS						
Steam-15 psi (103.4 kPa) max. Hot Water - 250° (121°C) max.	1	1	1	1	1	1
ROOM HEATERS[4]						
Circulating Type,	Oil or Solid	36		24	12	12
	Gas	36		24	12	12
Radiant	Oil or Solid	36		36	36	36
	Gas	36		36	18	18
or Other Type	Gas with double metal or ceramic back	36		36	12	18
Fireplace Stove	Solid	48[5]		54	48[5]	48[5]
RADIATORS						
Steam or Hot Water[6]		36		6	6	6

RANGES -COOKING STOVES					Firing Side	Opp. Side
	Oil	30[7]		9	24	18
	Gas	30[7]		6	6	6
	Solid Clay-Lined	30[7]		24	24	18
	Firepot	30[7]		36	36	18
	Electric	30[7]		6	6	6
INCINERATORS						
Domestic Types		36[8]		48	36	36
COMMERCIAL INDUSTRIAL-TYPE APPLIANCES ANY AND ALL PHYSICAL SIZES EXCEPT AS NOTED[11]		APPLIANCE				
	FUEL	ABOVE TOP OF CASING OR APPLIANCE	FROM TOP AND SIDES OF WARM-AIR BONNET OR PLENUM	FROM FRONT	FROM BACK[9]	FROM SIDES[9]
BOILERS AND WATER HEATERS						
100 cu. ft. (2.832 m^9) or less	All fuels	18		48	18	18
Steam, any pressure of 50 psi (345 kPa) or less Any size	All fuels	18		48	18	18
UNIT HEATERS						
Floor Mounted or Suspended – any size	Steam or hot water	1			1	1
	Oil or comb. gas-oil	6		24	18	18
Suspended – 100 cu. ft. (2.832 m^3) or less	Gas	6		18	18	18
Suspended – 100 cu. ft. (2.832 m^3)	All fuels	18		48	18	18
Floor Mounted – any size	All fuels	18		48	18	18
RANGES – RESTAURANT –TYPE						
Floor Mounted	All fuels	18		48	18	18
OTHER LOW-HEAT INDUSTRIAL APPLIANCES						
Floor Mounted or Suspended	All fuels	18	18	48	18	18

Boilers and Water Heaters Over 50 psi (345 KPa) Over 100 cu. ft. (2832 m^3)	All fuels	48		96	36	36
OTHER MEDIUM-HEAT INDUSTRIAL APPLIANCES						
All sizes	All fuels	48	36	96	36	36
INCINERATORS						
All sizes		48		96	36	36
HIGH-HEAT INDUSTRIAL APPLIANCES						
All sizes	All fuels	180		360	120	120

Footnotes for Table 3-1

1. The minimum dimension shall be that necessary for servicing the appliance, including access for cleaning and normal care, tube removal, etc.

2. For a listed oil, combination gas-oil, gas, or electric furnace, this dimension may be two (2) inches (51 mm) if the furnace limit control cannot be set higher than 250°F (121°C), or this dimension may be one (1) inch (25.4 mm) if the limit control cannot be set higher than 200°F (93°C), or the appliance shall be marked to indicate that the outlet air temperature cannot exceed 200°F (93°C).

3. The dimension may be six (6) inches (152 mm) for an automatically stoker-fired forced-warm-air furnace equipped with 250°F (121°C) limit control and with barometric draft control operated by draft intensity and permanently set to limit draft to a maximum intensity of 0.13 inch (3.3mm) water gauge.

4. Unlisted appliances shall be installed on noncombustible floors and may be installed on protected combustible floors. Heating appliances approved for installation on protected combustible flooring shall be so constructed that flame and hot gases do not come in contact with the appliance base. Protection for combustible floors shall consist of four (4) inch (102 mm) hollow masonry covered with sheet metal at least 0.021 inch (0.53 mm) thick (No. 24 manufacturer's standard gauge). Masonry shall be permanently fastened in place in an approved manner with the ends unsealed and joints matched so as to provide free circulation of air through the masonry. Floor protection shall extend twelve (12) inches (305 mm) at the sides and rear of the appliance, except that at least eighteen (18) inches (457 mm) shall be required on the appliance-opening side or sides measured horizontally from the edges of the opening.

5. The forty-eight (48) inch (1219 mm) clearance may be reduced to 36 inches (914 mm) when protection equivalent to that provided by (a)—(g) of Table 3-2 is applied to the combustible construction.

6. Steam pipes and hot water heating pipes shall be installed with a clearance of at least one (1) inch (25 mm) to all combustible construction or material, except that at the points where pipes carrying steam at not over fifteen (15) pounds gauge pressure (103.4 kPa) or hot water that emerge from a floor, wall, or ceiling, the clearance at the opening through the finish floorboards or wall-ceiling boards may be reduced to not less than one-half (½) inch (12.7 mm). Each such opening shall be covered with a plate of noncombustible material. Such pipes passing through stock shelving shall be covered with not less than one (1) inch (25.4 mm) of approved insulation. Wood boxes or casing enclosing uninsulated steam or hot water heating pipes or wooden covers to recesses in walls in which such uninsulated pipes are placed shall be lined with metal or insulating millboard. Where the temperature of the boiler piping does not exceed 160°F (71°C), the provisions of this table shall not apply. Coverings or insulation used on steam or hot water pipes shall be of material suitable for the operating temperature of the system. The insulation or jackets shall be of noncombustible materials, or the insulation or jackets and lap-seal adhesives shall be tested as a composite product. Such composite product shall have a flame-spread rating of not more than twenty-five (25) and a smoke-developed rating not to exceed fifty (50) when tested in accordance with UBC Standard No. 42-1.

7. To combustible material or metal cabinets. If the underside of such combustible material or metal cabinet is protected with insulating millboard at least one-quarter (¼) inch (6.4 mm) thick covered with sheet metal of not less than 0.013 inch (0.33 mm) (No. 28 gauge), the distance may be reduced to twenty-four (24) inches (610 mm).

8. Clearance above charging door shall be at least forty-eight (48) inches (1.219 mm).

9. If the appliance is encased in brick, the eighteen (18) inch (457 mm) clearance above and at the sides and rear may be reduced to twelve (12) inches (305 mm).

10. If the appliance is encased in brick, the clearance above may be reduced to thirty-six (36) inches (914 mm) and at the sides and rear may be reduced to eighteen (18) inches (457 mm).

11. A central heating boiler or furnace shall be installed in accordance with the manufacturer's instructions and shall be installed on a floor of noncombustible construction with noncombustible flooring and surface finish and with no combustible material against the underside thereof, or on fire-resistive slabs or arches having no combustible material against the underside thereof.

Exception No. 1: Appliances listed for installation on a combustible floor.

Exception No. 2: Installation on a floor protected in an approved manner. [NFPA 54:9.3.3]

Sec. 2.4.650. - Vented Floor Furnaces.

Section M 1408.3 of the International Residential Code is amended to read as follows:

Vented Floor Furnaces. Location of floor furnaces shall conform to the following requirements:

1. Floor registers of floor furnaces shall be installed not less than 6 inches (152 mm) from a wall.

2. Wall registers of floor furnaces shall be installed not less than 6 inches (152 mm) from the adjoining wall at inside corners.

3. The furnace register shall be located not less than 12 inches (305 mm) from doors in any position, draperies or similar combustible objects.

4. The furnace register shall be located at least 5 feet (1524 mm) below any projecting combustible materials.

5. The floor furnace burner assembly shall not project into an occupied under-floor area.

6. The floor furnace shall not be installed in concrete floor construction built on grade.

7. The floor furnace shall not be installed where a door can swing within 12 inches (305 mm) of the grille opening.

8. Replacement of floor furnace. Replacement of floor furnaces with the same or lesser B.T.U. rating may be installed in the same location with prior approval by the building official.

Sec. 2.4.660. - Vented Wall Furnaces.

Section M 1409.3 of the International Residential Code is amended to read as follows:

Installation. Vented wall furnace installations shall conform to the following requirements:

1. Required wall thicknesses shall be in accordance with the manufacturer's installation instructions.

2. Ducts shall not be attached to a wall furnace. Casing extensions or boots shall be installed only when listed as part of a listed and labeled appliance.

3. A manual shut off valve shall be installed ahead of all controls.

4. The wall cavity directly above the wall furnace shall be ventilated by a 26 gage (0.016 inch) (0.4 mm) metal thimble into attic; or, an eight (8) inch (203 mm) by fourteen (14) (356 mm) inch metal grill a minimum of twelve (12) inches (305 mm) below the ceiling.

Sec. 2.4.670. - Section M1411.3.1 created.

Section M1411.3.1 of the International Residential Code is amended to read as follows:

M1411.3.1 Auxiliary and secondary drain systems. In addition to the requirements of Section M1411.3, a secondary drain or auxiliary drain pan shall be required for each cooling or evaporator coil when located above finished ceilings or furred spaces. Such piping shall maintain a minimum horizontal slope in the direction of discharge of not less than 1/8 vertical in 12 units horizontal (1-percent slope). Drain piping shall be a minimum of ¾-inch (19 mm) nominal pipe size. One of the following methods shall be used:

1. An auxiliary drain pan with a separate drain shall be installed under the coils on which condensation will occur. The auxiliary pan drain shall discharge to a conspicuous point of disposal to alert occupants in the event of a stoppage of the primary drain. The pan shall have a minimum depth of 1.5 inches (38 mm), shall not be less than 3 inches (76 mm) larger than the unit or the coil dimensions in width and length and shall be constructed of corrosion-resistant material. Metallic pans shall have a minimum thickness of not less than 0.0276-inch (0.7 mm) galvanized sheet metal. Nonmetallic pans shall have a minimum thickness of not less than 0.0625 inch (1.6 mm).

2. A separate overflow drain line shall be connected to the drain pan provided with the equipment. This overflow drain shall discharge to a conspicuous point of disposal to alert occupants in the event of a stoppage of the primary drain. The overflow drain line shall connect to the drain pan at a higher level than the primary drain connection.

3. An auxiliary drain pan without a separate drain line shall be installed under the coils on which condensate will occur. This pan shall be equipped with a water level detection device conforming to UL 508 that will shut off the equipment served prior to overflow of the pan. The auxiliary drain pan shall be constructed in accordance with Item 1 of this section.

4. A water level detection device conforming to UL 508 shall be provided that will shut off the equipment served in the event that the primary drain is blocked. The device shall be installed in the primary drain line, the overflow drain line or the equipment-supplied drain pan, located at a point higher than the primary drain line connection and below the overflow rim of such pan.

Sec. 2.4.680. - Section M1411.4 created.

Section M1411.4 of the International Residential Code is amended to read as follows:

M1411.4 Auxiliary drain pan. Category IV condensing appliances shall have an auxiliary drain pan when located above finished ceilings or furred spaces. These pans shall be installed in accordance with the applicable provisions of Section M1411.3.1.

Exception: Fuel-fired appliances that automatically shut down operation in the event of a stoppage in the condensate drainage system.

Sec. 2.4.690. - Outdoor Discharge deleted.

Section M 1501.1 of the International Residential Code shall be deleted.

Sec. 2.4.700. - Vertical Clearance.

Domestic cooking appliances either built-in or freestanding shall have a vertical clearance above the cooking top of not less than thirty (30) inches (760 mm) to combustible material or metal cabinets. A minimum clearance of twenty-four (24) inches (610 mm) is permitted when one of the following is installed:

1. The underside of the combustible material or metal cabinet above the cooking top is protected with not less than ¼ inch (6.4 mm) insulating millboard covered with sheet metal not less than 0.0122 inch (0.3 mm) thick.

2. A metal ventilating hood of sheet metal not less than 0.0122 inch (0.3 mm) thick is installed above the cooking top with a clearance of not less than ¼ inch (6.4 mm) between the hood and the underside of the combustible material or metal cabinet, and the hood is at least as wide as the appliance and is centered over the appliance.

3. A listed cooking appliance or microwave oven is installed over a listed cooking appliance and will conform to the terms of the upper appliance's listing and the manufacturers' instructions.

Sec. 2.4.710. - Overhead Exhaust Hoods.

Section M 1505.1 of the International Residential Code is amended to read as follows:

M 1505.1 General. Domestic open-top broiler units shall be provided with a metal exhaust hood, not less than 28 gage, with ¼ inch (6 mm) between the hood and the underside of combustible material or cabinets. A clearance of at least thirty (30) inches (760 mm) shall be maintained between the cooking surface and the combustible material or cabinet. The hood shall be at least as wide as the broiler unit and shall extend over the entire unit. Such exhaust hood shall discharge to the outdoors and shall be equipped with a backdraft damper or other means to control infiltration/exfiltration when not in operation. Broiler units incorporating an integral exhaust system, and listed and labeled for use without an exhaust hood, need not be provided with an exhaust hood.

Sec. 2.4.720. - Recirculation of air.

Section M 1507.2 of the International Residential Code is amended to read as follows:

M1506.2 Recirculation of air. Exhaust air from bathrooms and toilet rooms shall not be recirculated within a residence or to another dwelling unit and shall be exhausted directly to the outdoors. Exhaust air from bathrooms and toilet rooms may discharge into an attic when the following are met:

1. The duct(s) conveying exhaust into the attic shall terminate a minimum of 36 inches above the top of the ceiling framing members, and shall not discharge upon any building element.

2. Attics into which bath and/or toilet room exhausts are discharged must be properly ventilated, in accordance with Section R806, and shall not discharge into an unvented attic assembly.

3. The exhaust duct(s) shall terminate above the top of the attic insulation with a "goose-neck" installed to prevent infiltration of insulating material into the duct.

Exhaust duct(s) run above the insulation inside of attics, with a developed length greater than 5 feet, shall be insulated.

Sec. 2.4.730. - Ventilation Rate.

Table M 1507.3 of the International Residential Code is amended to read as follows:

TABLE M1507.3

MINIMUM REQUIRED EXHAUST RATES FOR ONE- AND TWO-FAMILY DWELLINGS

Area to be ventilated	Ventilation rates
Kitchens	100 cfm intermittent or 25 cfm continuous
Bathrooms—Toilet rooms	Mechanical exhaust capacity of 50 cfm intermittent or 20 cfm continuous

For SI: 1 cubic foot per minute - 0.0004719 m^3/s.

Sec. 2.4.660. - Duct insulation materials.

Section M 1601.2.1 of the International Residential Code is amended to read as follows:

Duct insulation materials. Duct insulation materials shall conform to the following requirements:

1. Duct coverings and linings, including adhesives where used, shall have a flame spread index not higher than 25, and a smoke-developed index not over 50 when tested in accordance with ASTME 84, using the specimen preparation and mounting procedures of ASTME 2231.

2. Duct coverings and linings shall not flame, glow, smolder or smoke when tested in accordance with ASTM C 411 at the temperature to which they are exposed in service. The test temperature shall not fall below 250°F (121°C).

3. External duct insulation and factory-insulated flexible ducts shall be legibly printed or identified at intervals not longer than 36 inches (914 mm) with the name of the manufacturer; the thermal resistance *R*-value at the specified installed thickness; and the flame spread and smoke-developed indexes of the composite materials. All duct insulation product *R*-values shall be based on insulation only, excluding air films, vapor retarders or other duct components, and shall be based on tested C-values at 75°F (24°C) mean temperature at the installed thickness, in accordance with recognized industry procedures. The installed thickness of duct insulation used to determine its *R*-value shall be determined as follows:

3.1. For duct board, duct liner and factory-made rigid ducts not normally subjected to compression, the nominal insulation thickness shall be used.

3.2. For duct wrap, the installed thickness shall be assumed to be 75 percent (25-percent compression) of nominal thickness.

3.3. For factory-made flexible air ducts, The installed thickness shall be determined by dividing the difference between the actual outside diameter and nominal inside

diameter by two.

3.4. Duct insulation shall conform to the requirements of the Table of R-Values of Duct Insulation.

R-Values of Duct Insulation

Location of Duct*	R-Value
Inside of conditioned space	None
Inside of building envelope but outside of conditioned space	R-4.2
Outside of building envelope	R-6

* In addition, insulation shall be applied to all ductwork located in an environment that may result in the formation of condensation when operating within the normal design limits of the system, including exhaust and outside air intake ductwork.

Sec. 2.4.740. - Joints and Seams.

Section M 1601.3.1 of the International Residential Code is amended to read as follows:

Joints and seams. All joints and seams of that portion of supply and/or return ductwork installed outside of the conditioned envelope shall be made substantially airtight by means of tapes, mastics, gasketing and other approved closure systems, commercially available and specially designed for sealing. "Duct Tape" shall not be an acceptable method. Closure systems used with rigid fibrous glass ducts shall comply with UL 181A and shall be marked "181A-P" for pressure-sensitive tape, "181 A-M" for mastic or "181 A-H" for heat-sensitive tape. Closure systems used with flexible air ducts and flexible air connectors shall comply with UL 181B and shall be marked "181B-FX" for pressure-sensitive tape or "181B-M" for mastic. Duct connections to flanges of air distribution system equipment or sheet metal fittings shall be mechanically fastened. Mechanical fasteners for use with flexible nonmetallic air ducts shall comply with UL 181B and shall be marked 181B-C. Crimp joints for round metal ducts shall have a contact lap of at least 1½ inches (38 mm) and shall be mechanically fastened by means of at least three sheet-metal screws or rivets equally spaced around the joint.

Exception: Low pressure systems.

Sec. 2.4.750. - Return Air.

Section M 1602.1 of the International Residential Code is amended to read as follows:

Return air. Return air shall be taken from inside the dwelling. Dilution of return air with outdoor air shall be permitted. In new dwellings and additions to existing one and two family dwellings where a new separate heating and/or cooling system is being added to serve, but not necessarily limited to only serve the new addition, an outside air duct shall be connected to the main return air duct, prior to the filter, of each heating and/or cooling system for the habitable space served. Duct size shall be based on the square footage of habitable space served as follows:

1. 1500 sq. ft. or less: 4 inch diameter or 12.6 square inches.

2. 1501 sq. ft. to 2000 sq. ft. 5 inch diameter or 19.6 square inches.

3. 2001 sq. ft. and larger 6 inch diameter or 28.3 square inches.

All areas listed exclude finished basement area. The outside air duct shall be provided with a ¼" wire mesh inlet screen. The outside air duct shall not draw air from contaminated sources.

Sec. 2.4.760. - Combustion Air.

Section M 1701.4 of the International Residential Code is amended to read as follows:

M1701.4 Prohibited sources. Combustion air ducts and openings shall not connect appliance enclosures with space in which the operation of a fan may adversely affect the flow of combustion air. Combustion air shall not be obtained from an area in which flammable vapors present a hazard. Fuel-fired appliances shall not obtain combustion air from any of the following rooms or spaces:

1. Sleeping rooms.

2. Bathrooms.

3. Toilet rooms.

Exception: The following appliances shall be permitted to obtain combustion air from sleeping rooms, bathrooms and toilet rooms:

1. Solid fuel-fired appliances provided that the room is not a confined space and the building is not of unusually tight construction.

2. Replacement of fuel-fired appliances installed in toilet rooms if approved by the building official.

Sec. 2.4.770. - Water heaters used for space heating.

Water heaters shall be regulated by Article 3 of this Code. Section M2004 of the International Residential Code is deleted in its entirety.

Sec. 2.4.780. - Water heaters.

Water heaters shall be regulated by Article 3 of this Code. Section M2005 of the International Residential Code is deleted in its entirety.

Sec. 2.4.790. - Fuel gas (application).

Section G2401.1 (101.2) of the International Residential Code is amended to read as follows:

G2401.1 (101.2) Application. This chapter covers fuel-gas utilization appliances and related

accessories, venting systems and combustion air configurations most commonly encountered in the construction of one- and two-family dwellings and structures regulated by this Code. Requirements for gas appliances and related accessories shall include installation, combustion and ventilation air and venting. Fuel gas piping, systems, and connections for buildings governed by the International Residential Code, shall be regulated by Article 3 of this Code. The omission from this chapter of any material or method of installation provided for in the International Fuel Gas Code shall not be construed as prohibiting the use of such material or method of installation. Fuel-gas piping systems, fuel-gas appliances and related accessories, venting systems and combustion air configurations not specifically covered in these chapters shall comply with the applicable provisions of the International Fuel Gas Code.

Gaseous hydrogen systems shall be regulated by Chapter 7 of the International Fuel Gas Code.

This chapter shall not apply to the following:

1. Liquefied natural gas (LNG) installations.

2. Temporary LP-gas piping for buildings under construction or renovation that is not to become part of the permanent piping system.

3. Except as provided in Section G2412.1.1, gas piping, meters, gas pressure regulators, and other appurtenances used by the serving gas supplier in the distribution of gas, other than undiluted LP-gas.

4. Portable LP-gas equipment of all types that is not connected to a fixed fuel piping system.

5. Portable fuel cell appliances that are neither connected to a fixed piping system nor interconnected to a power grid.

6. Installation of hydrogen gas, LP-gas and compressed natural gas (CNG) systems on vehicles.

Sec. 2.4.800. - Section G2404.10 (307.5) created.

Section G2404.10 (307.5) of the International Residential Code is amended to read as follows:

G2404.10 (307.5) Auxiliary drain pan. Category IV condensing appliances shall have an auxiliary drain pan when located above finished ceilings or furred spaces. These pans shall be installed in accordance with the applicable provisions of Section M1411.3.1 as amended in Section 2.4.590 of this Code.

Exception: An auxiliary drain pan shall not be required for appliances that automatically shut down operation in the event of a stoppage in the condensate drainage system.

Sec. 2.4.810. - Appliance location.

Section G 2406.2 (303.3) of the International Residential Code is amended to read as follows:

G2406.2 (303.3) Prohibited locations. Appliances shall not be located in or obtain combustion air from sleeping rooms, bathrooms, toilet rooms, storage closets or surgical rooms, or in a space that opens into such rooms or spaces, except where the installation complies with one of the following:

1. The appliance is a direct-vent appliance installed in accordance with the conditions of the listing and the manufacturer's instructions.

2. Vented room heaters, wall furnaces, vented decorative appliances, vented gas fireplaces, vented gas fireplace heaters and decorative appliances for installation in vented solid fuel-burning fireplaces are installed in rooms that meet the required volume criteria of Section G2407.5.

3. A single wall-mounted unvented room heater is installed in a bathroom and such unvented room heater is equipped as specified in Section G2445.6 and has an input rating not greater than 6,000 Btu/h (1.76 kW). The bathroom shall meet the required volume criteria of Section G2407.5.

4. A single wall-mounted unvented room heater is installed in a bedroom and such unvented room heater is equipped as specified in Section G2445.6 and has an input rating not greater than 10,000 Btu/h (2.93 kW). The bedroom shall meet the required volume criteria of Section G2407.5.

5. The appliance is installed in a room or space that opens only into a bedroom or bathroom, and such room or space is used for no other purpose and is provided with a solid weather-stripped door equipped with an approved self-closing device. All combustion air shall be taken directly from the outdoors in accordance with Section G2407.6 or other approved areas.

6. Replacement of fuel fired appliances installed in toilet rooms if approved by the building official.

Sec. 2.4.820. - Section G2408 (305.7) created.

Section G2408.4 (305.7) of the International Residential Code is amended to read as follows:

G2408.4 (305.7) Clearances from grade. The placement of appliances in relation to ground level shall be governed by Section 2.4.550 of this Code.

Sec. 2.4.830. - Section G2410 (309) created.

Section G2410 (309) of the International Residential Code is amended to read as follows:

Section G2410 (309) Electrical shall be regulated by Article 4 of this Code.

Sec. 2.4.840. - Section G2410 (309.2) created.

Section G2410.2 (309.2) of the International Residential Code is amended to read as follows:

G2410.2 (309.2) Connections. Electrical connections between gas appliances and the

building wiring, including the grounding of the appliances, shall conform to Article 4 of this Code.

Sec. 2.4.850. - Section G2411 (310) created.

Section G2411 (310) of the International Residential Code is amended to read as follows:

Section G2411 (310) Electrical bonding shall be regulated by Article 4 of this Code.

Sec. 2.4.860. - Sections of Chapter 24 (regulating gas piping) amended.

The following sections of Chapter 24 shall each be amended to read as follows:

Sections G2412 (401), G2413 (402), G2414 (403), G2415 (404), G2416 (405), G2417 (406), G2418 (407), G2419 (408), G2420 (409), G2421 (410), G2422 (411), G2423 (413) and G2424 (415) of the International Residential Code shall be regulated under Article 3 of this Code.

Sec. 2.4.870. - Section G 2426.4 (502.4) deleted.

Section G 2426.4 (502.4) of the International Residential Code is deleted.

Sec. 2.4.880. - Venting.

Section G 2436.2 (608.2) of the International Residential Code is amended to read as follows:

G2436.2 (608.2) Venting. Vented wall furnaces shall be vented in accordance with Section G2427. The wall cavity directly above the wall furnace shall be ventilated by a 26 gage (0.016 inch) (0.4 mm) metal thimble into attic; or, an eight (8) (203 mm) inch by fourteen (14) (356 mm) inch metal grill a minimum of twelve (12) (305 mm) inches below the ceiling.

Sec. 2.4.890. - Floor Furnaces.

Section G 2437.1 (609.1) of the International Residential Code is amended to read as follows:

General. Floor furnaces shall be tested in accordance with ANSI Z21.86/CSA 2.32 and shall be installed in accordance with the manufacturer's installation instructions. Replacement of floor furnaces with the same or lesser B.T.U. rating may be installed in the same location with prior approval by the building official.

Sec. 2.4.900. - Section G2448 (624) created.

Section G2448 (624) of the International Residential Code is amended to read as follows:

Section G2448 (624) Water Heaters of the International Residential Code is deleted and water heaters shall be regulated under Article 3 of this Code.

Article 2, Section 5 - PARKING LOT STRIPING STANDARDS AND ENFORCEMENT

Article 2, Section 5 only applies to the jurisdiction of the City of Wichita.

Sec. 2.5.010. - Parking lot striping defined.

Parking lot striping, within the meaning of this section, is the use of any material on the lot surface to install, alter, repair or modify the layout and arrangement of parking stalls within a parking lot. Parking lot striping also includes any work done that alters signage or other aspect of existing accessible parking to be in violation of statute, ordinance or code requirement. The regulations of this section apply to any parking lot, whether on public or private property, if the parking lot is available for use by, or rent to, the general public.

Sec. 2.5.020. - Responsibilities.

The general contractor for property under permitted new construction, and the owner of all other property, including existing structures, shall be responsible for all parking lot striping work done on the property, whether or not such work is done directly by him or by a subcontractor or agent, and shall be responsible for any violations of this Code created by such work. All parking lot striping work done on or after July 1, 2008 that simply refurbishes existing work, without any modification of existing parking surface or parking space format, which format was in compliance with Americans with Disabilities Act Accessibility Guidelines (ADAAG) standards when originally installed, may be maintained in that configuration. For any new construction, or any existing parking lot that is not in current compliance with ADAAG specifications, the parking lot striping work must be designed and installed in conformance with the "Universal Parking Design" standards of Appendix Section A4.6.3 of the Americans with Disabilities Act Accessibility Guidelines, as amended, and any additional requirements created in City Code.

Sec. 2.5.030. - Remediation and civil enforcement.

Any responsible person may file a complaint of new work not conforming to ADAAG standards with the City's or County's ADA Coordinator, as applicable. The ADA Coordinator shall investigate the complaint, and may present the complaint against any responsible party investigated to the Director of the MABCD. Upon receipt of a complaint from the ADA Coordinator, the Director of the MABCD shall issue the responsible person a notice to appear pursuant to Section 2.5.040 of this Code and Article 1.3 of this Code. Alternatively, the ADA Coordinator may, in his or her discretion, enter into a remediation agreement with the responsible person that will cure the defects noted at the expense of the responsible party, make arrangements for an inspection to assure compliance at the expense of the responsible party, and will further require the responsible party to complete an educational program, all as administered by the ADA Coordinator or his or her agent. Should the responsible party fail to adhere to the remediation agreement, the violation may be turned over for notice of violation under Section 2.5.040 of this Code and prosecution under Article 1.3 of this Code, without regard to any remediation action previously taken.

Sec. 2.5.040. - Service of notice of violations upon persons responsible therefore; when notice to become an order.

Whenever the Director of the MABCD determines that there has been a violation of any provision of this section, he or she shall give notice to appear before the appropriate court to the person or persons responsible therefore as hereinafter provided. Such notice shall:

(a) Be in writing;

(b) Particularize the violations alleged to exist or to have been committed;

(c) Provide a reasonable time for the correction of the violation particularized;

(d) Be addressed to and served upon the owner, the operator, the occupant of the building or the responsible general contractor, or to any or all such persons having responsibility for the property; provided that such notice shall be deemed to be properly served on a person designated if a copy thereof is served upon him personally or if a copy thereof is sent by certified mail to his last known address. A general contractor may be served at the address provided on the most recent license application. Such a violation notice shall be prosecuted as a misdemeanor pursuant to Article 1.3 of this Code.

Article 2, Section 6. - RECOVERY OF PROPERTY LIENS FROM FIRE INSURANCE PROCEEDS

Sec. 2.6.010. - Scope and application.

The city is hereby authorized to utilize the procedures established by K.S.A. 40-3901 et seq., and amendments thereto, and for Sedgwick County, K.S.A 40-3903 and amendments thereto, whereby no insurance company shall pay a claim of a named insured for loss or damage to any building or other structure located within the city or county, arising out of any fire, explosion or windstorm, where the amount recoverable for the loss or damage to the building or other structure under all policies is in excess of seventy-five percent of the face value of the policy covering such building or other insured structure, unless there is compliance with the procedures set out in this section.

Sec. 2.6.020. - Lien created.

The governing bodies of the city and county hereby create a lien in favor of the city or county, within the jurisdiction of each government entity, on the proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure located within the city or county, caused by or arising out of any fire, explosion or windstorm, where the amount recoverable for all the loss or damage to the building or other structure under all policies is in excess of seventy-five percent of the face value of the policy(s) covering such building or other insured structure. The lien arises upon any unpaid tax, special ad valorem levy, or any other charge imposed upon real property, whether or not evidenced by written instrument, or such tax, levy, assessment, expense or other charge that has remained undischarged for at least

one year prior to the filing of a proof of loss.

Sec. 2.6.030. - Same—Encumbrances.

Prior to final settlement on any claim covered by Section 2.6.020 of this Code, the insurer or insurers shall contact the Office of the County Treasurer of Sedgwick County, Kansas, to determine whether any such encumbrances are presently in existence. If the same are found to exist, the insurer or insurers shall execute and transmit in an amount equal to that owing under the encumbrances a draft payable to the County Treasurer of Sedgwick County, Kansas.

Sec. 2.6.040. - Same—Pro rata basis.

Such transfer of proceeds shall be on a pro rata basis by all insurance companies insuring the building or other structure.

Sec. 2.6.050. - Procedure.

(a) When final settlement on a covered claim has been agreed to or arrived at between the named insured or insureds and the company or companies, and the final settlement exceeds seventy-five percent of the face value of the policy covering any building or other insured structure, and when all amounts due the holder of a first real estate mortgage against the building or other structure, pursuant to the terms of the policy and endorsements thereto, shall have been paid, the insurance company or companies shall execute a draft payable to the Director of Finance of the city or county in an amount equal to the sum of fifteen percent of the covered claim payment, unless the Director of the MABCD has issued a certificate to the insurance company or companies that the insured has removed the damaged building or other structure, as well as all associated debris, or repaired, rebuilt, or otherwise made the premises safe and secure.

(b) Such transfer of funds shall be on a pro rata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer to the city or county shall be disbursed in accordance with the policy terms.

(c) Upon the transfer of funds as required by subsection (a) of this section, the insurance company shall provide the city or county with the name and address of the named insured or insureds; the total insurance coverage applicable to said building or structure, and the amount of the final settlement agreed to or arrived at between the insurance company or companies and the insured or insureds, whereupon the Director of the MABCD shall contact the named insured or insureds, by registered mail, notifying them that said insurance proceeds have been received by the city or county and apprise them of the procedures to be followed under this section.

Sec. 2.6.060. - Fund created—Deposit of moneys.

The Director of Finance for the city or county is authorized and shall create a fund to be known as the "fire insurance proceeds fund." All moneys received by the Director of Finance as provided for by this section shall be placed in said fund and deposited in an interest-bearing account.

Sec. 2.6.070. - Director of the MABCD —Investigation, removal of structure.

(a) Upon receipt of moneys as provided for by this Section, the Director of Finance for the city or county shall immediately notify the Director of the MABCD of said receipt, and transmit all documentation received from the insurance company or companies to him or her.

(b) Within twenty days of the receipt of said monies, the Director of the MABCD shall determine, after prior investigation, whether the city or county shall instigate proceedings under the provisions of K.S.A. 12-1750 et. seq., or for the county under the provisions of Sedgwick County Code Sec. 19-41 et. seq., and amendments thereto.

(c) Prior to the expiration of the twenty days established by subsection (b) of this section, the Director of the MABCD shall notify the Director of Finance of the city or county whether he or she intends to initiate proceedings under K.S.A. 12-1750 et seq., or Sedgwick County Code Sec. 19-41 et. seq., and amendments thereto.

(d) If the Director of the MABCD has determined that proceedings under K.S.A. 12-1750 et. seq., or Sec. 19-41, et. seq., and amendments thereto, shall be initiated, he or she will do so immediately but no later than thirty days after receipt of the moneys by the Director of Finance of the city or county.

(e) Upon notification of the Director of Finance of the city or county by the Director of the MABCD that no proceedings shall be initiated under K.S.A. 12-1750 et. seq., or Sec. 19-41 et. seq., and amendments thereto, the Director of Finance of the city or county shall return all such moneys received, plus accrued interest, to the insured or insureds as identified in the communication from the insurance company or companies. Such return shall be accomplished within thirty days of the receipt of the moneys from the insurance company or companies.

Sec. 2.6.080. - Removal of structure—Excess moneys.

If the Director of the MABCD has proceeded under the provisions of K.S.A. 12-1750 et. seq., or Sec. 19-41 et. seq. and amendments thereto, all moneys in excess of that which is ultimately necessary to comply with the provisions for the removal of the building or structure, less salvage value, if any, shall be paid to the insured.

Sec. 2.6.090. - Same—Disposition of funds.

If the Director of the MABCD, with regard to a building or other structure damaged by fire, explosion or windstorm, determines that it is necessary to act under K.S.A. 12-1756 or Sec. 19-41, et. seq., and amendments thereto, any proceeds received by the Director of Finance of the city or county under the authority of Section 2.6.050(a) of this Code relating to that building or other structure shall be used to reimburse the City of Wichita or Sedgwick County for any expenses incurred by the city or county in proceeding under K.S.A. 12-1756, or Sec. 19-41 et. seq. and amendments thereto. The Director of the MABCD shall be responsible for notifying the Director of Finance of the city or county the amount of these expenses incurred by the city or county. Upon reimbursement from the insurance proceeds, the Director of Finance of the city or county shall immediately effect the release of the lien resulting therefrom. Should the expenses

incurred by the city or county exceed the insurance proceeds paid over to the Director of Finance of the city or county under Section 2.6.050(a) of this Code, he or she shall publish a new lien as authorized by K.S.A. 12-1756, or Sec. 19-41, et. seq. and amendments thereto, in an amount equal to such excess expenses incurred.

Sec. 2.6.100. - Effect upon insurance policies.

This section shall not make the city or county a party to any insurance contract, nor is the insurer liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

Sec. 2.6.110. - Insurers—Liability.

Insurers complying with this section or attempting in good faith to comply with this section shall be immune from civil and criminal liability and such action shall not be deemed in violation of K.S.A. 40-2404 and any amendments thereto, including withholding payment of any insurance proceeds pursuant to this section, or releasing or disclosing any information pursuant to this section.

Article 2, Section 7. - CONSTRUCTION STANDARDS

Sec. 2.7.010. – Agreement to use adjoining property.

No person shall use a wall or any part of a building on adjoining property or build, remove or underpin any party wall without having first entered into a written agreement with the owner of the adjoining property. Such party agreement shall be properly recoded with the register of deeds and the building official shall be advised that such record has been duly made and recorded.

Article 2, Section 8. – TENTS, GRANDSTANDS AND AIR-SUPPORTED STRUCTURES USED FOR PLACES OF ASSEMBLY

Sec. 2.8.010. – Standards adopted.

Article 32 of the Uniform Fire Code, providing standards for tents and air supported structures, as adopted by Section 15.01.010 of the Code of the City of Wichita, is by reference incorporated in and by this publication made part of this Code as fully as though set out at length in this section, and is adopted together with remaining existing ordinances contained in this Code as Article 2 of this Code.

ARTICLE 3 – UNIFORM PLUMBING CODE

Article 3, Section A – BOARD OF APPEALS OF PLUMBERS AND GAS FITTERS

Sec. 3.A.010 - Board of Appeals – Created, Composition

There is authorized a board of plumbing and gas fitters appeals which shall consist of the Director of the Metropolitan Area Building and Construction Department ("MABCD"), or the duly authorized representative, who shall serve as the secretary of the board, and seven other members, as follows:

(1) One mechanical contractor (appointed by the City);

(2) One master plumber (appointed by the County);

(3) One master lawn sprinkler (appointed by the City);

(4) One journeyman plumber (appointed by the County);

(5) One mechanical engineer (appointed by the County);

(6) One master plumber contractor (appointed by the City); and

(7) One public at large member (appointed jointly).

The board shall elect its own chairman and make such rules as are necessary for the conduct of its business.

Sec. 3.A.020 - Board of Appeals of Plumbers and Gas Fitters.

(a) The Board shall act as a board of appeals in making a determination of any appeal arising from the actions of the administrative authority. Appeals shall be made in writing, and the appellant may appear in person before the Board or be represented by an attorney, and may introduce evidence to support their claim. Appeals shall be submitted in writing at least ten (10) working days in advance of the Board meeting and the appeals shall be heard at reasonable times at the convenience of the Board, but not later than the next regularly scheduled Board meeting. The appellant shall cause to be made at his own expense, any tests or research required by the Board to substantiate their claims.

(b) The Board shall, upon the request of the administrative authority, interpret sections of this Code, as adopted by reference herein, as to the approval of plumbing materials and methods allowed under this Code.

(c) Where conditions exist on any plumbing job which are not specifically provided for by this Code, or where it would be impracticable to follow its provisions, the Board may grant a

variance from the strict application of the provisions of this Code. The person or persons desiring such variance shall submit all data and information necessary or as may be required by the Board to enable it to make its decision, and if after thorough study of the desired variance it determines that the granting of such request would not act in contravention to the welfare of the public, it shall have the authority to grant the variance.

(d) The Board may consider applications for the use of materials or methods of installation not specifically covered in this Code, or for a change in the grading or quality of materials or for a change in methods of installation as set forth in this Code and accept, modify, or reject the same as affording the same degree of safety, sanitation and performance as the materials or methods provided for herein. The Board may use established standards of nationally recognized laboratories and research organizations in making its determination to accept, modify, or reject the application. The applicant shall submit to the Board all necessary information as may be required by the Board in order for it to make its determination, and any expense incurred for the payment of laboratory reports and tests shall be borne by the applicant. If, after a thorough study of the application and upon the basis of such study, it is determined that the public interest would be best served, would not be detrimental to the health and welfare of the public and would afford the same degree of safety and sanitation as elsewhere provided for in this Code, the Board may approve the application; or should it be determined that it is against public interest, would be detrimental to the health and welfare of the public, would not afford the same degree of safety and sanitation as elsewhere provided for in this Code, the Board shall deny the application.

Sec. 3.A.030 – Administrative Authority.

The administrative authority duly appointed to enforce the standard code shall be the Director of the MABCD or designees(s). The terms "administrative authority", "building official", and Director of MABCD are synonymous. The administrative authority shall have the authority to promulgate such rules and regulation as are necessary to carry out the purpose of the standard code and such rules and regulations shall be effective upon approval by the governing bodies. The Administrative authority shall have the authority to refer to the Board of Appeals of Plumbers and Gas Fitters that relates to the approval of plumbing material and methods as the same relate to the standard code.

Sec. 3.A.040 – Plumbing inspector qualifications; Appointment.

Within the jurisdiction of the City of Wichita, all commercial plumbing inspectors shall have had a minimum of five years of practical experience in this field as a Journeyman or Master and hold a current plumbing certificate and shall be duly appointed pursuant to the requirements set forth by the Director of the MABCD.

Within the jurisdiction of Sedgwick County, all commercial plumbing inspectors shall have had a minimum of five years of practical experience in this field as a Journeyman or Master, and hold a current plumbing certificate, or in lieu of such experience and certification, shall hold a current and valid plumbing inspector certificate issued by an approved testing agency as determined by the Director of the MABCD, and have two (2) years' experience in plumbing installations. Each

inspector shall be duly appointed pursuant to the requirements set forth by the Director of the MABCD.

Upon satisfaction of the minimum qualifications for the appropriate jurisdiction, the Director of the MABCD shall have the discretion to appoint the employees as a combination inspector.

Article 3, Section 1 – UNIFORM PLUMBING CODE

Sec. 3.1.010 – Uniform Plumbing Code.

The Uniform Plumbing Code, published by the International Association of Plumbing and Mechanical Officials (IAPMO), 2006 Edition, including the Appendixes and Installation Standards thereto and including the Uniform Plumbing Code's latest edition of Table 14-1, excluding Table No. 1-1: Plumbing Permit Fees, Part II of Chapter 7: Building Sewers, Sections 609.4, 908.0, 1014.0, 1015.0, Appendix F, Appendix K, Appendix L 6.0, Appendix L 7.0, and except for amendments set forth in this section, is by reference incorporated herein and made a part of this Code as though set forth at length herein, and is hereby adopted as the Wichita-Sedgwick County Unified Building and Trade Code, Article 3, Uniform Plumbing Code. In lieu of Appendix K, within the jurisdiction of the unincorporated area of Sedgwick County, and adopting second and third class cities, Chapter 23 of the Sedgwick County Code, entitled Sewers and Sewage Disposal, shall apply. In lieu of Appendix K, within the jurisdiction of the City of Wichita, Title 16 of the Code of the City of Wichita, entitled Sewers, Sewage Disposal and Drains shall apply.

Sec. 3.1.020 – Section 101.1 of the 2006 Uniform Plumbing Code.

Section 101.1 of the 2006 Uniform Plumbing Code shall be amended to read as follows: These regulations shall be known as the Unified Plumbing Code, and will be referred to herein as "this Code".

Sec. 3.1.030 – Schedule of fees. See Article 1.2 of this Code.

Sec. 3.1.040 – Investigation fees. See Sec. 2.4.020 of this Code.

Sec. 3.1.050 – Sleeves.

Section 313.10.1 of the Uniform Plumbing Code is amended to read as follows: Sleeves shall be provided to protect all piping through concrete and masonry walls, and concrete floors.

Exceptions: (1) Sleeves shall not be required where openings are drilled or bored; and (2) sleeves shall not be required for DWV pipes going through concrete basement floors or slab on grade.

Sec. 3.1.060 - Solvent Cement Plastic Pipe Joints.

Section 316.1.6 of the Uniform Plumbing Code is amended to read as follows: Plastic pipe and fittings designed to be joined by solvent cementing shall comply with appropriate IAPMO Installation Standards. ABS pipe and fittings shall be cleaned and then joined with solvent cement(s). CPVC pipe and fittings shall be cleaned and then joined with listed primer(s) and solvent cement(s). **Exception:** Listed solvent cements that do not require the use of primer shall be permitted for use with CPVC pipe and fittings, manufactured in accordance with Table 14-1, ½ inch through 2 inches in diameter. PVC pipe and fittings must be cleaned and joined with primer(s) and solvent cement(s). Non-pressure PVC pipe and fittings may be joined without primer by using a medium body, one step cement that must be listed by the cement manufacturer for use without primer and so stated on the label. A solvent cement transition joint between ABS and PVC building drain or building sewer shall be made using listed transition solvent cement.

Sec. 3.1.070 – Test Gauges.

Section 319.0 of the Uniform Plumbing Code is amended to read as follows: In performing the prescribed piping tests as required elsewhere in this Code, a spring type gauge may be used provided the required maximum capacity of the gauge used for the ten (10) psi, for fifteen (15) minutes test, be thirty (30) psi and the required maximum capacity of the spring type gauge used for the sixty (60) psi, for thirty (30) minutes test, be one hundred (100) psi.

Sec. 3.1.075 – Table 4-1 amended. Minimum Plumbing Fixtures.

Table 4-1 of the Uniform Plumbing Code, is amended to read as follows:

TABLE 4-1 - MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES[a]

No.	CLASSIFI-CATION	OCCU-PANCY	DESCRIPTION	WATER CLOSETS MALE[e]	WATER CLOSETS FEMALE	LAVATORIES MALE FEMALE	BATHTUBS / SHOWERS	DRINKING FOUNTAINS[f, g]	OTHER
1	Assembly	A-1[d]	Theaters and other buildings for the performing arts and motion pictures	1 per 125	1 per 65	1 per 200	_____	1 per 500	
		A-2[d]	Nightclubs, bars, taverns, dance halls and buildings for similar purposes	1 per 40	1 per 40	1 per 75	_____	1 per 500	1 service sink
			Restaurants, banquet halls and food courts	1 per 75	1 per 75	1 per 200	_____	1 per 200	1 service sink

1	Assembly	A-3[d, h]	Auditoriums without permanent seating, art galleries, exhibition halls, museums, lecture halls, libraries, arcades and gymnasiums	1 per 125	1 per 65	1 per 200		_____	1 per 500	
			Passenger terminals and transportation facilities	1 per 500	1 per 500	1 per 750		_____	1 per 1,000	
			Places of worship and other religious services	1 per 150	1 per 75	1 per 200		_____	1 per 1,000	
		A-4	Coliseums, arenas, skating rinks, pools and tennis courts for indoor sporting events and activities	1 per 75 for the first 1,500 and 1 per 120 for the re-mainder exceed-ing 1,500	1 per 40 for the first 1,500 and 1 per 60 for the remainder exceeding 1,500	1 per 200	1 per 150	_____	1 per 1,000	
		A-5	Stadiums, amusement parks, bleachers and grandstands for outdoor sporting events and activities	1 per 75 for the first 1,500 and 1 per 120 for the re-mainder exceed-ing 1,500	1 per 40 for the first 1,500 and 1 per 60 for the remainder exceeding 1,500	1 per 200	1 per 150	_____	1 per 1,000	
2	Business	B[h]	Buildings for the transaction of business, professional services, other services involving merchandise, office buildings, banks, light industrial and similar uses	1 per 25 for the first 50 and 1 per 50 for the remainder exceeding 50		1 per 40 for the first 80 and 1 per 80 for the remainder exceeding 80		_____	1 per 100	
3	Educational	E[h]	Educational facilities	1 per 50		1 per 50		_____	1 per 100	
No.	CLASSIFI-CATION	OCCU-PANCY	DESCRIPTION	WATER CLOSETS MALE[e]	WATER CLOSETS FEMALE	LAVATORIES MALE	LAVATORIES FEMALE	BATHTUBS /SHOWERS	DRINKING FOUNTAINS[f, g]	OTHER
4	Factory and industrial	F-1[h] and F-2[h]	Structures in which occupants are engaged in work fabricating, assembly or processing of products or materials	1 per 100		1 per 100			1 per 400	

5	Institutional	I-1	Residential care	1 per 10	1 per 10	1 per 8	1 per 100	
		I-2	Hospitals, ambulatory nursing home patients[b]	1 per room[c]	1 per room[c]	1 per 15	1 per 100	
			Employees, other than residential care[b]	1 per 25	1 per 35	_____	1 per 100	_____
			Visitors, other than residential care	1 per 75	1 per 100	_____	1 per 500	_____
		I-3	Prisons[b]	1 per cell	1 per cell	1 per 15	1 per 100	
		I-3	Reformatories, detention centers and correctional centers[b]	1 per 15	1 per 15	1 per 15	1 per 100	
		I-4	Adult day care and child care	1 per 15	1 per 15	_____	1 per 100	
6	Mercantile (see Section 2902.2, 2902.4, 2902.4.1 and 2902.4.2)	M	Retail stores, service stations, shops, salesrooms, markets and shopping centers	1 per 500	1 per 750	_____	1 per 1,000	
7	Residential	R-1	Hotels, motels, boarding houses (transient)	1 per sleeping unit	1 per sleeping unit	1 per sleeping unit	_____	
		R-2	Dormitories, fraternities, sororities and boarding house (not transient)	1 per 10	1 per 10	1 per 8	1 per 100	
		R-2	Apartment house	1 per dwelling unit	1 per dwelling unit	1 per dwelling unit	_____	1 kitchen sink per dwelling unit; 1 automa-tic clothes washer connect-ion per 20 dwelling units
No.	CLASSIFI-CATION	OCCU-PANCY	DESCRIPTION	WATER CLOSETS MALE[e] FEMALE	LAVATORIES MALE FEMALE	BATHTUBS /SHOWERS	DRINKING FOUNTAINS[f, g]	OTHER

7	Residential	R-3	One- and two-family dwellings	1 per dwelling unit	1 per dwelling unit	1 per dwelling unit	———	1 kitchen sink per dwelling unit; 1 automa-tic clothes washer connect-ion per 20 dwelling units
		R-4	Residential care/assisted living facilities	1 per 10	1 per 10	1 per 8	1 per 100	
8	Storage	S-1[h] S-2[h]	Structures for the storage of goods, warehouses, storehouses and freight depots, low and moderate hazard	1 per 100	1 per 100		1 per 1,000	

a. The fixtures shown are based on one fixture being the minimum required for the number of persons indicated or any fraction of the number of persons indicated. The number of occupants shall be determined by this code.

b. Toilet facilities for employees shall be separate from facilities for inmates or patients.

c. A single-occupant toilet room with one water closet and one lavatory serving not more than two adjacent patient rooms shall be permitted where such room is provided with direct access from each patient room and with provisions for privacy.

d. The occupant load for seasonal outdoor seating and entertainment areas shall be included when determining the minimum number of facilities required.

e. Where urinals are provided, one water closet less than the number specified may be provided for each urinal installed, except the number of water closets in such cases shall not be reduced to less than one half of the minimum specified.

f. Where the design occupant load is less than the following use groups capacity, drinking fountains shall not be required:

Mercantile: 250
Factory and Industrial/Storage: 100
All others: 50

Where water is served in restaurants or where bottled water coolers are provided in other occupancies, drinking fountains shall not be required.

g. Drinking fountains shall not be installed in public restrooms.

h. Fixtures located in adjacent buildings under the ownership or control of the church, business, educational, factory/industrial, mercantile, or storage occupancy shall be made available during period the church, business, educational, factory/industrial, mercantile, or storage occupancy is occupied. The fixtures shall be located within 500 ft. of the building.

Sec. 3.1.080 – Cross Connection Control.

Section 603.0 of the Uniform Plumbing Code is amended to read as follows: No person shall install any water-operated equipment or mechanism, or use any water treating chemical or substance, if it is found that such equipment, mechanism, chemical or substance may cause pollution or contamination of the domestic water supply. Such equipment or mechanism may be permitted only when equipped with an approved backflow prevention device. In addition to the general requirements of Section 603.0, Cross Connection Control, Backflow prevention devices and methods shall conform to Title 17.10 of the Code of the City of Wichita. Where, in any specific case, sections of this Code specify different material, methods of construction or requirements in conflict with other local laws or ordinance, the most restrictive shall govern.

Sec. 3.1.090 - Protection from Lawn Sprinklers and Irrigation Systems.

Section 603.4.6.1 of the Uniform Plumbing Code is amended to read as follows: Potable water supplies to systems having no pumps or connections for pumping equipment, and no chemical injection or provisions for chemical injection, shall be protected from backflow by one of the following devices: (1) Pressure vacuum breaker, (2) Spill-resistant vacuum breaker, or (3) Reduced-pressure backflow preventer.

Sec. 3.1.100 - Backflow Device Downstream from a Potable Water Supply Pump.

Section 603.4.6.3 of the Uniform Plumbing Code is amended to read as follows: Where systems have a device installed downstream of potable water supply pump or a potable water supply pump connection, the device shall be one of the following: (1) Pressure vacuum breaker, (2) Spill-resistant vacuum breaker, or (3) Reduced-pressure backflow preventer.

Sec. 3.1.110 - Protection from Fire Systems.

Section 603.4.16.3 of the Uniform Plumbing Code is amended to read as follows: Where contaminant chemicals (ethylene glycol, corrosion inhibitors, or other chemicals) are added to a fire protection system supplied from a potable water supply, the potable water system shall be protected by one of the following: (1) Reduced pressure backflow preventer, or (2) Reduced pressure detector assembly. Fire protection systems using low hazard materials must be protected with appropriate protection and clearly labeled per NFPA requirements with MSDS documentation. Devices approved for low hazard potable water system protection include the following: (1) Double check backflow preventer, and (2) Double check detector assembly.

Sec. 3.1.120 - Excessive Water Pressure.

Section 608.2 of the Uniform Plumbing Code is amended to read as follows: Where static water pressure in the water supply piping is in the excess of one hundred (100) pounds per square inch (689kPa), an approved type pressure regulator preceded by an adequate strainer shall be installed and the static pressure reduced to one hundred (100) pounds per square inch (689kPa) or less. Such regulator(s) shall control the pressure to all water outlets in the building unless otherwise approved by the administrative authority. Each such regulator

and strainer shall be accessibly located aboveground or in a vault equipped with a properly sized and sloped bore-sighted drain to daylight, shall be protected from freezing, and shall have the strainer readily accessible for cleaning without removing the regulator or strainer body or disconnecting the supply piping. All pipe size determinations shall be based on eighty percent (80%) of the reduced pressure when using Table 6-6.

Sec. 3.1.130 - Installation.

Section 609.1 of the Uniform Plumbing Code is amended to read as follows: All water piping shall be adequately supported in accordance with Section 314.0 and to the satisfaction of the administrative authority. Burred ends shall be reamed to the full bore of the pipe. Changes in direction shall be made by the appropriate use of the fittings, except that changes in direction in copper tubing may be made with bends having a radius of not less than six (6) diameters of the tubing, providing that such bends are made with bending equipment that does not deform or create a loss in the cross-sectional area of the tubing. Changes in direction are allowed with flexible pipe and tubing without fittings in accordance with the manufacturer's installation instructions. Provisions shall be made for expansion in hot water piping. The depth of a water service line shall be at least thirty-six (36) inches below finished grade. Such service shall be not less than five (5) feet from any tree on public property. The water service pipe shall be laid in a ditch separate from other underground pipes or conduits. There shall be not less than eighteen (18) inches of solid undisturbed earth between water service pipes and other underground pipes and conduits. All piping, equipment appurtenances and devices shall be installed in a workmanlike manner in conformity with the provisions and intent of this Code.

Sec. 3.1.140 - Vitrified Clay Pipe and Fittings.

Section 701.1.3 of the Uniform Plumbing Code is amended to read as follows: No vitrified clay pipe or fittings shall be used aboveground or where pressurized by a pump or ejector. They shall be kept at least twelve (12) inches (305 mm) belowground. No vitrified clay pipe or fittings shall be allowed inside a building or structure. Vitrified clay pipe and fittings may be used for repairs to existing clay pipe building sewers if the work conforms to Title 16 of the Code of the City of Wichita.

Sec. 3.1.150 - Battery Drainage System.

Section 703.3 of the Uniform Plumbing Code is amended to read as follows: A horizontal branch, soil or waste pipe, to which two (2) or more water closets (except blowout type), pedestal urinals, shower stalls or floor drains are connected in a battery, may be vented by a circuit loop vent. When lavatories or similar fixtures discharge above such branches, each vertical branch shall be provided with a continuous vent which may be connected to the circuit or loop of the battery. The circuit or loop vent of a battery drainage system shall be installed vertically in front of the last upstream fixture. In addition, lower floor branches serving more than three water closets shall be provided with a relief vent taken vertically in front of the first fixture connection. No more than eight (8) water closets may be connected to a battery drainage system. The fixture unit value for all fixtures shall be as listed in Tables 7-3 and 7-4 of the Uniform Plumbing Code. The horizontal branch for its full length to the furthest fixture

shall be uniformly sized as listed in Table 7-5 of the Uniform Plumbing Code, based on the total number of fixtures. The vent battery drainage system shall be sized for a fixture unit demand of the battery system according to Table 7-5 of the Uniform Plumbing Code based on the total number of fixtures. The relief vent may be wet vented with a fixture drained vertically in the battery drainage system. Such vent shall be the same size as the circuit vent it intersects. All vents rise vertically to six (6) inches (152.4 mm) above the flood level of the highest fixture on the system.

Sec. 3.1.160 - Media.

Section 712.1 of the Uniform Plumbing Code is amended to read as follows: The piping of the plumbing, drainage, and venting systems shall be tested with water or air. The administrative authority, as defined in the Uniform Plumbing Code, may require the removal of any cleanouts, etc., to ascertain whether the pressure has reached all parts of the system. When the temperature wherein the drainage system is located is above twenty degrees (20º) Fahrenheit, a water test as set forth in Section 712.2 may be made. After the plumbing fixtures have been set and their traps filled with water, they shall be submitted to a final test.

Sec. 3.1.170 - Indirect Waste Receptors.

Section 804.1 of the Uniform Plumbing Code is amended to read as follows: All plumbing fixtures or other receptors receiving the discharge of indirect waste pipes shall be approved for the use proposed and shall be of such shape and capacity as to prevent splashing or flooding and shall be located where they are readily accessible for inspection and cleaning. No indirect waste receptor shall be installed in any toilet rooms, closet, cupboard or storeroom, nor in any other portion of a building not in general use by the occupants thereof, except standpipes for clothes washers may be installed in toilet and bathroom areas when the clothes washers are installed in the same room. Clothes washers shall not be installed so as to discharge into any gravity line higher than sixty (60) inches above its base. The clothes washer standpipe shall be a minimum length of eighteen (18) inches above the trap and the inlet of the standpipe no higher than sixty (60) inches above the floor. In any structure where drains are to be installed in or flush with the floor, they may be floor sinks, or floor drains and be readily accessible, provided floor drains used as indirect waste receptors shall meet the following requirements:

1. Have a reservoir capacity a minimum of four (4) inches in diameter and two (2) inches deep;

2. Have a perforated cover equal in area to the diameter of the drain;

3. Have a minimum trap and waste line size of two (2) inches in diameter; and

4. The indirect waste line shall maintain a two (2) inch air gap.

Section 3.1.180 - Wet Venting.

Section 908.0 of the Uniform Plumbing Code is amended to read as follows: Groups of fixtures

on the same floor may be wet or stack vented; provided that the maximum distance from the vent intersection with the waste or soil pipe to the dip of the trap shall be in accordance with Table 10-1.

A fixture may be wet vented when not more than one fixture unit wastes into a one and one-half (1 ½) inch diameter wet vent. Not more than four (4) fixture units shall waste into a two (2) inch diameter (excluding urinals) or nine (9) fixture units into three (3) inch or larger diameter wet vent. Excepting floor drains, no fixtures shall waste into such stack below the closet fixture opening without a proper revent. The limit of a horizontal wet vent shall be ten (10) feet developed length.

Section 3.1.190 - TABLE 10-1

Table 10-1 of the Uniform Plumbing Code is amended to read as follows:

TABLE 10-1

Horizontal Distance of Trap Arms
(Except for water closets and similar fixtures)*
slope one fourth (1/4) inch per foot

Trap Arm	Distance Trap to Vent	
Inches	Feet	Inches
1 ¼	2	6
1 ½	3	6
2	6	0
3	6	0
4 and larger	10	0

Provided that the distance for floor drains shall be within fifteen (15) feet of a ventilated line and the distance for bathtubs with one and one-half (1 ½) inch waste shall be within five (5) feet of a vent.

For trap arms three (3) inches in diameter and larger, the change of direction shall not exceed one hundred and thirty-five (135) degrees without the use of a cleanout.

*The developed length between the trap of a water closet or similar fixture (measured from the top of the closet ring (flange) to inner edge of vent) and its vent shall not exceed six (6) feet.

Section 3.1.200 - Rough Piping Inspection.

Section 1204.3.1 of the Uniform Plumbing Code is amended to read as follows: This inspection shall be made after all gas piping authorized by the permit has been installed, and before any such piping has been covered or concealed, or any fixture or appliance has been attached thereto. This inspection shall include a determination that the gas piping size, material and installation meet the requirements of this Code.

When installing any gas opening for a future gas burning appliance in residential gas piping systems, it shall be sized and located according to the following requirements:

1. The future appliance shall be assigned a minimum fifty-five thousand (55,000) BTU value for sizing the gas distribution piping system;

2. For future solid fuel burning fireplaces, the gas opening shall be run to within four (4) feet of the fire box and be controlled by an accessible approved shut-off valve outside the hearth and be properly capped or plugged;

3. For future gas fired appliances, the gas opening shall be run to within three (3) feet of the appliance and be controlled by a readily accessible approved shut-off valve outside the hearth and be properly capped or plugged;

4. The approved required shut-off valve shall be outside of each appliance or fireplace and ahead of the union connection and in addition to any valve on the appliance;

5. When creating a new opening all gas piping must be tested; and

6. When extending an existing gas opening, only that branch must be tested. When making a gas opening at the meter loop, only that branch must be tested.

Exception: When approved by the administrative authority, above procedures may be waived and a soap test administered.

Sec. 3.1.210 - Gas Piping Above Ground and Above Roofs.

Section 1211.2.1 of the Uniform Plumbing Code, is amended to read as follows:

All piping installed outdoors shall be elevated not less than three and one half (3½) inches above grade and enter or exit the structure above the finish grade. Where installed across roof surfaces, shall be elevated not less than three and one-half (3½) inches above the roof surface. Piping installed above ground, outdoors, and installed across the surface of roofs shall be securely supported and located where it will be protected from physical damage. Where passing through an outside wall, the piping shall also be protected against corrosion by coating or wrapping with an inert material approved for such applications. Where piping is encased in a protective pipe sleeve the annular space between the gas piping and the sleeve shall be sealed at the wall to prevent the entry of water, insects, or rodents. [NFPA 54: 6.2.1]

Sec. 3.1.220 - Building Code Provisions.

The provisions of Article 2 of this Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Sec. 3.1.230 - Electrical.

The provisions of Article 4 of this Code shall apply to the installation of electrical systems, including alterations, repairs, replacement equipment, appliances, fixtures, fittings and appurtenances thereto.

Sec. 3.1.240 - Mechanical.

The provisions of Article 5 of this Code shall apply to the installation of vents, combustion air, ventilation, mechanical systems, system components, equipment and appliances applied within HVAC systems**.**

Sec. 3.1.250 - Fire Prevention.

The provisions of Title 15 of the Code of the City of Wichita for matters within the jurisdiction of the City of Wichita and Chapter 12 of the Sedgwick County Code for matters within the jurisdiction of Sedgwick County shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of alarm systems and fire hazards in the structure or on the premises.

Sec. 3.1.260 - Definitions.

Unless otherwise specified, the following terms, as used in this Section, shall mean as follows:

'Apprentice' means an individual who works as an employee in training under the direct supervision of a Journeyman Plumber or Master Plumber. An apprentice is not a certified individual.

'Board' means that board appointed for Plumbers and Gas Fitters 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 Uniform Plumbing Code and Article 3 of this Code, as adopted by the MABCD.

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

development, where the apprentice may be on the job site within five hundred (500) feet of where the journeyman or master is working.

'Field Experience' means working under the direct supervision of a person having a valid Journeyman Plumber or Master Plumber certificate or attending trade related schooling. No more than one year of the requirement may be satisfied by trade related schooling. Schooling shall consist of a minimum of two hundred and forty (240) hours classroom training.

'Journeyman Gas Fitter' means a person who has been approved by the MABCD showing that individual to be qualified to do gas piping, make repairs to gas piping systems or in any work at the trade of gas piping for a Licensed Contractor. That individual shall have a current certificate showing him or her to be so qualified.

'Journeyman Plumber' A journeyman plumber is a person who has been approved by the MABCD showing that individual to be qualified to do plumbing or gas piping, venting work, and work at the trade of plumbing and gas piping for a Licensed Contractor. That individual shall have a current certificate showing him or her to be so qualified. A Journeyman Plumber is deemed to be a Journeyman Gas Fitter, Journeyman Drain Layer, Journeyman Lawn Irrigation, Journeyman Sewer Cleaner and certified Water Conditioning Installer by definition.

'Licensed Contractor' means a person, firm, partnership, corporation, limited liability company, association or combination thereof, that has acquired a plumbing, gas fitter, lawn irrigation, drain laying, or certified Water Conditioning license from the MABCD, who undertakes or offers to undertake for another, for hire, the planning, laying out, supervising and installing or making additions, alterations, and repairs in the installation of plumbing, drains, gas fittings, lawn irrigation or plumbing systems.

'Licensed Trade' or 'trade' means the mechanical, electrical, plumbing or gas fitting trade, as the context of this Code may require.

'Master Gas Fitter' means a person who has been approved by the MABCD showing that individual to be qualified to engage in the business of gas piping systems and who has a current certificate showing him or her to be so qualified.

'Master Plumber' means a person who has been approved by the MABCD showing that individual to be qualified to engage in the business of plumbing and gas piping, the installation of plumbing and gas fixtures and appliances, and who has a current certificate showing him or her to be so qualified. A Master Plumber is deemed to be a Master Gas Fitter, Master Drain Layer, Master Lawn Irrigation, Master Sewer Cleaner and Certified Water Conditioning installer by definition.

'Qualified Master' means an individual who holds a master certificate issued pursuant to this Code evidencing such person to be qualified to control and have authority of all technical work performed under the authority of the licensed contractor's enterprise, and assures quality control and is responsible for complying with all applicable laws, codes and regulations. An individual shall not be the Qualified Master for more than one licensed contractor's enterprise unless such

individual receives approval from the Director of the MABCD or an authorized representative thereof and approved by the Board.

Sec. 3.1.270 - Apprentice Limitations.

Apprentices shall be permitted to work when accompanied by and under the direct supervision of a Master or Journeyman Plumber, who shall be responsible for the plumbing work done by the Apprentice. There shall be a maximum of four (4) Apprentices per one Master or Journeyman Plumber. The on-site Master or Journeyman shall be responsible for maintaining the ratio of Master/Journeyman Plumbers to Apprentices as required by this Section. If an Apprentice works without the required direct supervision, the Qualified Master, on-site Master or Journeyman Plumber, and/or the Apprentice may be held responsible for violation of this Code.

Sec. 3.1.280 - Applicant Requirements, Examinations; Issuance of Certificates.

Any person desiring to engage in or work at the business of plumbing, plumbing repair, lawn irrigation, water conditioning, gas fitter, or to do such work, shall submit the prescribed application form to the MABCD for a certificate, and if applicant meets the following requirements or is approved by the Board, shall at such time and place as directed be subjected to an examination as to their qualifications. The qualifications are as follows:

a. A minimum score of seventy-five (75) percent on the "Block Examination" Master/Journeyman Plumbing Certificate, which is administered by Prometric, or

b. A minimum score of seventy-five (75) percent on the International Code Council Examination for a Master/Journeyman Plumbing Certificate, which is administered by International Code Council, or

c. A satisfactory score on any other standard examination to determine the qualification of a Master/Journeyman Plumbing that is approved and adopted by the State of Kansas, pursuant to state law, following the effective date of this Code.

Applicant requirements:

Journeyman Plumber: two (2) years documented Field Experience.

Master Plumber: two (2) years as Journeyman Plumber or four (4) years documented Field Experience.

Journeyman Gas Fitter: two (2) years documented Field Experience.

Master Gas Fitter: two (2) years as Journeyman Plumber or four (4) years documented Field Experience.

Journeyman Drain Layer: two (2) years documented Field Experience.

Master Drain Layer: two (2) years as Journeyman Plumber or four (4) years documented Field Experience.

Journeyman Lawn Irrigation: two (2) years documented Field Experience.

Master Lawn Irrigation: two (2) years as Journeyman Plumber or four (4) years documented Field Experience.

Note: For Journeyman Plumber requirements an applicant may use completion of a technical or trade related school for one (1) year of the required two (2) years. The training shall consist of a minimum of two hundred and forty (240) hours of classroom training.

Sec. 3.1.290 - Fees for Examination and Certificates, Renewing, and Continuing Education Requirements.

(a) The fee for each examination and original certificate of a Master Plumber, Journeyman Plumber, Master Drain Layer, Journeyman Drain Layer, Master Lawn Irrigation, Journeyman Lawn Irrigation, Master Water Conditioning, certified Water Conditioning Installer, Master Gas Fitter or Journeyman Gas Fitter shall be established by the Director of the MABCD to cover the administrative costs of issuing such certificates. This fee shall be paid to the MABCD when the application for a certificate is made. Individuals not holding a certificate at the beginning of the certificate cycle, who obtain a certificate during such certificate cycle by the standardized test required by K.S.A. 12-1508 and any amendments thereto, will be issued the initial certificate without documentation of continuing education. Such certificate will be issued noting the test provider, specific test type and grade. Such test shall be completed during the certificate cycle. All such certificates shall expire on December 31st of each odd numbered year. The biennial fee for all certificates shall be established by the Director of the MABCD to cover the administrative cost of issuing such certificates. All such certificates shall be renewed biennially upon payment established by the Director of the MABCD to cover the administrative costs of issuing such certificates. All certificates shall expire on December 31st of each odd-numbered year and no reduction shall be made for part of the year being elapsed. Any holder of a certificate who fails to renew the same by March 1st after its expiration shall be required to submit one of the following: (1) Proof of completing a new examination in accordance with K.S.A. 12-1508; or (2) proof of completing an additional one and one-half (1½) hours of continuing education hours, pursuant to K.S.A. 12-1509, for each three (3) month period the renewal is late and only when the original certificate was issued pursuant to K.S.A. 12-1508. It is the total responsibility of the certificate holder to assure that his/her certificate has been renewed and is valid.

(b) Individuals passing the examination in the first year of a renewal cycle will need to provide documentation of twelve (12) hours of approved continuing education when renewing their certificate. Not less than six (6) hours shall consist of plumbing code education. The continuing education shall be attended during the certificate cycle. Individuals passing the examination in the second year of a renewal cycle will need to provide documentation of six (6) hours approved continuing education when renewing their certificate. Not less than three (3) hours shall consist of plumbing code education. The continuing education shall be attended during the second year of the certificate cycle. Individuals with an active certificate that passed

the examination prior to the first year of the renewal cycle must provide written proof of having completed biennially not less than twelve (12) hours of continuing education approved by the MABCD. Not less than six (6) hours shall consist of plumbing code education. Continuing education shall be provided by the MABCD or a nationally recognized trade association, community college, technical school, technical college or other provider approved by the MABCD. All twelve (12) hours of education shall comply with the MABCD's continuing education guidelines for plumbing.

Sec. 3.1.300 - Licenses.

Any person engaging or desiring to engage in the business of plumbing, plumbing repair, drain laying, lawn irrigation, water conditioning, gas fitting or gas fitting repair shall, before obtaining any permit or transacting any business, obtain a license therefore from the Director of the MABCD, which license shall expire on December 31st of the year in which so issued.

Sec. 3.1.310 - Certain Persons Exempt from License Requirements.

Any person, corporation, business, government entity or similar entity not engaged in the business of plumbing within the scope of this Code who has in his/her regular and permanent employment a person or persons who possess a current and valid journeyman or master plumbing certificate shall be permitted to have such person or persons perform maintenance and repair work, that does not require a permit, on buildings and premises that are owned, leased, operated or managed by him/her shall be exempt from this Code, as pertains to licenses but shall be subject to all other requirements pertaining to this Code.

Sec. 3.1.320 - Revocation of Certificates and Licenses.

The Board is authorized to cancel and recall any certificate or license obtained in accordance with the provisions of Article 3 of this Code for any or all of the following reasons:

1. Abandonment of any contract without legal cause;

2. Diversion of funds or property received for performance or completion of a specific contract, or for a specific purpose in the performance or completion of any contract, and the application or use for any other contract, obligation or purpose, or the failure, neglect or refusal to use such funds or property for the performance or completion of such contract;

3. Violation of any provisions of this Code or the failure or refusal to comply with any lawful order of the administrative authority;

4. Misrepresentation of a material fact by the applicant in obtaining a license;

5. The failure of any such master plumber, master gas fitter, master drain layer, master lawn irrigation, master water conditioning, journeyman plumber, journeyman gas fitter, journeyman drain layer or journeyman lawn irrigation, journeyman water conditioning to fully satisfy all claims for labor and materials used in the performance of any work for which he has been engaged and for which he has been paid;

6. Use of a license to obtain permits for another;

7. Carelessness or negligence in providing safety measures for the protection of workmen and the public;

8. Failure to obtain permits or schedule required inspections;

9. Unreasonable delay in the performance and carrying out of any contract;

10. A Qualified Master who allows or permits an uncertified individual to engage in the business of plumbing, plumbing repair, lawn irrigation, water conditioning, or gas fitting;

11. Any person who installs, removes, alters, repairs or replaces or causes to be installed, removed, altered, repaired or replaced, any plumbing, gas or drainage piping work or fixture or water heating or treating equipment in a building or premises without first obtaining the proper permit to do such work from the MABCD.

12. Failure to obtain an excavation permit from the department of public works-engineering prior to performing any excavation work on public property within the City limits of the City of Wichita, and said permit to be obtained in accordance with the terms of Chapter 10.20 of the Code of the City of Wichita, or who fails to obtain a separate permit for each building or structure or for any additional work other than authorized in the permit,

13. A licensed contractor who allows another person, to do or cause to be done any work under a permit secured by said contractor except those persons in his employment.

Sec. 3.1.330 - Owner Occupants--Minor Repairs.

Regardless of the requirements of other sections of this Code, the owner-occupant of a single-family dwelling may obtain permits to repair, replace, or maintain the existing plumbing systems in such single-family dwelling and the usual accessory buildings in connection with such dwelling; provided, however, that the owner-occupant shall perform all such work and that the work so performed is in accordance with this Code as verified by an inspection requested by such owner-occupant and performed by the MABCD. No permit shall be required for minor repairs or alterations which do not exceed two hundred dollars ($200.00) as the price charged for such work, but such work shall comply with all requirements of this Code.

Sec. 3.1.340 - Owner-Occupants Permit, Fee, Examination, and Requirements.

The owner-occupant of a detached single-family dwelling occupied or to be occupied by the owner-occupant applying for the permit may be permitted to install plumbing systems in the main structure and accessory structures thereto provided all materials are purchased and all labor is performed by the applicant. Owner-occupants applying for permits for installations as outlined above shall first qualify themselves by successfully passing an open book examination dealing with relevant provisions of this Code. Successful passage of the examination shall qualify the applicant for future permits until the time of adoption of another edition of the

Code by the MABCD. Prior to permit approval, the applicant shall also submit a plan of the installation drawn in a format acceptable to and drawn in sufficient detail as to satisfy the Director of the MABCD of the overall Code compliance of the anticipated installation. Permit fees shall be as set forth elsewhere in this Code and in Article 2 provided, however, that each additional inspection owing to detected Code deficiencies requiring correction shall be billed at the rate as determined by the Director of the MABCD. Permits for installations in completely new residences and/or total remodel permits shall be limited to one (1) in three (3) years to each applicant unless a waiver is obtained, upon written application, from the Board.

Sec. 3.1.350. Insurance Requirements. See Article 1.4(c) of this Code.

Sec. 3.1.360. Licensed Contractors--Established Place of Business Required. See Article 1.4(a) of this Code.

Sec. 3.1.370 - Licensed Contractors--Marking of Vehicles. See Article 1.4(b) of this Code.

Sec. 3.1.380 - Truth in Advertising Requirements. See Article 1.4(d) of this Code.

Article 3, Section 2 – PREFABRICATED ASSEMBLIES

Sec. 3.2.010 – Definitions.

The following definitions shall apply in the interpretation of this section:

1. "Prefabricated assembly" means a structural unit, the integral parts of which have been built up or assembled prior to incorporation in the building or to being erected as a building unit.

2. "Approved agency" means an established and recognized agency regularly engaged in conducting tests or furnishing inspection services.

Sec. 3.2.020 – Certificates of Approval.

A certificate of approval by an approved agency shall be furnished with every prefabricated assembly, except where the assembly is readily accessible to inspection at the site. The certificate of approval shall certify that the assembly in question has been inspected and meets the requirements of Article 3 of this Code.

Sec. 3.2.030 – Field Erection.

Placement of prefabricated assemblies at the building site shall be inspected by the plumbing inspector to determine compliance herewith.

Sec. 3.2.040 – Master Plumber's certificate or approved agency certification.

The installation of plumbing, house drainage, gas piping, fixtures and appliances within or on any prefabricated assembly to be erected shall be performed under the supervision of a person who has secured a master plumber's certificate as approved by the Director of the MABCD when certified as defined in Sec. 3.1.280 of this Code.

Sec. 3.2.050 – Permit required.

Final connections of the plumbing and gas piping services to the prefabricated assembly shall be made by a licensed master plumber, and for each assembly placed within the MABCD jurisdiction, as applicable, he shall secure a permit according to Article 3 of this Code.

ARTICLE 4 – NATIONAL ELECTRICAL CODE

Article 4, Section A - GENERAL PROVISIONS, ADMINISTRATION AND ENFORCEMENT

Sec. 4.A.010. - Board of electrical appeals—Composition.

There is authorized a board of electrical appeals which shall consist of the Director of the Metropolitan Area Building and Construction Department ("MABCD"), or the designee, who shall be secretary of the board, and seven other members as follows:

(1) One master electrician (appointed by the City);

(2) One master electrician (appointed by the County);

(3) One journeyman electrician (appointed by the City);

(4) One journeyman electrician (appointed by the County);

(5) One elevator mechanic (appointed by the City);

(6) One electrical engineer (appointed by the County);

(7) One public-at-large member (appointed jointly).

The board shall elect its own chairman and make such rules as are necessary for the conduct of its business.

Sec. 4.A.020. - Board of electrical appeals—Promulgation of additional rules.

The board of electrical appeals shall have the following authority and duties.

(1) The board of electrical appeals shall act as an arbitration board in deciding any question that may arise between the electrical inspector and any electrician, or between the electrical inspector and any other person aggrieved by a decision of the electrical inspector.

(2) Where conditions exist on any electrical job which are not specifically provided for by this Code, or where it would be impracticable to follow its provisions, the board may grant a variance from the strict application of the provisions of this Code. The person or persons desiring such variance shall submit all data and information necessary or as may be required by the board to enable it to make its decision, and if after thorough study of the desired variance it determines that the granting of such request would not act in contravention to the welfare of the public, it shall have the authority to grant the variance.

(3) The board of electrical appeals shall consider applications for the use of materials or methods of installation not specifically covered in this Code, or for a change in the grading or quality of materials or for a change in methods of installation as set forth in this Code and accept or reject the same as affording the same degree of safety, and performance as the materials or methods provided for herein. The board shall use established standards of nationally recognized laboratories and research organizations in making its determination to

accept or reject the application. The applicant shall submit to the board all necessary information as may be required by the board in order for it to make its determination, and any expense incurred for the payment of laboratory reports shall be borne by the applicant. If, after a thorough study of the application and upon the basis of such study, it is determined that the public interest would be best served, would not be detrimental to the welfare of the public and would afford the same degree of safety as elsewhere provided for in this Code, the board shall approve the application; or should it be determined that it is against public interest, would not afford the same degree of safety as elsewhere provided for in this Code, the board shall deny the application. The code official shall notify the applicant and other interested parties of the action in regard to the application.

Sec. 4.A.030. - Board of electrical appeals—Matters pertaining to electrical elevators.

Whenever the board of electrical appeals has under consideration matters pertaining to elevators, the elevator inspector having charge of elevator installation shall sit with the board and act in an advisory capacity.

Sec. 4.A.040. - Scope—Purpose.

In order to provide practical safeguards of persons and of buildings from hazards arising from, affecting or relating to the construction, installation, alteration, repair, renewal, use, location and maintenance of all electric wiring, appliances or devices for light, heat or power, and for other purposes, basic standards of installation, authority to regulate and control are established, except that this Code does not cover installations in mines, ships, railway cars, automotive equipment, or the installations or equipment employed by a railway, electric or communication utility in the exercise of its function as a utility, and located outdoors or in buildings used exclusively for that purpose.

Sec. 4.A.050. - Definitions.

In addition to the definitions given in this Section, words and terms used in this Code shall be as defined in the National Electrical Code as referred to and adopted in Article 4.1 of this Code.

"Approved" as used in reference to materials or methods of construction, means that which conforms to standards as set forth in Section 2.010 of this Code and that which meets the approval of the Director of the MABCD of electrical and elevator section or the board of electrical appeals as the result of tests and investigations made by recognized technical or scientific organizations.

"Building code," as used in this Code, means Article 2 of this Code.

"Code Official" as used in this Code, means the Director of the MABCD or designee(s) of electrical and elevator section.

"Electrical Contractor" is a person, firm or corporation licensed to bid, plan, layout, install and supervise the installation of electrical wiring, or the installation of electrical equipment, devices or apparatus for light, heat or power purposes in or on any building or premises.

"Person" means a natural person, his heirs, executives, administrators or assigns, and including a firm, partnership or corporation, its or their successors or assigns. Singular includes plural, male includes female.

Sec. 4.A.060. - Provisions not retroactive.

Except for safety, nothing in this Code shall require any change in the installation of any wiring or the construction or erection of any appliance or device which complied with the law prior to the enactment of this Code. Any wiring, appliance or device illegally erected or installed prior to the enactment of this Code shall be removed or brought into compliance with this Code within thirty days of the effective date hereof.

Sec. 4.A.070. - Board of electrical appeals—Matters pertaining to electrical elevators.

Whenever the board of electrical appeals has under consideration matters pertaining to elevators, the elevator inspector having charge of elevator installation shall sit with the board and act in an advisory capacity.

Sec. 4.A.080. - Electrical inspectors—Appointments—Duties.

Within the jurisdiction of the City of Wichita, all commercial electrical inspectors shall have had a minimum of five years of practical experience in this field as a Journeyman or Master and hold a current electrical certificate and shall be duly appointed pursuant to the requirements set forth by the Director of the MABCD.

Within the jurisdiction of Sedgwick County, all commercial electrical inspectors shall have had a minimum of five years of practical experience in this field as a Journeyman or Master, and hold a current electrical certificate, or in lieu of such experience and certification, shall hold a current and valid electrical inspector certificate issued by an approved testing agency as determined by the Director of the MABCD, and have two (2) years' experience in electrical installations. Each inspector shall be duly appointed pursuant to the requirements set forth by the Director of the MABCD.

Upon satisfaction of the minimum qualifications for the appropriate jurisdiction, the Director of the MABCD shall have the discretion to appoint the employees as a combination inspector.

Sec. 4.A.090. - Electrical inspectors—Inspection of wiring.

The electrical inspector shall examine and approve all new, renewed, repaired, extended or altered installations of wiring before work is concealed and again inspect each job upon completion of the work. He shall not release for electrical energy any wiring or electrical equipment which does not meet the provisions of this Code.

Sec. 4.A.100. (80.27)- Electrical inspectors—Authority to issue written notices.

The electrical inspector shall issue a written notice for any failure to correct a violation of this

code. Should any person, firm or corporation served by such notice fail or refuse to comply with the orders contained in the notice within the time specified therein, the electrical inspector shall have the authority to disconnect or cause to be disconnected any electrical wiring or equipment and/or such person, firm or corporation shall be subject to the penalties provided for in See Article 1.2 of this Code.

Sec. 4.A.110. - Electrical inspectors—Authority to disconnect electrical wiring.

The electrical inspector shall have the authority to disconnect or cause to be disconnected from electric energy, any electrical wiring or equipment in case of emergency or when necessary for the protection of life or property, and he shall order the discontinuance of electrical energy to any electrical wiring, device or equipment found to be dangerous to life or property and to hold such wiring, device or equipment out of service until the same is made safe and conforms to the standards set forth in this Code.

Sec. 4.A.120. - Electrical inspectors—Right of entry.

In order to carry out the provisions of this Code, the electrical inspectors shall have the authority during reasonable hours to enter any building or upon any premises in the discharge of their duties for the purpose of making inspections and tests of an installation of electrical wiring, device, appliance or equipment contained therein.

Sec. 4.A.130. - Liability of persons owning or installing electrical wiring.

This Code shall not be construed to relieve from liability or to lessen the responsibility of any person owning, controlling or installing any electrical wiring, equipment or device. The City of Wichita or Sedgwick County shall not be held as assuming any liability of any nature by reason of the inspection authorized in this Code or certificate issued, and no offer or employee charged with the enforcement of this Code shall be held personally liable for any damage that may accrue to persons or property as a result of any act required or committed in the discharge of his duties.

Article 4, Section 1 - CERTIFICATES, PERMITS AND LICENSES

Sec. 4.1.005. - Electrical license—Required.

It is unlawful for any person, firm or corporation to engage in the business of electrical contractor without having secured an electrical license from the Director of the MABCD.

Sec. 4.1.010. - Master and journeyman electricians' certificates—Required.

It is unlawful for any person to engage in the business of electrical contracting without first having secured a master electrician's certificate as provided for in this Code. The master electrician shall be responsible for all electrical work encompassed in the inspection requested by and/or on the permit issued to his company.

It is further unlawful for any person to engage in the trade or otherwise perform the act of installing electrical wiring or raceways for equipment, apparatus or devices for light, heat or power, or other purposes within or on any building or premises without first having secured a

master electrician's certificate or a journeyman electrician's certificate as herein provided for and both be in the employ of a licensed electrical contractor. A holder of a residential wireman electrician's certificate may perform the act of installing any and all electrical wiring within or on one- and two-family dwellings only and must be in the employ of a licensed electrical contractor.

The following exception shall be allowed: Except as provided for in Sections 4.1.050 and 4.1.090 of this Code.

Sec. 4.1.015. - Apprentice electrician and/or electrical helper.

(a) Apprentice electricians or helpers shall be permitted to perform the act of or install any electrical work when he or she is on the job site with and under the supervision of a master, journeyman or residential wireman electrician certified and both be in the employ of a licensed electrical contractor. If an apprentice electrician or helper works without the required supervision, both the electrical contractor license holder and the apprentice electrician/helper shall be guilty of this offense.

(1) "Job site" is defined as the property that an individual permit is issued for.

(b) A numeric ratio of apprentices or helpers to certified master, journeyman or residential wireman electricians on any one job site shall not be greater than four apprentices and/or helpers for each certified electrician.

Sec. 4.1.020. - Electricians' certificates—Application—Examination.

Applications for examination for a master electrician’s certificate or a journeyman electrician’s certificate or a residential wireman electrician’s certificate shall be made to the office of the MABCD. The fee for an examination for a master electrician, journeyman electrician or residential wireman electrician shall be established by the Director of the MABCD, to cover the administrative costs.

Applicants for master electrician examination shall provide written documented proof of having a valid journeyman electrician certificate for a minimum of two years.

Applicants for journeyman electrician and residential wireman electrician shall provide written documented proof of at least two years field experience in the electrical construction industry. “Field experience” means working under the direct supervision of a person having a valid journeyman certificate or master certificate or attending an accredited electrical trade school. No more than one year of the requirement may be satisfied by trade related schooling. Schooling shall consist of a minimum of 240 hours classroom training. Documentation shall be the following:

Written letter on company letterhead form employer(s) stating job description and dates of employment and signed by a person qualified in the electrical trade; and

Copy of a transcript or attendance record from an accredited electrical trade school. The electrical examination will be administered in accordance with K.S.A. 12-1525 and amendments thereto, with a minimum passing score of seventy-five percent.

Sec. 4.1.025. - Electrician's certificates—Reciprocity.

Any person with written proof of successful completion of the required electrical master, journeyman or residential wireman electrician test pursuant to K.S.A. 12-1525 and amendments thereto, with a minimum score of seventy-five percent and with proof of having obtained, since January 1, 2006, not less than 12 hours biennially of continuing education approved by the MABCD, shall be issued the appropriate license by the Director of the MABCD or the designated representative. The MABCD shall establish a uniform fee to be charged all applicants for licenses.

Sec. 4.1.030. - Electricians' certificates—Renewal.

(a) The fee for the original certificate for a master electrician, journeyman electrician or residential wireman electrician shall be established by the Director of the MABCD to cover the administrative costs of issuing such certificates. This fee shall be paid to the MABCD when the application for a certificate is made. Individuals not holding a certificate at the beginning of the certificate cycle, who obtain a certificate during such certificate cycle by the standardized test required by K.S.A. 12-1525 and any amendments thereto, will be issued the initial certificate without documentation of continuing education. Such certificate will be issued noting the test provider, specific test type and grade. Such test must be completed during that certificate cycle. All such certificates shall expire on the thirty-first of December of each odd-number year. The biennial fee for all certificates shall be established by the Director of the MABCD to cover the administrative costs of issuing such certificates.

(b) Individuals passing the examination in the first year of a renewal cycle will need to provide documentation of 12 hours of approved continuing education when renewing their certificate. Not less than 6 hours shall consist of electrical code education. The continuing education shall be attended during the certificate cycle. Individuals passing the examination in the second year of a renewal cycle will need to provide documentation of 6 hours of approved continuing education when renewing their certificate. Not less than 3 hours shall consist of electrical code education. The continuing education shall be attended during the second year of the certificate cycle. Individuals with an active certificate that passed the examination prior to the first year of the renewal cycle must provide written proof of having completed biennially not less than 12 hours of continuing education approved by the MABCD. Not less than 6 hours shall consist of electrical code education. Continuing education shall be provided by the MABCD or a nationally recognized trade association, community college, technical school, technical college or other provider approved by the MABCD. All 12 hours of education shall consist of training relative to electrical construction, maintenance and code up-date training on the electrical code.

(c) Any holder of a certificate who fails to renew the same by March 1st from the date of expiration shall be required to submit one of the following:

(1) Proof of passing a new examination as required per Section 4.1.020 of this Code; or

(2) Proof of completing an additional 1½ hours of continuing education for each 3 month period the renewal is late and only when the original certificate was issued pursuant to K.S.A. 12-1525.

Sec. 4.1.040. - Electricians' certificates—Contractor's license—Revocation.

(a) The Board of Electrical Appeals is authorized to cancel, suspend and revoke the certificate of any master electrician, journeyman electrician, certified alarm installer, or residential wireman electrician for any or all of the following reasons:

(1) Committing of any act in violation of any provisions of this Code, or the refusal or failure to comply with any lawful and reasonable order of the code official or inspector;

(2) Misrepresentation of a material fact by the applicant in obtaining a certificate;

(3) Carelessness or negligence in providing reasonable safety measures for the protection of the public.

(b) The Board of Electrical Appeals is authorized to cancel and recall the license of any electrical contractor or alarm contractor for any or all of the following reasons:

(1) Abandonment of any contract without legal cause;

(2) Diversion of funds or property received for performance or completion of a specific contract for a specified purpose, in the performance or completion of any contract, and application or use for any other contract, obligation or purpose, or the failure, negligence or refusal to use such finds or property for the performance or completion of said contract;

(3) Committing of any act in violation of any provisions of this Code, or the refusal or failure to comply with any lawful and reasonable order of the code official or inspector;

(4) Misrepresentation of a material fact by the applicant in obtaining a license;

(5) Failure of any contractor to fully certify all claims for labor and material used in the performance of any work for which he has been engaged or for which he has been paid;

(6) Use of any license to obtain a permit for another as set forth in Section 1.080 of this Code;

(7) Carelessness or negligence in providing reasonable safety measures for the protection of workmen and the public;

(8) Failure to obtain permits as required in Section 4.1.110 of this Code;

(9) Unreasonable delay in the performance and carrying out of any contract;

(10) Failure by the licensee, if a firm, co partnership or corporation, to have at least one active member or officer who has qualified as and has a master's certificate as provided in Section 4.1.060 of this Code.

(11) Failure to have the required supervision for apprentice electrician or helper as set forth in Section 4.1.015 of this Code;

(12) That the license holder is in arrears on payment of electrical permit and/or re-inspection fees.

(13) Misrepresentation of a material fact by a certificate holder on an alarm registration as required by Chapter 3.40 of the Code of the City of Wichita;

(14) Allowing a non-certified individual to utilize certification or certification number for the purposes of completing an alarm registration as required by Chapter 3.40 of the Code of the City of Wichita.

(c) Upon presentation by the code official to the Board of Electrical Appeals of charges against any holder of any certificate, as set forth in this section, the Board of Electrical Appeals shall fix a time and place for a meeting to consider such charges and shall notify the holder of such certificate to be present at such meeting. Such notification shall be in writing and shall be presented to the holder at least five days in advance of the meeting. If upon full hearing of all evidence by the Board of Electrical Appeals it shall be decided that such holder of a certificate has been guilty of any of the actions as hereinbefore set forth in this section, then the board shall have the power to place on probation for a specified time period, temporarily suspend or permanently revoke the license or certificate of the holder thereof.

(d) When a certificate of a person has been revoked, a new certificate shall not be granted until he shall have corrected the violation in accordance with this Code or any ordinance of the city and shall have made application and have passed an examination as required for the original certificate.

Sec. 4.1.045. - Maintenance of electrical systems.

All electrical systems, both existing and new, shall be maintained in a safe condition. All service equipment, devices and safeguards shall be maintained in working order. When interior wall coverings are removed down to the framing members, such walls shall be brought up to the requirements of the latest edition of the National Electrical Code adopted by the MABCD. Any wiring, equipment, apparatus or devices that are replaced or rewired shall meet the latest edition of the National Electrical Code adopted by the MABCD.

Sec. 4.1.050. - Electrical work performed by owner-occupants **of owner-occupied or to be owner-occupied detached single-family dwellings.**

Repairs, Replacements, and Maintenance. A person who has received approval of a schematic electrical drawing from the electrical inspector or showing the proper electrical symbols and all the circuitry for the complete project, shall be issued a permit to alter, repair, replace, or maintain any electrical work on the load side of the service panelboard in a single-family dwelling used exclusively for living purposes, including the usual accessory buildings in connection with such buildings in the event that such person is the bona fide owner of such dwelling and accessory buildings, and that the same are occupied by the owner, provided, that said owner shall personally perform all labor in connection therewith. Said person shall call for inspections and otherwise observe all the applicable provisions of this Code.

New Installations in Existing Single-family Residences. The owner-occupant of a detached single-family dwelling may obtain a permit for any electrical installations on the load side of the service panelboard in the main structure and the usual accessory buildings thereto upon fulfillment of exam and plan review requirements as outlined elsewhere in this section. The owner obtaining said permit shall personally purchase all materials and shall personally perform

all labor in connection with the permitted project. The owner shall call for all inspections and otherwise observe all the applicable provisions of this Code.

Electrical Installations by Owner-occupants Constructing New Single-family Residences. Persons constructing a new detached single-family residence for their own personal use may be permitted to install all electrical work, on the load side of the service panelboard, in the main structure and the usual accessory structures thereto upon fulfillment of exam and plan review requirements as outlined elsewhere in this section. The owner-occupant shall call for inspections and otherwise observe all of the applicable provisions of this Code; provided, however, that the service entrance raceway, service entrance conductors, meter base, and service panelboard shall be installed by a licensed electrical contractor. The contractor shall call for the service related inspections.

Examinations and Plan Reviews for Installations Required. Owner-occupants applying for permits for installations as outlined above shall first qualify themselves by successfully passing a simplified open book examination dealing with relevant provisions of the Electrical Code. The fee for said examination shall be established by the Director of the MABCD to cover the administrative costs. Successful passage of the examination shall qualify the applicant for future permits until the time of the adoption of another edition of the National Electrical Code by the MABCD.

The following shall apply only within the City of Wichita jurisdiction:

Prior to permit approval, the applicant shall submit a plan of the installation drawn in a format acceptable in sufficient details to satisfy the code official of the overall code compliance of the anticipated drawing showing the proper electrical symbols and all the circuitry for the complete project. The fee for such plan review shall be established by the Director of the MABCD to cover the administrative costs. Plan submissions requiring extensive review and/or modification may be billed at a rate established by the Director of the MABCD to cover the administrative costs for each additional half hour or portion thereof beyond the original half hour upon prior notification of the applicant of such additional charges.

Permit fees shall be as set forth elsewhere in this Section and in Article 2 of this Code; provided, however, that each additional inspection owing to detected code deficiencies requiring correction shall be billed at a rate established by the Director of the MABCD to cover the administrative costs. Permits for electrical installations shall be limited to one in three years to each applicant unless a waiver is obtained, upon written application, from the board of electrical appeals.

Sec. 4.1.060. - License—Issuance of general electrical.

One electrical license may be issued to any person who is the owner or full time employee of one company only, possessing a valid master electrician's certificate issued by the MABCD, which license shall expire on the thirty-first day of December of the year in which issued. An electrical license may be issued to any firm or corporation of which at least one active member or officer who devotes full time to that firm or corporation and has qualified as and holds a master electrician's certificate; provided a separate license shall be issued for each place of business operated by such firm or corporation.

Sec. 4.1.070. - Electrical license—Elevator restrictions.

An electrical license shall authorize the holder thereof to install feeder conductors to the line side of the elevator controller but shall not authorize the holder thereof to do electrical work on the load side of the controller of such elevator.

Sec. 4.1.080. - License—Misuse.

No license holder shall permit the use of his name by any other person, either directly or indirectly, for the purpose of obtaining a permit or for the purpose of doing any electrical work under his license.

Sec. 4.1.090. - Firm or corporation wiring.

Any person not engaged in the business of electrical installation, within the scope of this Code, who has in his regular and permanent employ a person or persons who possess current and valid master electrician certificates, shall be permitted to have such person or persons install electrical wiring or otherwise perform electrical work in or on buildings or premises that are owned, leased, operated or managed by him. This shall not be construed, however, to allow the installation of electrical wiring in new buildings or to additions to existing buildings. Permits shall be obtained for such work as required in Section 4.1.110 of this Code, and the same shall be issued to the person causing the work to be done.

Sec. 4.1.100. - Re-inspection—Discontinued service.

An electrical inspection shall be required on structures from which the service has been disconnected and structures which have not been in use for six months or more prior to the restoration of service. An application shall be made and the fee set forth in Section 4.1.110 of this Code shall be paid to receive such inspection. If the system is found to be satisfactory, the code official or inspector shall notify the electrical utility that service be restored.

Sec. 4.1.110. - Electrical permit required—Fees listed. See Article 1.2 of this Code

Sec. 4.1.120. - Work exempt from permit.

The following work shall be exempt from the requirement for a permit.

(a) Listed cord and plug connected temporary decorative lighting;

(b) Repair or replacement of branch circuit overcurrent devices of the required capacity in the same location; and

(c) Communication wiring except as required by Chapter 3.40 of the Code of the City of Wichita.

In the Sedgwick County jurisdiction, the following installations are additionally exempt from permit:

(d) Temporary wiring for experimental purposes in suitable experimental laboratories; and

(e) Electrical wiring devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.

Exemption from the permit requirements of this Code shall not be deemed to grant authorization for work to be done in violation of the provisions of this Code or other laws or ordinances of this jurisdiction.

"Temporary" as used in this section is a period of time not to exceed ninety (90) days in a calendar year.

Sec. 4.1.130. - Permits not authority to violate title.

The issuance of granting of a permit shall not be deemed or construed to be a permit for or an approval of any violation of any of the provisions of this Code. No permit presuming to give authority to violate or cancel the provisions of this Code shall be valid, except insofar as the work or use which it authorizes is lawful.

Sec. 4.1.140. - Permits—Expiration—New permit required.

Every permit issued by the building official under the provisions of this Code shall expire by limitation and become null and void if the work authorized by the permit is not commenced within one hundred eighty days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced, for a period of one hundred eighty days, or one hundred eighty days has expired since an inspection, as required in Section 2.020 of this Code, was requested and such inspection was approved by the building authority.

Sec. 4.1.150. - Truth in advertising requirements. **See Article 1.4(d) of this Code**

Sec. 4.1.160. - Identification of service vehicles. **See Article 1.4(b) of this Code**

Sec. 4.1.170. – Insurance Requirements. **See Article 1.4(c) of this Code.**

ARTICLE 4, SECTION 2 - WIRING INSTALLATION REGULATIONS

Sec. 4.2.010. - Installation standards.

All electrical installations made shall be in strict conformity with the provisions of this Code. If sections contained within this Code, in a given situation, do not prescribe a specific type or class of material or specific standards of construction, then the standards as set forth and contained in the National Electrical Code, 2011 Edition including Informative Annex C (Conduit and Tubing Fill Tables), as published by the National Fire Protection Association as N.F.P.A. No. 70-2011, as presently constituted and as may be hereinafter amended, shall apply with the exception of Section 110.16; Section 110.24; Section 200.6(d); Section 210.4(b); Section 210.5(c); Section 210.12; Section 210.52(c)(1); Section 230.24(A) Exception No. 5; Section 230.40; Section 250.68(a) Exception No. 2; Section 300.4(H); Section 300.11(a)(2); Section 314.28; Section

334.10; Section 334.12(a)(1) Exception; Section 334.40(b); Section 334.80; Section 406.4(e); Section 406.8(b)(1) and (2); 410.64; Section 430.22(G)(1); Section 430.22(G)(2); Section 514.11; Section 590.4(D); Section 590.6(B)(2); Section 600.3; and Section 680.8; of such publication. Said N.F.P.A. No. 70-2011, was adopted by the National Fire Protection Association at its 2010 June Technical Session and approved as an American National Standard on August 25, 2010. By this publication, all provisions of such publication, with noted exceptions, are adopted by reference and made a part of this Code, and this Section as though fully set forth herein.

Sec. 4.2.020. - Wiring to be inspected prior to concealing.

Before any electric wiring or raceway is concealed from view during the course of construction, the person doing the work shall notify the electrical inspector that such work is ready for inspection. The electrical inspector shall inspect such work within forty-eight hours, provided such limit of time comes upon a regular working day of the inspector. If any defects exist, the electrical contractor shall be notified and he shall rectify the same and request an inspection before the work is concealed. The code official shall have the authority to require any concealment to be removed. Failure to comply with this order of the code official shall result in condemnation of the structure or any part thereof and prohibition of occupancy.

The electrical inspector shall be notified by the electrical contractor when the electrical work is completed and ready for inspection; and if such work conforms with this Code, the installation shall be released to the utility company for service connection.

When the electrical inspector observes or it is called to his attention that any electrical work is installed contrary to or in violation of any provisions of this code, it shall be his duty to immediately notify the person responsible for the installation that the violation or violations exist. All defective or substandard installations shall be corrected within forty-eight hours from time of notification by the electrical inspector.

It is unlawful for any person or utility company to connect any electrical wiring, device, appliance or equipment, for which a permit or approval is required, to any source of electrical energy without first having approval by the electrical inspector for the connection.

When requested and upon completion of the work, a certificate of inspection shall be issued showing that such work meets the requirements of this Code.

Sec. 4.2.025. - Inspection required.

Any person, firm or corporation who installs any electrical wiring shall request the inspection when the electrical work is completed and ready for inspection. It shall be the duty of the person requesting any inspection required by this Code, to provide access to and means for inspection of such work.

Sec. 4.2.030. - Reinspection of wiring, etc.

The electrical inspector shall make a thorough reinspection of all electrical wiring devices, appliances and equipment whenever deemed advisable within or on any building or premises. When the installation of any electric wiring, device, appliance or equipment is found to be in

dangerous and unsafe condition and in noncompliance with this Code, the person owning, using or operating the same shall be notified in writing and shall make the necessary repairs and changes required to place such wiring, device, appliance or equipment in compliance with this Code within the time specified in the notice. Upon failure to comply with the written notice and payment of reinspection fee, the electrical inspector is hereby authorized to notify the utility company supplying electric energy to such building or premises to discontinue electric service and to continue to do so until instructed by the electrical inspector that service may be restored.

Sec. 4.2.040. - Number of service—Entrance conductor sets.

Section 230.40 of the National Electrical Code shall be amended to read as follows:

> Number of Service-Entrance Conductor Sets. Each building shall be supplied by only one service drop or lateral. Each service drop or lateral shall supply only one set (or sets where connected in parallel) of service-entrance conductors. All service-entrance conductors shall terminate at the same location.
>
> > ***Exception #1:*** Where two to six service disconnecting means in separate enclosures are grouped at one location, one set of service-entrance conductors shall be permitted to supply each such service equipment enclosure.
> >
> > ***Exception #2:*** A two family dwelling unit without an approved area separation wall as defined by the currently adopted Building Code, and served from one service drop or lateral, shall be permitted to have one set of service entrance conductors run to each dwelling unit without the mains from both units being located together.

Sec. 4.2.050. - Services—Maximum amps, volts, etc.

A. Service Length. Unfused service entrance conductors shall not be extended more than fifteen feet inside any building.

B. Service Disconnects. Main disconnects shall be installed on the load side of the utility company's meters where not more than six meters and service equipment are grouped together. Where there is an existing main disconnect ahead of six meters or less and all the services are completely revamped, the main disconnects shall be relocated on the load side of the meters.

Sec. 4.2.060. - Branch circuit panelboard requirements.

All panels installed shall be sufficiently large enough to provide four blank spaces or four overcurrent protective devices for future use.

Sec. 4.2.070. - Conductor requirements.

A. *Commercial and Industrial.*

> (1) *Type.* All commercial and industrial wiring conductors rated two hundred amperes or less, including all service conductors required to be installed by the licensed electrical contractor, shall be copper. For parallel conductors, each individual conductor of a parallel set shall meet the requirements of this section. Parallel conductors are not to be considered

a single conductor.

Exception. Feeder circuit and branch circuit conductors rated one hundred amperes or more, may be aluminum or copper-clad aluminum, provided panelboards or disconnect switches served by such circuits are marked by the manufacturer as being suitable for aluminum or copper-clad aluminum termination. (Effective 2/1/82).

(2) *Minimum Size.* The minimum size conductors shall be No. 12 AWG copper, except smaller sizes will be acceptable for control wiring.

B. *Residential.* In the jurisdiction of the City of Wichita, all residential and accessory building wiring conductors less than 100 amperes shall be copper. In the jurisdiction for Sedgwick County all residential and accessory building wiring conductors less than 100 amperes can be copper or aluminum.

Sec. 4.2.080. - Concrete-encased electrode.

The grounding electrode conductor to a concrete-encased electrode shall be not less than that required in Table 250.66 of the National Electrical Code.

Sec. 4.2.090. - Color code—Branch circuits.

Where installed in raceways, as cable or as open work, all conductors connected to the same system shall conform to the following color code:

Three-phase, four-wire 120/208 volt - phase A - black, phase B - red, phase C - blue, grounded conductor - white;

Three-phase, four-wire 277/480 volt—phase A - brown, phase B - orange, phase C - yellow, grounded conductor - gray.

The grounded conductor of a three wire 240 volt delta system shall be identified by alternating white and red stripes encircling the conductor.

The grounded conductor of a three wire 480 volt delta system shall be identified by alternating gray and orange stripes encircling the conductor.

Ungrounded circuit conductors used as travelers between 3-way and 4-way switches may be of colors other than those specified.

All conductor sizes 6 AWG or smaller shall be identified by a continuous outer finish along its entire length. Sizes larger than 6AWG shall be identified, at time of installation, by distinctive color markings at its terminations. This marking shall encircle the conductor or insulation.

All circuit conductors of the same color shall be connected to the same ungrounded conductor throughout the premises wiring system(s).

Sec. 4.2.100. - Smoke detector requirements.

Reference shall be made to the appropriate sections of the Title 15 in the jurisdiction of the City

of Wichita and Title 12 for the jurisdiction of Sedgwick County.

Sec. 4.2.110. - Splicing of service-entrance conductors.

Service-entrance conductors shall not be spliced.

> ***Exception No. 1:*** Clamped or bolted connections in metering equipment enclosures shall be permitted.
>
> ***Exception No. 2:*** Where service-entrance conductors are tapped to supply two to six disconnecting means grouped at a common location.
>
> ***Exception No. 3:*** At a properly enclosed junction point where an underground wiring method is changed to another type of wiring method.
>
> ***Exception No. 4:*** A connection shall be permitted where service conductors are extended from a service drop to an outside meter location and returned to connect to the service-entrance conductors of an existing installation.
>
> ***Exception No. 5:*** Where service-entrance conductors consist of busway, connections shall be permitted as required to assemble the various sections and fittings.

Sec. 4.2.120. - Switches—Height of.

All switches located outside of a building shall be placed not less than six feet above the finish grade unless they are of the dead front pullout type, or heavy duty type.

> **Exception**. Commercial and industrial installations which are accessible only to authorized personnel.

Sec. 4.2.125. - Type NM, NMC and NMS cable ampacity.

The ampacity of Types NM, NMC, and NMS cable shall be determined in accordance with 310.16. The ampacity shall be in accordance with the 60°C (140°F) conductor temperature rating.

Sec. 4.2.130. - NM Cable connectors.

Two piece NM Cable connectors, commonly known as Tomic connectors, shall be permitted to have a maximum of 3 cables in each connector.

Sec. 4.2.135. - Type NM, NMC and NMS cable ran exposed in unfinished basements.

Article 334.15(c) of the National Electrical Code shall be amended to read:

> (C) In Unfinished Basements. Where cable is run at angles with joists in unfinished basements, it shall be permissible to secure cables not smaller than two 6 AWG or three 8 AWG conductors directly to the lower edges of the joists. Smaller cables shall be run either through bored holes in joists or on running boards. NM cable installed on the wall of an

unfinished basement shall be permitted to be installed in a listed conduit or tubing or shall be protected in accordance with Article 300.4. Conduit or tubing shall be provided with a suitable insulating bushing or adapter at the point the cable enters the raceway. The NM cable sheath shall extend through the conduit or tubing and into the outlet or device box not less than 6 mm (¼ in.). The cable shall be secured within 300 mm (12 in.) of the point where the cable enters the conduit or tubing. Metal conduit, tubing, and metal outlet boxes shall be connected to the equipment grounding conductor.

Sec. 4.2.140. - Arc-making devices—Clearance from gas meters.

All switches, motors, receptacles, meter, or other arc-making devices shall have a minimum clearance of three feet in any direction from any gas meter when such equipment is installed inside of a building and in the same room as the gas meter.

Sec. 4.2.150. - Ceiling grid support wires.

The following is added to the section 300.11(A)(2) of the National Electrical Code:

Exception No. 2: MC cable or flexible metal conduit may be attached to the ceiling grid support wires serving lighting fixtures located within the ceiling grid area where all the following conditions apply.

1. The MC cable or flexible metal conduit must not be larger than trade size ½ inch.

2. Only a single MC cable or flexible metal conduit may be attached per ceiling grid support wire.

3. Only clips or devices approved for the purpose may be used to attach the MC cable or flex to the support wires.

Sec. 4.2.160. - Sewage ejector pumps.

All sewage ejector pumps shall be installed on individual motor branch circuits.

Sec. 4.2.165. - Sewage ejector pumps and sump pumps.

In a dwelling, ground fault circuit interrupter protection shall not be required on a sewage ejector pump or sump pump that is cord and plug connected to a single receptacle installed on a dedicated circuit.

Sec. 4.2.166. - Residential garage door opener.

In a dwelling, ground fault circuit interrupter protection shall not be required on an overhead garage door opener that is cord and plug connected to a single receptacle installed in the ceiling directly above the overhead garage door opener motor.

Sec. 4.2.170. - Conduit bodies.

Section 314.28 of the National Electrical Code shall be amended to read as follows: Boxes and conduit bodies trade size over 2 inches used as pull or junction boxes shall comply with 314.28(A) through (D).

Sec. 4.2.175. - Arc-Fault Circuit-Interrupter Protection.

(A) Definition: Arc-Fault Circuit Interrupter. An arc-fault circuit interrupter is a device intended to provide protection from the effects of arc faults by recognizing characteristics unique to arcing and by functioning to de-energize the circuit when an arc fault is detected.

(B) Dwelling Unit Bedrooms. All 120-volt, single phase, 15- and 20-ampere branch circuits supplying outlets installed in dwelling unit bedrooms shall be protected by a listed arc-fault circuit interrupter, combination type installed to provide protection of the branch circuit.

> **Exception**: The location of the arc-fault circuit interrupter shall be permitted to be at other than the origination of the branch circuit in compliance with (a) and (b):
>
> (a) The arc-fault circuit interrupter installed within 1.8 m (6 ft) of the branch circuit overcurrent device as measured along the branch circuit conductors.
>
> (b) The circuit conductors between the branch circuit overcurrent device and the arc-fault circuit interrupter shall be installed in a metal raceway or a cable with a metallic sheath.

Sec. 4.2.180. - Nonmetallic-sheathed cable: Type NM, NMC, and NMS.

Uses permitted: Type NM, Type NMC and Type NMS cable shall be permitted to be used only in one- and two-family dwellings and their accessory structures and multifamily dwelling units. The structure shall not exceed three floors above grade. These structures shall be served only by single-phase services.

Sec. 4.2.185. - Receptacles in countertops not to be installed face-up.

Section 406.4(E) of the 2005 National Electrical Code shall be amended to read as follows:

> (E) Receptacles in Countertops and Similar Work Surfaces. Receptacles shall not be installed in a face-up position in countertops or similar work surfaces.

Sec. 4.2.186. - Receptacle behind a range or sink.

Section 210.52(c)(1) exception of the National Electrical Code shall be amended to read as follows:

> ***Exception:*** Receptacle outlets shall not be required on a wall directly behind a range or sink.

Sec. 4.2.190. - Receptacles in wet locations.

Section 406.8(B)(1) & (2) of the National Electrical Code shall be amended to read as follows:

(B) Wet Locations. All 15- and 20-ampere, 125- and 250-volt nonlocking receptacles shall be listed weather-resistant type. All receptacles installed in a wet location shall comply with either of the following:

(1) A receptacle installed in a wet location, where the product intended to be plugged into it is not attended while in use, shall have an enclosure that is weatherproof with the attachment plug cap inserted or removed.

(2) A receptacle installed in a wet location where the product intended to be plugged into it will be attended while in use (e.g., portable tools) shall have an enclosure that is weatherproof when the attachment plug is removed.

Sec. 4.2.193. - Lighting outlets required.

The following requirements for lighting outlets are in addition to the requirements in the latest edition of the National Electrical Code adopted by the MABCD.

A. Residential unfinished basements. Each storage area and all future habitable spaces, as defined by the currently adopted Building Code, that are in the framed-in stage shall have a lighting outlet with a wall-mounted switch for each area or room. Lighting outlets containing a switch shall be controlled by a wall switch.

B. Commercial storage units. Each storage unit shall have a lighting outlet inside the unit with a switch located at the usual point of entry to the storage unit. This luminaire shall be of the type that has a completely enclosed light source.

Exception: Structures that are not on a permanent foundation.

Sec. 4.2.195. - Pools shall not be located under overhead wiring.

Section 680.8 of the National Electrical Code shall be amended to read as follows: The following parts of pools shall not be placed under existing electrical, communication, CATV, Network powered Broadband conductors or any other overhead wiring; nor shall such wiring be installed above the following:

(1) Pools and the area extending 10 ft horizontally from the inside of the walls of the pool,

(2) Diving structure, or

(3) Observation stands, towers or platforms.

Sec. 4.2.200. - Permitted use of multiplex cable.

Multiplex cable may be installed as an approved wiring method for outdoor aerial use only, with

the following restrictions.

(a) Permitted for outside aerial use only.

(b) Minimum wire size shall be: #1 aluminum or #8 copper.

(c) In all cases, the phase conductors and the neutral conductor must be insulated and identified.

(d) The ampacity of the conductors must comply with the values for the respective size and conductor material as listed in the seventy-five degree column of the Ampacity Tables of the latest adopted edition of the National Electrical Code.

Sec. 4.2.210. - Temporary construction service requirements.

Temporary services used during construction, remodeling or repair of buildings or structures shall not be attached to a building. The temporary service shall have a minimum of one 125-volt 20-amp receptacle and one 125/250-volt 30-amp twist lock receptacle NEMA L14-30, and meet all other requirements of the latest edition of the National Electrical Code adopted by the MABCD.

Sec. 4.2.220 - Conduits exposed to sunlight on rooftops.

Where conductors or cables are installed in conduits with a horizontal length exceeding 6 feet and exposed to direct sunlight on or above rooftops, the adjustments shown in Table 310.15(B)(2)(c) shall be added to the outdoor temperature to determine the applicable ambient temperature for application of the correction factors in Table 310.16 and Table 310.18 of the National Electrical Code.

Sec. 4.2.230. - Provisions for heating units.

This Section 4.2.230 only applies in the jurisdiction of the City of Wichita.

Where a heating unit is installed for the unit or space intended for human occupancy per the requirements set forth in Article 5, the heating unit shall be directly wired into the building wiring with a disconnecting means installed in a readily accessible location within sight from the heating unit.

Article 4, Section 3 - MOBILE HOMES

Sec. 4.3.010. - Manufactured home installer's license—Required.

It is unlawful for any person to engage in the business, trade or otherwise perform the act of installing electric wiring or of the installation of electrical equipment, devices or apparatus for light, heat, or power purposes in or on any mobile or manufactured home without having secured a manufactured home installer's license from the State of Kansas pursuant to the Manufactured Housing Act, K.S.A. 58-4202, *et seq.* and amendments thereto.

Exception. Any person possessing a valid electrical contractor's license as provided for under the

provisions of this Code shall be permitted to perform any act set forth in this section.

Sec. 4.3.020. - Permits and fees. See also Article 1.2 of this Code.

A permit shall be obtained to install any wiring in, on or to any mobile or manufactured home or accessory structure and the permit fee computed as detailed in Section 4.1.110 of this Code.

Sec. 4.3.030. - Conductor requirements.

In the jurisdiction of the City of Wichita, all mobile or manufactured home and accessory building wiring conductors rated two hundred amperes or less, including all service conductors that are not owned and maintained by the electrical utility company, shall be copper. In the jurisdiction of Sedgwick County, all mobile or manufactured home and accessory building wiring conductors rated two hundred amperes or less, including all service conductors that are not owned and maintained by the electrical utility company, can be copper or aluminum.

Article 4, Section 4 - PREFABRICATED ASSEMBLIES

Sec. 4.4.010. - Definitions.

The following definitions shall apply in the interpretation of this chapter:

(1) "Prefabricated assembly" means a structural unit, the integral parts of which have been built up or assembled prior to incorporation in the building or to being erected as a building unit.

(2) "Approved agency" means an established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when such agency has been approved by the building official (Director of the MABCD).

Sec. 4.4.020. - Certificates of approval.

A certificate of approval by an approved agency shall be furnished with every prefabricated assembly, except where the assembly is readily accessible to inspection at the site. The certificate of approval shall certify that the assembly in question has been inspected and meets all the requirements of Article 4 of this Code.

Sec. 4.4.030. - Field erection.

Placement of prefabricated assemblies at the building site shall be inspected by the electrical inspector to determine compliance herewith.

Sec. 4.4.040. - Master electrician's certificate or approved agency certification.

The installation of electrical wiring for equipment, apparatus or devices for light, heat or power purposes within or on any prefabricated assembly to be erected shall be performed under the supervision of a person who has secured a master electrician's certificate as set forth in Sections 4.1.020 and 4.1.030 of this Code, or shall have been factory installed and inspected by an agency

approved by the building official as provided in Section 4.1.010 of this Code.

Sec. 4.4.050. - Permits and fees. See also Article 1.2 of this Code.

A permit shall be obtained to install any prefabricated assembly and the permit fee computed as detailed in Section 4.1.110 of this Code.

Article 4, Section 5 - ELEVATORS AND ESCALATORS

Sec. 4.5.010. - Purpose.

The purpose of this chapter is to safeguard life, limb, property, and public welfare by establishing minimum requirements regulating the design, construction, alteration, operation, and maintenance of elevators, dumbwaiters, escalators, and moving walks, and by establishing procedures by which these requirements may be enforced. The purpose of this code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Code.

Sec. 4.5.020. - Installation standards.

(A) All elevators, dumbwaiters, escalators, moving walks, material lifts and related hoistways installations made shall be in strict conformity with the provisions of this Code and with the approved standards of construction, for safety to life and property. If sections contained within this Code, in a given situation, do not prescribe a specific type or class of material or specific standards of construction, then the standards as set forth and contained in the ANSI/ASME A17.1-2004 Safety Code for Elevators and Escalators with all the addendums thereto, published by the American Society of Mechanical Engineers, shall apply to the design, construction, installation, operation, alteration and repair of elevators, handicapped accessibility lifts, dumbwaiters, escalators and moving walks and their hoistways with the exception of Section 8.11.5.2. All elevators, escalators, and related equipment, shall be subject to the applicable acceptance and periodic inspections and tests as specified in the currently adopted edition of the ANSI/ASME A17.1 Safety Code for Elevators and Escalators. The periodic inspections and periodic tests of category 1 shall be made at intervals not longer than one year. The periodic tests of category 3 and 5 shall be made at intervals not longer than five years. By this publication, all provisions of such publication, are adopted by reference and made a part of this Code, and this Section as though fully set forth herein.

(B) All handicapped accessibility lifts, inclined stairway chairlifts, inclined and vertical platform lifts, and private residence inclined stairway chairlifts and private residence inclined and vertical platform lifts shall be in strict conformity with the provisions of this Code and with the approved standards of construction, for safety to life and property. If sections contained within this Code, in a given situation, do not prescribe a specific type or class of material or specific standards of construction, then the standards as set forth and contained in the ANSI/ASME A18.1-2003 Safety Standard for Platform Lifts and Stairway Chairlifts with all addendums thereto, published by the American Society of Mechanical Engineers, shall apply to the design, construction, installation, operation, alteration and repair of handicapped accessibility lifts. All handicapped accessibility lifts, inclined stairway chairlifts, inclined and vertical

platform lifts, and private residence inclined stairway chairlifts and private residence inclined and vertical platform lifts and related equipment, shall be subject to the applicable acceptance tests as specified in the currently adopted edition of the ANSI/ASME A18.1 Safety Standard for Platform Lifts and Stairway Chairlifts. All handicapped accessibility lifts, inclined stairway chairlifts, inclined and vertical platform lifts, except private residence, shall be subject to periodic inspections and one year and five year periodic tests as specified in the currently adopted edition of the ANSI/ASME A18.1 Safety Standard for Platform Lifts and Stairway Chairlifts. The periodic inspections shall be made at intervals not longer than one year. By this publication, all provisions of such publication, are adopted by reference and made a part of this Code, and this Section as though fully set forth herein.

Sec. 4.5.030. - Definitions.

"Elevator" as used in this Code, is inclusive of elevators, escalators, dumbwaiters, moving walks and material lifts.

"Handicapped accessibility lift" means a hoisting and lowering mechanism equipped with a car, platform or chair that is installed in locations for use by the physically handicapped. For purposes of this Code, this definition specifically refers to the following devices: Inclined stairway chairlifts, inclined and vertical platform lifts, and private residence inclined stairway chairlifts and private residence inclined and vertical platform lifts.

"Modernization," as used in this Code, means updating all aspects of the car, platform, hoistway, machine room and all related equipment. The requirements set forth in the currently adopted edition of the ANSI/ASME A17.1 Safety Code for Elevators and Escalators, published by the American Society of Mechanical Engineers shall apply.

Sec. 4.5.040. - Elevator inspectors—Appointments—Duties.

Within the jurisdiction of the City of Wichita, all elevator inspectors shall have had a minimum of five years of practical experience in this field as a Journeyman or Master and hold a current elevator inspector's certificate and shall be duly appointed pursuant to the requirements set forth by the Director of the MABCD.

Within the jurisdiction of Sedgwick County, all elevator inspectors shall have had a minimum of five years of practical experience in this field as a Journeyman or Master, and hold a current elevator inspector's certificate, or in lieu of such experience and certification, shall hold a current and valid elevator inspector certificate issued by an approved testing agency as determined by the Director of the MABCD, and have two (2) years' experience in elevator installations. Each inspector shall be duly appointed pursuant to the requirements set forth by the Director of the MABCD.

Upon satisfaction of the minimum qualifications for the appropriate jurisdiction, the Director of the MABCD shall have the discretion to appoint the employees as a combination inspector.

Sec. 4.5.050. - Elevator inspectors—Authority to issue written notices.

The elevator inspector shall issue a written notice for any failure to correct a violation of this code. Should any person, firm or corporation served by such notice fail or refuse to comply with the orders contained in the notice within the time specified therein, the elevator inspector shall have the authority to remove from service any elevator, escalator or related equipment and/or such person, firm or corporation shall be subject to the penalties provided for in Article 1.2 of this Code.

Sec. 4.5.060. - Elevator inspectors—Right of entry.

In order to carry out the provisions of this Code, the elevator inspectors shall have the authority during reasonable hours to enter any building or upon any premises in the discharge of their duties for the purpose of making inspections and tests of an installation of elevators, handicapped accessibility lifts, dumbwaiters, escalators, moving walks and related hoistways.

Sec. 4.5.070. - Elevator inspectors—Authority to remove from service.

The elevator inspector shall have the authority to remove from service or cause to be removed from service, any elevator or escalator when necessary for the protection of life or property, and shall order the equipment out of service until the same is made safe and conforms to the standards set forth in this Section and verified by the inspector.

Sec. 4.5.080. - Liability of persons owning or installing elevators or escalators.

This Section shall not be construed to relieve from liability or to lessen the responsibility of any person owning, controlling or installing any elevators, handicapped accessibility lifts, dumbwaiters, escalators and moving walks. Neither the City of Wichita nor Sedgwick County shall not be held as assuming any liability of any nature by reason of the inspection authorized in this Code or certificate issued, and no officer or employee charged with the enforcement of this Code shall be held personally liable for any damage that may accrue to persons or property as a result of any act required or committed in the discharge of his duties.

Sec. 4.5.085. - Penalites for violations. See Article 1.2 of this Code.

Sec. 4.5.090. - Elevator or handicapped accessibility lifts license—Required.

It is unlawful for any person to engage in the business of the installation or repair of elevators, handicapped accessibility lifts, dumbwaiters, escalators or moving walks in or on any building or premises without having secured an elevator license from the Director of the MABCD.

Sec. 4.5.095. - Master and journeyman electrical elevator certificates—Required.

It is unlawful for any person to engage in the business of elevator or handicapped accessibility lifts contracting without first having secured a master elevator certificate as provided for in this Code. The master shall be responsible for all work encompassed in the inspection requested by and/or on the permit issued.

It is further unlawful for any person to engage in the trade or otherwise perform the act of installing or repairing elevator, handicapped accessibility lifts, dumbwaiters, escalators or moving walks within or on any building or premises without first having secured a master or journeyman elevator's certificate as herein provided for and be in the employ of a licensed elevator or handicapped accessibility lifts contractor.

Sec. 4.5.096. - Apprentice elevator mechanic and/or helper.

(a) Apprentice elevator mechanic or helper shall be permitted to perform the act of installing or repairing elevators, handicapped accessibility lifts, dumbwaiters, escalators or moving walks when he or she is on the job site with and under the supervision of a master or journeyman elevator mechanic certified by this Code and both be in the employ of a licensed electrical contractor. If an apprentice or helper works without the required supervision, both the elevator contractor license holder and the apprentice/helper shall be guilty of this offense.

(1) *"Job site"* is defined as the property that an individual permit is issued for.

(b) A numeric ratio of apprentices or helpers to certified master or journeyman elevator mechanics on any job site shall not be greater than four (4) apprentices and/or helpers for each certified elevator mechanic.

Sec. 4.5.100. - Elevators' certificates—Application—Examination—Renewal.

Applications for examination for a master elevators certificate shall be made to the MABCD. Applicants for the elevators examination shall provide written documented proof of at least four (4) years practical experience as a mechanic or mechanic apprentice in the elevator or handicapped accessibility lift construction industry or attending an accredited elevator trade school. No more than one (1) year of the requirement may be satisfied by trade related schooling consisting of minimum of two hundred forty (240) hours classroom training.

Documentation shall be the following:

(1) written letter on company letterhead from employer(s) stating job description and dates of employment;

(2) copy of a transcript or attendance record from an accredited elevator trade school;

(3) a written letter on a city letterhead from the building official or elevator inspection division of a city where the applicant is licensed as an elevator or handicapped accessibility lift contractor, or is certified by that city as an electrical elevator master and stating the length of time of the certification or license.

The fee for an examination and original certificate for an elevator master shall be established by the Director of the MABCD to cover the administrative costs of issuing such certificates. This fee shall be paid to the MABCD when the application for an examination is made. Such certificate shall expire on December 31st of each odd-number year.

The biennial fee for renewal of this certificate shall be established by the Director of the MABCD to cover the administrative costs of issuing such certificates. Any holder of a certificate who fails to renew the same by March 1st from the date of expiration shall be required to take a

new examination before receiving a new certificate.

A ninety (90) day temporary journeyman elevator certificate may be issued to an applicant providing documented proof of at least four (4) years practical experience in the elevator or handicapped accessibility lift construction industry.

Documentation shall be one of the following:

(1) written letter on company letterhead from employer(s) stating job description and dates of employment;

(2) a written letter on a city letterhead from the building official or elevator inspection division of a city where the applicant is licensed as an elevator or handicapped accessibility lift contractor, or is certified by that city as an electrical elevator master and stating the length of time of the certification or license.

The fee for this certificate shall be established by the Director of the MABCD to cover the administrative costs of issuing such certificates. Such certificates shall be limited to one in twenty-four (24) months to each applicant.

Sec. 4.5.105. - Elevator certificates—Reciprocity.

Any person with written proof of successful completion of the required elevator master test promulgated or administered, or both, by Prometric, a current subsidiary of educational testing services, with a minimum score of seventy-five (75) percent, since January 1, 2006 or any person with written proof of successful completion of the QEI-1 test promulgated or administered, or both, by National Association of Elevator Safety Authorities International, Elevator Industry Work Preservation Fund or QEI Services - Robinson Elevator Group, with a minimum score of seventy-five (75) percent, since January 1, 2006 shall be issued the appropriate certificate. The MABCD shall establish a uniform fee to be charged for certificates.

Sec. 4.5.110. - License—Issuance of elevator.

Any person, firm or corporation shall be issued an elevator license, provided such person or one active officer of the firm or corporation who devotes full time to that firm or corporation shall have submitted evidence and has qualified as to experience and ability in matters pertaining to the installation and maintenance of elevators. Such experience and ability must be confirmed by successful passage of an examination as required in Section 4.5.100 of this Code. The license shall expire on the thirty-first of December of the year in which so issued.

Sec. 4.5.120. - Elevator license—Restrictions.

Elevator licenses shall permit the holders thereof to install only electrical work on the elevator side of the feed wire connection to the controller, including the control board, elevator motors, signals and lights, and to do all other wiring required for the control and operation of the elevators. All electrical work performed under licenses issued in conformance with this section must be in conformance with the provisions of this Code.

Sec. 4.5.130. - Electrical elevator certificates—Elevator contractor's license—Revocation.

Electrical elevator certificates and elevator contractor's license requirements and revocation procedures shall be the same as provided for under Section 4.1.040.

Sec. 4.5.140. - License—Issuance of handicapped accessibility lifts contractor.

Any person, firm or corporation shall be issued an handicapped accessibility lifts license, provided such person or one active member or officer of the firm or corporation who devotes full time to that firm or corporation shall have submitted evidence of qualifications and experience and has been examined as required in Section 4.5.100 of this Code in handicapped accessibility lifts. The license shall expire on the thirty-first of December of the year in which so issued.

Sec. 4.5.150. - Handicapped accessibility lifts license—Restrictions.

Handicapped accessibility lifts licenses shall permit the holders thereof to install only electrical work on the load side of the disconnect or controller of the handicapped accessibility lift, including motors, signals and lights and to do all other wiring required for the control and operation of the handicapped accessibility lift. All electrical work performed under licenses issued in conformance with this section must be in conformance with this Code.

Sec. 4.5.160. - Handicapped accessibility lifts contractor's license—Revocation.

Handicapped accessibility lifts contractor's license requirements and revocation procedures shall be the same as provided for under Section 4.1.040 of this Code.

Sec. 4.5.170. - License—Misuse.

No license holder shall permit the use of his name by any other person or entity, either directly or indirectly, for the purpose of obtaining a permit or for the purpose of doing any elevator, handicapped accessibility lift, dumbwaiter, escalator or moving walk work under his license.

Sec. 4.5.180. - Owners requesting elevator removed from service.

Owners requesting an elevator removed from service shall have the elevator contractor perform the following:

(A) Hydraulic Elevator: Open the manual lowering valve and land the elevator car on the springs. Remove the hydraulic fluid.

(B) Traction Elevator: Lower the elevator car and land on the springs. Remove the hoist cables.

Sec. 4.5.190. - Alterations and repairs.

The following alterations and/or repairs require permits from the MABCD:

(1) Increase in rated load or speed;

(2) Increase or decrease in dead weight of car;

(3) Increase or decrease in travel;

(4) Change in type of operation or control;

(5) Replacement, change in size, length or number of suspension ropes, belts or chains;

(6) Replacement, change in size or length of safety or governor ropes;

(7) Replacement, change in size or type of guide rails;

(8) Replacement, change in type or addition of a car or counterweight safety;

(9) Change in power supply;

(10) Replacement of an existing machine by a new driving machine;

(11) Replacement of an existing governor by a new governor;

(12) Replacement of an existing controller by a new controller;

(13) Replacement of an existing driving machine brake by a new brake;

(14) Replacement of tanks or anticreep leveling device;

(15) Replacement of pump, motor or valves;

(16) Replacement of hoistway doors;

(17) Replacement of hoistway door re-opening devices;

(18) Addition of hoistway-door locking devices or car-door or gate electric contacts;

(19) Addition of hoistway access switches;

(20) Addition of top-of-car operating devices;

(21) Addition of top-of-car, hoistway-door and/or car-door or gate operating devices;

(22) Addition of rope equalizers;

(23) Addition of auxiliary rope-fastening devices;

(24) Addition of car-leveling or truck-zoning devices;

(25) Addition of roller guide shoes;

(26) Addition of automatic transfer device;

(27) Addition of fire service;

(28) Addition of ADA compliant devices;

(29) Replacement of hydraulic cylinder or plunger;

(30) Replacement, addition or removal of canopy, wall or floor covering;

(31) Replacement of car operation panel;

(32) Prior to placing an elevator back in service after it has been red tagged;

(33) Replacement of escalator step(s).

Sec. 4.5.195. - Elevator inspected prior to use.

All new and red tagged elevators shall be inspected and approved prior to use by the public. The elevator contractor shall notify the elevator inspector two business days before the elevator is ready for inspection.

When the elevator inspector observes or it is called to his attention that any elevator work is installed contrary to or in violation of any provisions of this code, it shall be his duty to immediately notify the person responsible for the installation that the violation or violations exist. All defective or substandard installations shall be corrected within forty-eight hours from time of notification by the elevator inspector.

Sec. 4.5.200. - Permit required—Fees listed. **See Article 1.2 of this Code.**

Sec. 4.5.210. - Test tags.

Elevators and escalators shall have a metal tag with the test date and the name of the person or firm performing the test installed in the machine room for all one year and five year periodic tests.

Handicap accessibility lifts, inclined stairway chairlifts and inclined and vertical platform lifts shall have a metal tag with the test date and the name of the person or firm performing the test attached to the governor, machine or equipment in a permanent manner for all one year and five year periodic tests.

Sec. 4.5.220. - Replacement of controller.

Replacement of the controller shall require modernization of the elevator.

Sections 4.5.230 and 4.5.240 shall only apply within the City of Wichita jurisdiction.

Sec. 4.5.230. - Sprinkler heads in elevator equipment rooms or hoistways.

Fire sprinkler heads shall not be installed in passenger and freight elevator equipment/controller rooms or hoistways. Smoke detector(s) shall be installed in the equipment/controller room and wired to the building alarm system on a designated, individual, identified circuit. Areas within these rooms remote from the controller equipment may be required to have sprinkler coverage if the spray will not reach or can be prevented from reaching the controller equipment.

Sec. 4.5.240. - Smoke detectors in hoistways.

Smoke detectors shall not be installed in elevator hoistways unless they are installed to activate the elevator hoistway relief equipment.

Sec. 4.5.250. - Sump pump discharge.

Sump pumps in the pit of an elevator or escalator shall discharge to the outside of the building or into a clear or opaque plastic 55 gallon storage container that is located in the machine room or adjacent room. This storage unit shall have a label that reads "Hydraulic Fluid or Grease with Water" with a minimum of 2 inch letters.

Sec. 4.5.260. - Inspection compliance certificates.

The elevator inspector, as provided for in Section 4.5.040, shall perform acceptance and periodic inspections and tests as required by this Code and when found in compliance with this chapter will, after all fees are paid in accordance with Section 4.5.200, issue a compliance certificate. This certificate shall be permanently displayed in the elevator car for which the certificate was issued. The certificate shall be framed and installed not less than five feet nor more than five feet six inches from the platform of the car to the bottom of the frame or a location approved by the elevator inspector. Escalators and handicap accessibility lifts shall have the compliance certificate permanently displayed in a frame adjacent to the equipment and at a location approved by the elevator inspector.

Sec. 4.5.270. - Emergency communications.

A telephone that meets the Americans with Disabilities Act (ADA) standards must be installed in each elevator car. An identification tag shall be installed at the main telephone terminal in the building identifying the telephone line that is assigned to the elevator. It is unlawful for any person to have an automatic dialing device installed in an elevator dial directly into the emergency communications center whether by dialing 911 or otherwise.

Sec. 4.5.280. - Emergency operation and signaling devices.

All new elevators shall comply and conform with the emergency operation and signaling devices requirements set forth and contained in the latest adopted edition of the ANSI/ASME A17.1 Safety Code for Elevators and Escalators.

Article 4, Section 6 - ELEVATORS IN COMMERCIAL BUILDINGS FOR PERSONS WITH DISABILITY

Sec. 4.6.010. - Scope.

This Section applies to private residence type elevators installed in commercial buildings and used only by persons with a disability and so installed that they are not accessible to the general

public or to occupants of the building.

Sec. 4.6.020. - Installation standards.

All installations of private residence elevators in commercial structures for use by persons with a disability, shall be in strict conformity with the provisions of this Code and with the approved standards of construction for safety to life and property. If sections contained within this Section, in a given situation, do not prescribe a specific type or class of material or specific standards of construction, then the applicable standards as set forth for elevators and contained in the currently adopted edition of the ANSI/ASME A17.1 Safety Code for Elevators and Escalators, published by the American Society of Mechanical Engineers shall apply to the design, construction, installation, operation, alteration and repair of this type of elevator.

All installations of wheelchair lifts and stairclimb lifts in commercial buildings shall be in strict conformity with the provisions of this Code and with approved standards of construction for safety to life and property. If sections contained within this Code, do not prescribe a specific type or class of material or specific standards of construction, then the applicable standards as set forth in the currently adopted edition of the ANSI/ASME A18.1 Safety Standard for Platform Lifts and Stairway Chairlifts with all addendums thereto, published by the American Society of Mechanical Engineers, shall apply to the design, construction, installation, operation, alteration and repair of this type of lift.

Sec. 4.6.025. - Equipment in hoistways and machine rooms.

All equipment installed in hoistways and machine rooms shall conform to Section 2.8 as set forth in the currently adopted edition of the ANSI/ASME A17.1 Safety Code for Elevators and Escalators.

Sec. 4.6.030. - Construction of hoistways.

(A) Hoistways shall be enclosed throughout their height with fire-resistive enclosures as required by Article 2 of this Code.

(B) All elevator hoistway-landing openings shall be provided with entrances which shall guard the full height and width of the openings.

(C) Hoistways of elevators shall be provided with means to prevent the accumulation of smoke and hot gases in case of fire as required by Article 2 of this Code.

Sec. 4.6.035. - Machine rooms and machinery spaces.

Machine rooms and machinery spaces shall conform to Section 2.7 as set forth in the currently adopted edition of the ANSI/ASME A17.1 Safety Code for Elevators and Escalators.

Sec. 4.6.040. - Buffers.

Buffers shall be installed under cars and counterweights. The buffers shall conform to the applicable section and standards as set forth in the currently adopted edition of the ANSI/ASME

A17.1 Safety Code for Elevators and Escalators.

Sec. 4.6.050. - Pits.

(A) A pit shall be provided for every elevator. The depth of the pit shall be not less than is required for the installation of the buffers. The pit shall be kept clean and free from dirt and rubbish. The pit shall not be used for storage purposes and shall be maintained free of an accumulation of water.

(B) Drains connected directly to sewers shall not be installed in elevator pits. Sumps may be installed.

(C) Sumps in pits, where provided, shall be covered. The cover shall be level with the pit floor.

Sec. 4.6.060. - Car enclosures.

(A) Illumination of cars and lighting fixtures shall be installed and conform with Section 2.14.7 as set forth in the currently adopted edition of the ANSI/ASME A17.1 Safety Code for Elevators and Escalators.

(B) The minimum car enclosure measurements shall be forty-eight inches deep and thirty-six inches wide with a front opening door or a front and rear opening door.

(C) A handrail shall be provided on one wall of the car, preferably on the side of the car. The rail size shall be one and one-fourth to one and one-half inches clear of the wall at a nominal height of thirty-two inches from the elevator floor. Handrails shall not rotate within their fittings.

(D) Emergency Stop Switch shall be installed and have an audible signal installed conforming with Section 2.27.1.2 and Section 2.27.1.1.5 as set forth in the currently adopted edition of the ANSI/ASME A17.1 Safety Code for Elevators and Escalators.

Sec. 4.6.070. - Key-operated switches.

(A) There shall be a key-operated switch at each landing to call the car, chair or platform to that landing. This same key shall be used to activate all the up and down controls for the equipment.

(B) The key-operated control switches shall be operated by a cylinder type lock having not less than a five-pin or five-disk combination with the key removable only when the switch is in the off position.

Sec. 4.6.080. - Authorized personnel.

(A) Only authorized personnel, designated by the owner or tenant of the building, shall have access to the keys. The keys shall be kept on the premises in a readily accessible location available to the authorized personnel, but not where they are available to the general public.

(B) The authorized personnel having access to the key shall be summoned by means of a clearly labeled attendant call device located at each landing.

Sec. 4.6.090. - Emergency communications.

A telephone that meets the Americans with Disabilities Act (ADA) standards must be installed in each elevator car. An identification tag shall be installed at the main telephone terminal in the building identifying the telephone line that is assigned to the elevator. It is unlawful for any person to have an automatic dialing device installed in an elevator dial directly into the emergency communications center whether by dialing 911 or otherwise.

Sec. 4.6.100. - Signage posted.

A distinct visible sign stating "This Elevator For Use By The Disabled Only" must be installed adjacent to the entrance to the elevator car on each landing. The letters shall not be less than one-fourth inch.

Sec. 4.6.110. - Required inspections.

All elevators shall be subject to the applicable acceptance, routine, and periodic inspections and tests as specified in the currently adopted edition of the ANSI/ASME A17.1 Safety Code for Elevators and Escalators. The routine inspections and tests shall be made at intervals not longer than one year. The periodic inspections and periodic tests of category 1 shall be made at intervals not longer than one year. The periodic tests of category 3 and 5 shall be made at intervals not longer than five years.

Sec. 4.6.120. - Permits and fees. See Article 1.2 of this Code.

Article 4, Section 7 - FREIGHT TYPE ELEVATORS IN COMMERCIAL BUILDINGS

Sec. 4.7.010. - Scope.

This Section applies to existing freight type elevators in commercial buildings and allows this type of elevator to be altered and converted to permit the carrying of passengers.

Sec. 4.7.020. - Installation standards.

All alterations and conversions of existing freight type elevators to permit carrying of passengers shall be in strict conformity with the provisions of this Code and with the approved standards of construction for safety to life and property. If sections contained within this Code, in a given situation, do not prescribe a specific type or class of material or specific standards of construction, then the standards as set forth and contained in the latest adopted edition of the ANSI/ASME A17.1 Safety Code for Elevators and Escalators, published by the American Society of Mechanical Engineers, shall apply to the design, construction, installation, operation, alteration and repair of this type of elevator.

Sec. 4.7.030. - Driving machines.

All driving machines shall be of the traction type or of the hydraulic type.

Sec. 4.7.040. - Minimum rated load.

The rated load in pounds for passenger elevators shall be based on the inside net platform area, and shall be not less than shown in Table 2.16.1.1 of the latest adopted edition of the ANSI/ASME A17.1 Safety Code for Elevators and Escalators.

Sec. 4.7.050. - Types of entrances.

For passenger elevators and freight elevators authorized to carry passengers, entrances shall be one of the following types:

(1) At landing openings used by passengers or for freight:

(a) Horizontal slide;

(b) Swing, single-section;

(c) Combination horizontal slide and swing;

(d) Power-operated, vertical slide biparting counter-balanced, or vertical slide counter weighted which slide down to open, where located at entrances used by passengers.

Sec. 4.7.060. - Openings prohibited.

Openings or hinged or removable panels in an enclosure are prohibited, other than as required for the following:

(1) Signal, operating, and communication equipment;

(2) Entrances;

(3) Vision panels;

(4) Emergency exits;

(5) Ventilation; and

(6) Access panels for maintenance of equipment when approved by the authority having jurisdiction. Such panels, where provided, shall conform to the applicable rules as set forth and contained in the latest adopted edition of the ANSI/ASME A17.1 Safety Code for Elevators and Escalators, except that they are not required to be openable from the outside.

Sec. 4.7.070. - Requirements for passenger overload.

Passenger elevators and freight elevators converted to permit the carrying of passengers shall be designed and installed to safely lower, stop, and hold the car with an additional load of twenty-five percent in excess of the elevators' rated load.

Sec. 4.7.080. - Car enclosures.

(A) Illumination of cars and lighting fixtures shall be installed and conform to the applicable rules as set forth and contained in the latest adopted edition of the ANSI/ASME A17.1 Safety Code for Elevators and Escalators.

(B) A handrail shall be provided on one wall of the car, preferably on the side of the car. The rail size shall be one and one-fourth to one and one-half inches and shall be smooth. The inside surface shall be at least one and one-half inches clear of the wall at a nominal height of thirty-two inches from the elevator floor. Handrails shall not rotate within their fittings.

Sec. 4.7.090. - Emergency communications.

A telephone that meets the Americans with Disabilities Act (ADA) standards must be installed in each elevator car. An identification tag shall be installed at the main telephone terminal in the building identifying the telephone line that is assigned to the elevator. It is unlawful for any person to have an automatic dialing device installed in an elevator dial directly into the emergency communications center whether by dialing 911 or otherwise.

Sec. 4.7.100. - Required inspections.

All elevators shall be subject to the applicable acceptance, routine, and periodic inspections and tests as specified and set forth and contained in the latest adopted edition of the ANSI/ASME A17.1 Safety Code for Elevators and Escalators. The routine inspections and tests shall be made at intervals not longer than one year. The periodic inspections and periodic tests of category 1 shall be made at intervals not longer than one year. The periodic tests of category 3 and 5 shall be made at intervals not longer than five years.

Sec. 4.7.110. - Emergency operation and signaling devices.

All elevators shall comply and conform with the emergency operation and signaling devices requirements set forth and contained in the latest adopted edition of the ANSI/ASME A17.1 Safety Code for Elevators and Escalators.

Sec. 4.7.120. - Permits and fees. See Article 1.2 of this Code.

ARTICLE 5 – INTERNATIONAL MECHANICAL CODE

Sec. 5.A.010. - Board of appeals—Created; composition.

There shall be and is authorized a board of appeals of air conditioning, refrigeration and warm air heating, which shall consist of the Director of the Metropolitan Area Building and Construction Department ("MABCD") or his duly authorized representative, who shall serve as secretary of the board, and seven other members, as follows:

(1) A refrigeration contractor (appointed by the City);

(2) A journeyman heating and air conditioning mechanic (appointed by the County);

(3) A boiler contractor (appointed by the City);

(4) A master air conditioning and warm air heating contractor (appointed by the County);

(5) A journeyman boiler (appointed by the City);

(6) A public at large (appointed jointly);

(7) A mechanical engineer (appointed by the County).

Sec. 5.A.020. - Board of appeals—Qualifications and appointment of members.

The contractor and Journeyman members of the Board shall, in the first instance, are those who have been established in their respective business so as to be qualified to obtain their certificates and licenses as provided in Sections 5.1.270 and 5.1.330 of this Code. The mechanical engineer and architect members shall be licensed by the state to engage in business in their respective fields.

Sec. 5.A.030. - Board of appeals— Acting as arbitration board.

The Board shall act as an arbitration board in deciding any question which may arise between an air conditioning, refrigeration, warm air heating and boiler contractors or Journeyman and the inspector.

When conditions exist which are not covered by this Code, or where it would be impracticable to follow this Code, the Board may grant a variance from the strict application of this Code. Those individuals asking for any such concession must make their request in writing, and give a complete description of all items involved. If the request is granted, a copy of the whole transaction must be placed on file in the Office of the MABCD.

The Board shall pass upon materials or methods of installation not sufficiently provided for in this Code, and accept or reject the same as complying with the intent of the Code.

The Board is expressly given the responsibility of studying and making such rules as are required for new products being offered for use in air conditioning, refrigeration, warm air heating and boiler systems. All such rules shall be in writing and filed in the Office of the MABCD.

Sec. 5.A.040. - Mechanical inspectors – Appointment - Duties

Within the jurisdiction of the City of Wichita, all commercial mechanical inspectors shall have had a minimum of five years of practical experience in this field as a Journeyman or Master and hold a current mechanical certificate and shall be duly appointed pursuant to the requirements set forth by the Director of the MABCD.

Within the jurisdiction of Sedgwick County, all commercial mechanical inspectors shall have had a minimum of five years of practical experience in this field as a Journeyman or Master, and hold a current mechanic's certificate, or in lieu of such experience and certification, shall hold a current and valid mechanical inspectors' certificate issued by an approved testing agency as determined by the Director of the MABCD, and have two (2) years' experience in mechanical installations. Each inspector shall be duly appointed pursuant to the requirements set forth by the Director of the MABCD.

Upon satisfaction of the minimum qualifications for the appropriate jurisdiction, the Director of the MABCD shall have the discretion to appoint the employees as a combination inspector.

Article 5, Section 1 – INTERNATIONAL MECHANICAL CODE

Sec. 5.1.010. - Adoption of the International Mechanical Code.

The International Mechanical Code, as published by the International Codes Council, Inc. 2006 Edition, excluding Appendix B and section (301.2) is hereby adopted and incorporated herein by reference, subject to such amendments thereto as are set forth hereinafter. Section 101.1 of the International Mechanical Code, as adopted by reference herein, shall be amended to read as follows: Title. These regulations shall be known as the Wichita-Sedgwick County Unified Building and Trade Code, Article 5 International Mechanical Code, hereinafter referred to as "this Code."

Sec. 5.1.020. - Scope.

Section 101.2 of the International Mechanical Code, as adopted by reference herein, shall be amended to read as follows: This Code shall regulate the design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. This Code shall also regulate those mechanical systems, system components, equipment and appliances specifically addressed herein. The installation of fuel gas equipment, fuel gas fired appliances and gas-fired appliance venting systems shall be regulated by the International Fuel Gas Code. Exception: Detached one- and two- family dwellings not more than three stories high with separate means of egress and their accessory structures shall comply with the 2006 International Residential Code.

Sec. 5.1.030 - Building Code provisions.

Section 101.2.2 of the International Mechanical Code, as adopted by reference herein, shall be created to read as follows: The provisions of Article 2 of this Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Sec. 5.1.040. - Electrical.

Section 101.2.3 of the International Mechanical Code, as adopted by reference herein, shall be created to read as follows: The provisions of Article 4 of this Code shall apply to the installation of electrical systems, including alterations, repairs, replacement equipment, appliances, fixtures, fittings and appurtenances thereto.

Sec. 5.1.050. - Gas.

Section 101.2.4 of the International Mechanical Code, as adopted by reference herein, shall be created to read as follows: The provisions of Article 3 of this Code shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this Code. These requirements apply to gas piping systems extending from point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

Sec. 5.1.060. - Plumbing.

Section 101.2.5 of the International Mechanical Code, as adopted by reference herein, shall be created to read as follows: The provisions of Article 3 of this Code shall apply to the installation, alterations, repairs and replacement of plumbing systems, including equipment, appliances, fixtures and appurtenances, and where connected to water or sewage systems and all aspects of a medical gas system.

Sec. 5.1.070. - Fire prevention.

Section 101.2.6 of the International Mechanical Code, as adopted by reference herein, shall be created to read as follows: The provisions of Title 15 of the Code of the City of Wichita shall apply within the city limits of the City of Wichita and Chapter 12 of the Sedgwick County Code within the Sedgwick County jurisdiction shall otherwise apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of alarm systems and fire hazards in the structure or on the premises.

Sec. 5.1.080. - Investigation fee. **See Sec. 2.4.020 of this Code.**

Sec. 5.1.090. – Permit fee. **See Article 1.2 of this Code.**

Sec. 5.1.100. - Corrections and re-inspections.

Section 107.2.3 of the International Mechanical Code is amended to read as follows: Corrections shall be completed and work rescheduled for inspection within thirty (30) days from the date of the correction notice. Corrections not completed within the thirty (30) days shall be liable for the violation penalties set forth in Article 1.2 of this Code. Access shall be provided for re-inspection by the property owner.

Sec. 5.1.110. - Stop work orders.

Section 108.5 of the International Mechanical Code, as adopted by reference herein, shall be amended to read as follows: Upon notice from the code official that mechanical work is being done contrary to the provisions of this Code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work, or shall be posted in writing at the site of the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for the violation penalties set forth in Article 1.2 of this Code.

Sec. 5.1.120. - Electrical controls.

Section 301.7 of the International Mechanical Code, as adopted by reference herein, shall be amended to read as follows: Electrical wiring, controls, and connection to equipment and appliances regulated by this Code shall be in accordance with Article 4 of this Code.

Sec. 5.1.130. - Plumbing connections.

Section 301.8 of the International Mechanical Code, as adopted by reference herein, shall be amended to read as follows: Potable water supply, building drainage system connections to equipment, and appliances regulated by this Code shall be in accordance with Article 3 of this Code.

Sec. 5.1.140. - Prohibited locations.

Section 303.3 of the International Mechanical Code, as adopted by reference herein, shall be amended to read as follows: Fuel fired appliances shall not be located in, or obtain combustion air from, any of the following rooms or spaces: 1. Sleeping rooms, 2. Bathrooms, Storage closets, Surgical rooms. Exception: This section shall not apply to the following appliances: 1. Direct-vent appliances that obtain all combustion air directly from the outdoors. 2. Solid fuel appliances, provided that the room is not a confined space and the building is not of unusually tight construction. 3. Appliances installed in a dedicated enclosure in which all combustion is

taken directly from the outdoors or other approved areas. Access to such enclosure shall be through a solid door, equipped with an approved self closing device, and weather-stripped in accordance with the exterior door and leakage requirements of the International Energy Conservation Code.

Sec. 5.1.150. - Clearances from grade.

Section 304.10 of the International Mechanical Code, as adopted by reference herein, shall be amended to read as follows: Equipment and appliances installed at grade level shall be supported on a level concrete slab or other approved material extending above adjoining grade or shall be suspended a minimum of 6 inches (152 mm) above adjoining grade. Supports for heat pumps shall be at least 3" and conform to the manufactures specifications.

Sec. 5.1.160. - Equipment and appliances on roofs or elevated structures.

Section 306.5 of the International Mechanical Code is amended to read as follows:

> Where equipment and appliances requiring access are installed on roofs or elevated structures, at a height exceeding 16 feet (4877 mm), such access shall be provided by a permanent approved means of access, the extent of which shall be a minimum eight (8) feet above grade to the equipment and appliances' level service space. Such access shall not require climbing over obstructions greater than 30 inches (762 mm) high or walking on roofs having a slope greater than 4 units vertical in 12 units horizontal (33-percent slope).
>
> Permanent ladders installed to provide the required access shall comply with the following minimum design criteria:
>
> 1. The side railing shall extend above the parapet or roof edge not less than 30 inches (762 mm).
>
> 2. Ladders shall have a rung spacing not to exceed 14 inches (356 mm) on center.
>
> 3. Ladders shall have a toe spacing not less than 6 inches (152 mm) deep.
>
> 4. There shall be a minimum of 18 inches (457 mm) between rails.
>
> 5. Rungs shall have a minimum 0.75-inch (19 mm) diameter and be capable of withstanding 300-pound (136.1 kg) load.
>
> 6. Ladders over 30 feet (9144 mm) in height shall be provided with offset sections and landings capable of withstanding 100 pounds (488.2 kg/m2) per square foot.
>
> 7. Ladders shall be protected against corrosion by approved means. Catwalks installed to provide the required access shall be not less than 24 inches (610 mm) wide and shall have railings as required for service platforms.
>
> *Exception:* This section does not apply to Group R-3 occupancies.

Sec. 5.1.170. - Auxiliary and secondary drain systems.

Section 307.2.3 of the International Mechanical Code is amended to read as follows:

In addition to the requirements of Section 307.2.1, where damage to any building components could occur as a result of overflow from the equipment primary condensate removal system, one of the following methods shall be provided for each cooling coil or fuel fired appliance that produces condensate and is located above a finished ceiling or furred space:

1. An auxiliary drain pan with a separate drain shall be provided under the coils on which condensation will occur. The auxiliary drain pan shall discharge to a conspicuous point of disposal to alert occupants in the event of a stoppage of the primary drain. The pan shall have a minimum depth of 1 ½ inches (38 mm), shall not be less than the unit or coil dimensions in width and length and shall be constructed of corrosion resistant material. Galvanized sheet steel pans shall have a minimum thickness of not less than 0.0236 inch (0.6010 mm) (No. 24 gage). Nonmetallic pans shall have a minimum thickness of not less than 0.0625 inch (1.6 mm).

2. A separate overflow drain line shall be connected to the drain pan provided with the equipment. Such overflow drain shall discharge to a conspicuous point of disposal to alert the occupants in the event of a stoppage in the primary drain. The overflow drain line shall connect to the drain pan at a higher level than the primary drain connection.

3. An auxiliary drain pan without a separate drain line shall be provided under coils on which condensate will occur. Such pan shall be equipped with a water-level detection device conforming to UL 508 that will shut off the equipment served prior to overflow of the pan. The auxiliary drain pan shall be constructed in accordance with Item 1 of this section.

4. A water-level detection device conforming to UL 508 shall be provided that will shut off the equipment served in the event that the primary drain is blocked. The device shall be installed in the primary drain, the overflow drain line, or in the equipment-supplied drain pan, located at a point higher than the primary drain line connection and below the overflow rim of such pan.

Exception: Fuel fired appliances that automatically shut down operation in the event of a stoppage in the condensate drainage system.

Sec. 5.1.180. - Grease duct test.

Section 506.3.3.1 of the International Mechanical Code is amended to read as follows: Prior to the use or concealment of any portion of a grease duct system, a leakage test shall be performed in the presence of the official. Ducts shall be considered to be concealed where installed in shafts or covered by coatings or wraps that prevent the ductwork from being visually inspected on all sides. The permit holder shall be responsible to provide the necessary equipment and perform the grease duct leakage test. A light test or an approved equivalent test method shall be performed to determine that all welded and brazed joints are liquid tight. A light test shall be performed by passing a halogen lamp having a power of not less than 100 watts through the entire section of

the ductwork to be tested. The lamp shall be open so as to emit light equally in all directions perpendicular to the duct walls. A test shall be performed for the entire duct system, including the hood-to-duct connection. The ductwork shall be permitted to be tested in sections provided that every joint is tested. For listed factory-built grease ducts, this test shall be limited to duct joints assembled in the field and shall exclude factory welds.

Sec. 5.1.190. - Grease duct enclosure.

Section 506.3.10.1 of the International Mechanical Code is amended to read as follows: Commercial kitchen grease ducts constructed in accordance with Section 506.3.1 shall be permitted to be enclosed in accordance with the International Building Code requirements for shaft construction. Such grease duct systems and type one hoods shall have a clearance to combustible construction of not less than 18 inches (457 mm), and shall have a clearance to noncombustible construction and gypsum wallboard attached to noncombustible structures of not less than 3 inches (76 mm). Duct enclosures shall be sealed around the duct at the point of penetration and vented to the outside of the building through the use of weather-protected openings. Exceptions: 1. The shaft enclosure provisions of this section shall not be required where a duct penetration is protected with a through-penetration fire stop system classified in accordance with ASTM E 814 and having an "F" and "T" rating equal to the fire-resistance rating of the assembly being penetrated and where the surface of the duct is continuously covered on all sides from the point at which the duct penetrates a ceiling, wall, or floor to the outlet terminal with a classified and labeled material, system, method of construction or product specifically evaluated for such purpose, in accordance with ASTM E 2336. Exposed duct wrap systems shall be protected where subject to physical damage. 2.The shaft enclosure provisions of this section shall not be required where a duct penetration is protected with a through-penetration fire stop system classified in accordance with ASTM E 814 and having an "F" and "T" rating equal to the fire resistance rating of the assembly being penetrated and where a prefabricated grease duct enclosure assembly is protected on all sides from the point at which the duct penetrates a ceiling, wall, or floor to the outlet terminal with a classified and labeled prefabricated system specifically evaluated for such purposes in accordance with UL 2221. (3) A duct enclosure shall not be required for a grease duct that penetrates only a nonfire-resistance-rated roof/ceiling assembly.

Sec. 5.1.200. - Operation.

Section 507.2.1.1 of the International Mechanical Code, as adopted by reference herein, shall be amended to read as follows: Type 1 hood systems shall be designed and installed to automatically activate the exhaust fan whenever cooking operations occur. The activation of the exhaust fan shall occur through an interlock with the cooking appliances, by means of heat sensors or by means of other approved methods. The system shall be designed by a registered design professional and submitted for plan review with the complete construction document package.

Sec. 5.1.210. - Corridors.

Section [B] 601.2.1 of the International Mechanical Code, as adopted by reference herein, shall be created to read as follows: A corridor shall not be used as a plenum or integral part of a duct

system to convey air to or from one part of a building to another if the corridor is required to be of fire-resistive construction by the Code. However, air may be supplied to such a corridor for the purpose of comfort conditioning, ventilation, exhausting or other reasons and may be returned or exhausted provided all such supply, return or exhaust openings be protected as required by other parts of this Code and not be in violation of this provision.

Exception: Make up air for exhaust from rest rooms and janitors closets opening on to and adjacent to a corridor of fire resistant construction, may be transferred from the corridor provided such transfer means are protected in the manner prescribed by other parts of this Code and such corridor is supplied directly, or through the system supplying the corridor, with outdoor air at a rate greater than the rate of makeup air taken from the corridor.

Sec. 5.1.220. - Return air systems.

Section 606.2.1 of the International Mechanical Code, as adopted by reference herein, shall be amended to read as follows: Smoke detectors shall be installed in the return or the supply of air systems with a design capacity greater than 2,000 cfm (0.9 m3/s). On the return side it shall be located in the return air duct or plenum upstream of any filters, exhaust air connections, outdoor air connections, or decontamination equipment and appliances. On the supply side the smoke detector shall be located before the first branch or take off.

Exception: Smoke detectors are not required in the return or supply systems where all portions of the building served by the air distribution system are protected by area smoke detectors connected to a fire alarm system, approved by fire department, and the area smoke detection system shall comply with Section 606.4.

Sec. 5.1.230. - Hydronic piping—Scope.

Section 1201.1 of the International Mechanical Code, as adopted by reference herein, shall be amended to read as follows: The provisions of this chapter shall govern the construction, installation, alteration and repair of hydronic piping systems. This chapter shall apply to hydronic piping systems that are part of heating, ventilation and air-conditioning systems. Such piping systems shall include steam, hot water, chilled water, steam condensate and ground source heat pump loop systems. Potable cold and hot water distribution systems shall be installed in accordance with Article 3 of this Code.

Sec. 5.1.240. - Classifications.

Class "A-C" (air conditioning and warm air heating) This class includes air handling equipment and air distributions, chilled water systems, warm air heating systems whereby heating is accomplished by distributing heated air by forced or gravity circulation or by radiation, including controls and other items pertaining thereto.

Class "RF" (refrigeration) - This class includes refrigeration systems and refrigeration equipment of all types.

Class "Journeyman sheet metal installer" is a classification for any individual working for a licensed contractor as defined in Sec. 1.250 and who is duly certified as herein set forth to engage in such occupation. Journeyman sheet metal installer is limited to perform the following

types of installations

(1) The placement and installation of the furnace, air conditioning, or other air handling equipment, this does not include any connections of line voltage electricity, fuel gas piping or refrigeration piping;

(2) The installation of the complete air distribution system as defined in this code;

(3) The installation of the products of combustion venting systems as defined in this Code.

Exception 1: "Journeyman residential mechanic" is a limited classification for an individual working for a contractor of a class as set forth in Sec. 1.250 and who is duly certified as herein set forth to engage in such occupation. Journeyman residential mechanic is limited to perform the following types of installations:

1. One and two family residential new construction only;

2. The placement and installation of the furnace, air conditioning or other air handling equipment that pertains to residential use. This does not include gas piping or line voltage electricity.

Sec. 5.1.250. - Definitions.

Unless otherwise specified, the following terms, as used in this chapter, mean as follows:

'Apprentice' means an individual who works as an employee in training under the direct supervision of a Journeyman or Master. An Apprentice is not a certified individual.

'Board' means the board of appeals appointed for air conditioning, refrigeration, warm air heating, and boilers. Their purpose is reviewing code interpretations taken by the building code enforcement division, granting or denying variances requested from the code, other matters pertaining to mechanical, reviewing license applications and license suspensions and revocation.

'Code' means the International Mechanical Code as adopted by the MABCD, 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-family residential development, where the apprentice may be on the job site within 100 feet of where the Journeyman or Master is working.

'Field Experience' means working under the direct supervision of a person having a valid Journeyman or Master certificate or attending trade related schooling. No more than one year of the requirement may be satisfied by trade related schooling. Schooling shall consist of a minimum of 240 hours classroom training.

'Journeyman' means an individual working for a licensed contractor as defined in Sec. 1.250 and engaged principally in the occupation of erecting, installing, altering, repairing, servicing or maintaining in any or all of the following classifications and who is duly certified as herein set forth to engage in such occupation: A Journeyman is responsible for

the supervision of any apprentice assigned to work with him.

'Licensed contractor' means a person, firm, partnership, corporation, limited liability company, association or combination thereof, who undertakes or offers to undertake for another, for hire, the planning, laying out, supervising and installing or making additions, alterations, and repairs in the installation of mechanical heating, ventilation, refrigeration and air conditioning systems.

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

'Master' means an individual that holds a Master certificate issued pursuant to this article evidencing such person to be qualified to lay out, install, maintain and repair work in his area of expertise. A Master is responsible for the supervision of any apprentice assigned to work with him.

'Qualified Master' means an individual who holds a Master certificate 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 licensed contractor's enterprise, and assures quality control and is responsible for complying with all applicable laws, codes and regulations. An individual shall not be the Qualified Master for more than one licensed contractors enterprise unless such individual receives approval from the Director of the MABCD or an authorized representative thereof.

Sec. 5.1.260. - Apprentice limitations.

(a) Apprentices shall be permitted to work when accompanied by and under the direct supervision of a Master or Journeyman, who shall be responsible for the mechanical work performed by the Apprentice. At any given time, there shall be a maximum of two Apprentices per one Master or one Journeyman for all one or two-family dwelling residential job sites. There shall be a maximum of three Apprentices per one Master or one Journeyman for all triplex or greater density residential job sites or commercial job sites. The on-site Master or Journeyman shall be responsible for maintaining the ratio of Master/Journeyman to Apprentices as required by this section. If an Apprentice works without the required supervision, both the Qualified Master, and the Apprentice may be held responsible for violation of this section.

(b) It shall be unlawful for any Qualified Master, to allow or permit an uncertified individual to engage in the business of erecting, installing, altering, repairing, servicing or maintaining air conditioning, warm air heating or refrigeration.

Sec. 5.1.270. - Applicant requirements, examinations; issuance of certificates.

Any person desiring to engage in or work at the business of air conditioning, refrigeration or warm air heating either as a Master or as a Journeyman, as defined in Sec. 5.1.250 of this Code, or to do such work shall submit the prescribed application form to the Office of the MABCD for a certificate, and if the applicant meets the following requirements or is approved by the Board, shall at such time and place as directed be subjected to an examination as to their qualifications. The qualifications are as follows:

a. A minimum score of seventy-five percent on the "Block Examination" Master/Journeyman Mechanical Certificate, which is administered by Prometric, or

b. A minimum score of seventy-five percent on the International Code Council Examination for a Master/Journeyman Mechanical Certificate, which is administered by International Code Council, or

c. A satisfactory score on any other standard examination to determine the qualification of a Master/Journeyman Mechanical that is approved and adopted by the state of Kansas, pursuant to state law, following the effective date of this Code.

Applicant requirements:

Journeyman Mechanical: One year Field Experience and completion of a technical heating and air conditioning school, or two years Field Experience. Schooling shall consist of a minimum of 240 hours.

Master Mechanical: Two years as Journeyman or a minimum of four years Field Experience."

Sec. 5.1.280. - Fees for examination, certificates, etc.; renewing and expiration of certificates.

(a) The fee for the original certificate of a master mechanical, journeyman mechanical, or sheet metal installer shall be established by the Director of the MABCD to cover the administrative costs of issuing such certificates. This fee shall be paid to the Office of the MABCD when the application for a certificate is made. Individuals not holding a certificate at the beginning of the certificate cycle, who obtain a certificate during such certificate cycle by the standardized test required by K.S.A. 12-1542 and any amendments thereto, will be issued the initial certificate without documentation of continuing education. Such certificate will be issued noting the test provider, specific test type and grade. Such test shall be completed during the certificate cycle. All such certificates shall expire on the thirty-first of December of each odd numbered year. The biennial fee for all certificates shall be established by the Director of the MABCD to cover the administrative cost of issuing such certificates. All such certificates shall be renewed bi-annually upon payment established by the Director of the MABCD to cover the administrative costs of issuing such certificates. All certificates shall expire on the thirty-first day of December of each odd-numbered year and no reduction shall be made for part of the year being elapsed. Any holder of a certificate who fails to renew the same by March 1st after their expiration shall be required to submit one of the following: (1) Proof of passing a new examination in accordance with K.S.A. 12-1541 or; (2) Proof completing an additional 11/2 hours of continuing education for each 3 month period the renewal is late and only when the original certificate was issued pursuant to K.S.A. 12-1542. It is the total responsibility of the certificate holder to assure that his/her certificate has been renewed and is valid.

(b) Individuals passing the examination in the first year of a renewal cycle will need to provide documentation of 12 hours of approved continuing education when renewing their certificate. Not less than 6 hours shall consist of mechanical code education. The continuing education shall be attended during the certificate cycle. Individuals passing the examination in the second year of a renewal cycle will need to provide documentation of 6 hours approved continuing education when renewing their certificate. Not less than 3 hours shall consist of mechanical code education.

The continuing education shall be attended during the second year of the certificate cycle. Individuals with an active certificate that passed the examination prior to the first year of the renewal cycle must provide written proof of having completed biennially not less than 12 hours of continuing education approved by the Office of the MABCD. Not less than 6 hours shall consist of mechanical code education. Continuing education shall be provided by the Office of the MABCD or a nationally recognized trade association, community college, technical school, technical college or other provider approved by the Office of the MABCD. All 12 hours of education shall comply with the Office of the MABCD's continuing education guidelines for mechanical.

Sec. 5.1.290. - Owner occupants—Minor repairs.

Regardless of the requirements of other sections of this title, the owner-occupant of a single-family dwelling may obtain permits to repair, replace, or maintain the existing air conditioning, refrigeration, or warm air heating systems in such single-family dwelling and the usual accessory buildings in connection with such dwelling; provided, however, that the owner-occupant shall perform all such work and that the work so performed is in accordance with the Code as verified by an inspection requested by such owner-occupant and performed by the Office of the MABCD. No permit shall be required for minor repairs or alterations which do not exceed two hundred dollars as the price charged for such work, but such work shall comply with all requirements of this Code.

Sec. 5.1.300. - Owner-occupants permit, fee, examination, and requirements.

The owner-occupant of a detached single-family dwelling occupied or to be occupied by the owner-occupant applying for the permit may be permitted to install air-conditioning, refrigeration, and warm air heating systems in the main structure and accessory structures thereto provided all materials are purchased and all labor is performed by the applicant.

Owner-occupants applying for permits for installations as outlined above shall first qualify themselves by successfully passing a simplified open book examination dealing with relevant provisions of this Code. Successful passage of the examination shall qualify the applicant for future permits until the time of adoption of another edition of this Code.

Prior to permit approval, the applicant shall also submit a plan of the installation drawn in a format acceptable to and drawn in sufficient detail as to satisfy the Director of the MABCD of the overall code compliance of the anticipated installation.

Permit fees shall be as set forth elsewhere in this Code and in Article 2 of this Code provided, however, that each additional inspection owing to detected code deficiencies requiring correction shall be billed at the rate of forty dollars each.

Permits for installations in completely new residences and/or total remodel permits shall be limited to one in three years to each applicant unless a waiver is obtained, upon written application, from the Board.

Sec. 5.1.310. - Revocation of certificates and licenses.

The Board is authorized to cancel and recall the certificate of any air-conditioning, refrigeration,

warm air heating or boiler contractor or Journeyman for any or all of the following reasons:

1. Committing of any act in violation of any provision of this Code or any other ordinance of the city or the refusal or failure to comply with any lawful and reasonable order of the Director of the MABCD or inspector.

2. Misrepresentation of a material fact by the applicant in obtaining a certificate.

3. Carelessness or negligence in providing reasonable safety measures for the protection of the public.

The Board is hereby authorized to cancel and recall the license of any air conditioning, refrigeration, warm air heating or boiler contractor for any or all of the following reasons:

1. Abandonment of any contract without legal cause.

2. Diversion of funds or property received for performance or completion of a specific contract or a specific purpose in the performance or completion of any contract, obligation or purpose, or the failure, neglect, or refusal to use such funds or property for the performance or completion of the contract.

3. Committing any act in violation of any provision of this Code or any other ordinance of the city or resolution of the county, or the refusal or failure to comply with any lawful and reasonable order of the Director of the MABCD or inspector.

4. Misrepresentation of a material fact by the applicant in obtaining a license.

5. Failure of any contractor to fully certify all claims for labor and materials used in the performance of any work for which he has been engaged or for which he has been paid.

6. Fraudulent use of the license to obtain a permit for another.

7. Carelessness or negligence in providing reasonable safety measures for the protection of workmen and the public.

8. Failure to obtain permits as required in Sec. 5.1.300 of this Code.

9. Unreasonable delay in the performance and carrying out of any contract.

10. Failure by the licensee to have at least one active member or officer deemed as the Qualified Master, as defined in Sec. 5.1.250 of this Code.

Upon presentation by the Director of the MABCD to the Board charges against any holder of any certificate as set forth in this section, the Board shall fix a time and a place for a meeting to consider such charges and shall notify the holder of such license to be present at such meeting. Such notification shall be in writing and shall be presented to the holder at least five days in advance of the meeting. If upon full hearing of all evidence by the Board, it shall be decided that such holder of a certificate has been guilty of the actions as herein before set forth in this section, then the board shall revoke or suspend the license or certificate of the holder thereof.

When a certificate of a person has been revoked, a new certificate shall not be granted until he or she has corrected the violation in accordance with this Code and shall have made application and

shall have passed an examination as required for the original certificate.

Sec. 5.1.320. - Certain persons exempt from license and bond requirements.

Any person, corporation, limited liability company, partnership or similar entity not engaged in the business of heating and/or air conditioning within the scope of this Code who has in his/her regular and permanent employment a person or persons who possess current and valid Journeyman or Master certificates shall be permitted to have such person or persons perform maintenance and repair work on buildings and premises that are owned, leased, operated or managed by him shall be exempt from this Code, as pertains to license or bond, but shall be subject to all other requirements pertaining thereto.

Sec. 5.1.330. - Licenses.

Anyone authorized individual or entity seeking to engage in the business of mechanical heating, air conditioning or refrigeration shall first designate an individual to be the Qualified Master for their license and then acquire a license from the Office of the MABCD. Each such license shall expire on thirty-first day of December in the year the license was issued.

Sec. 5.1.340. – Insurance required. See Article 1.4(c) of this Code.

Sec. 5.1.350. - Contractors—Established place of business required. See Article 1.4(a) of this Code.

Sec. 5.1.360. - Contractors—Marking of vehicles. See Article 1.4(b) of this Code.

Sec. 5.1.370. - Truth in advertising requirements. See Article 1.4(d) of this Code.

Sec. 5.1.380. - Compliance with titles, ordinances, laws.

All air conditioning, refrigeration or warm air heating installations shall comply with existing laws and ordinances covering the construction and installation of cooling towers, the use of city water, sanitary and storm sewers, the requirements for recirculation of condenser water, as contained in the following parts of this Code, and any other that may apply:

Water conservation—Title 17 of the Code of the City of Wichita;

Connection to sanitary sewer—Title 16 of the Code of the City of Wichita;

Towers, spires and tanks—Article 2 of this Code;

Gas burning warm air furnaces—Article 2 of this Code;

Ducts and appurtenances—Article 2 of this Code;

Cooling units over public property—Article 2 of this Code;

Gas fittings—Article 3 of this Code.

Sec. 5.1.390. - Electrical and plumbing work.

All electrical work, plumbing and gas fitting done in connection with any work covered by this Code shall be in conformance with Article 3 and Article 4 of this Code, respectively. It is also unlawful for a person holding a license, as set forth in this Code, to operate as a contractor or as a journeyman mechanic to do or otherwise perform any electrical, plumbing or gas fitting work except as provided in this section. Such contractor or mechanic shall be permitted to do all water piping within the system, and make indirect connections to the city sewer, but shall not make direct connections to either the city water system or to city sewers.

It shall be permissible for a holder of a Class A-C or RF certificate to make original installations of package units of a capacity of seven and one-half horsepower or less on the load side of the disconnect means when such is not over five feet from the unit and is within sight thereof. It shall also be permissible for such a person to do all electrical work in connection with maintenance, repairs or replacement on any system from the load side of the disconnect means of the unit. All such electrical work shall conform in all respects to the requirements of Article 4.

Article 5, Section 2 - SOLID FUEL-BURNING EQUIPMENT

Sec. 5.2.010. - 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:

(1) *Solid fuel-burning equipment* for the purpose of this chapter, means any factory-built fireplace, including chimney liners, vents and connectors, fireplace inserts (non-gas) and free-standing fireplace stoves which use wood, pellets or coal for fuel.

(2) *Gas fireplace equipment* shall mean gas fireplaces, including chimney liners, vents and connectors, fireplaces with gas starters, and direct or natural vent fireplaces.

(3) *Gas fireplace contractor* shall mean any individual who has been duly qualified by the Office of the MABCD to engage in or work in the trade of installing, repairing or replacing gas fireplace equipment.

(4) *Solid fuel contractor* for the purpose of this chapter, means any individual who has been duly qualified by the Office of the MABCD to engage in or work at the trade of installing, repairing or replacing solid fuel-burning equipment.

Sec. 5.2.020. - Certificate—Examination required.

(a) It is unlawful for any person in the business of installing, repairing or altering solid fuel-burning or gas fireplace equipment in the City or County, as applicable, unless and until a certificate has been obtained therefore, and a license has been issued for such business and a permit has been issued for such work, all in accordance with the provisions of this code. Apprentices shall be permitted to work when accompanied by and under the direct supervision of a master or journeyman solid fuel or gas fireplace contractor, who shall be responsible for the

work done by the apprentice. There shall be a maximum of three apprentices per one master or journeyman.

(b) Any person desiring to engage in or work at the business of installing, repairing or altering solid fuel-burning equipment or gas fireplace equipment shall make application to the Office of the MABCD for a certificate.

(c) No certificate shall be issued to any individual who is not certified by the National Fire Institute in one or more of the following areas:

(1) NFI Gas Specialist;

(2) NFI Wood-burning Specialist;

(3) NFI Pellet Specialist.

(d) A journeyman's certificate shall not be issued to any individual with less than one year's experience as an apprentice.

Individuals wanting a master's certificate for gas fireplace and solid fuel shall be required to be certified by the National Fire Institute as both a gas and wood-burning specialist.

(e) Individuals holding a journeyman or master's mechanical (A-C) certificate are not required to obtain a SF-P, SF-W or GF certificate to install solid fuel or gas fireplace equipment.

Sec. 5.2.030. - Certificate—Classification.

(a) The certificate issued to an individual wishing to engage in the business of installing, repairing or replacing solid fuel wood-burning equipment shall be known as a class 'SF-W' certificate and shall authorize such individual, upon his complying with Section A.2.060, to engage in such business.

(b) The certificate issued to an individual wishing to engage in the business of installing, repairing or replacing solid fuel pellet-burning equipment shall be known as a class 'SF-P' certificate and shall authorize such individual, upon his complying with Section A.2.060, to engage in such business.

(c) The certificate issued to an individual wishing to engage in the business of installing, repairing or replacing gas fireplace equipment shall be known as a class 'GF' certificate and shall authorize such individual, upon his complying with Section A.2.060, to engage in such business.

(d) It shall be unlawful for any individual or contractor to engage in the business of installing, repairing or replacing solid fuel-burning equipment in the city or county, as applicable, unless and until a certificate has been obtained therefor and a license has been issued for such business and a permit has been issued for such work, all in accordance with the provisions of the Code.

(e) It shall be unlawful for any individual or contractor to engage in the business of installing, repairing or replacing gas fireplace equipment, unless and until a certificate has been obtained therefor and a license has been issued for such business and a permit has been issued for such work, all in accordance with the provisions of the Code.

Sec. 5.2.040. - Certificates—Fees—Expiration—Duration.

(a) The fee for each examination and original certificate of class 'SF-W', 'SF-P' or 'GF' shall be established by the Director of the MABCD to cover the administrative costs of issuing such certificates. All such certificates shall be renewed bi-annually upon payment of a fee established by the Director of the MABCD to cover the administrative costs of issuing such certificates. All certificates shall expire on the thirty-first day of December of each odd-number year and no reduction shall be made for part of the year being elapsed. Certificates which have not been renewed by March 1st after their expiration may be subject to reexamination and/or board appearance prior to reissuance of a certificate.

(b) All applicants for renewal must provide their current NFI certificate as required in Section 5.2.020 of this Code.

Sec. 5.2.050. - Application of related provisions of this code and additional codes adopted by reference.

All solid fuel-burning equipment and gas fireplace equipment installations, repairs or replacements shall comply with existing laws and ordinances as contained in the following parts of this Code and any other that may apply:

Mechanical Code - Article 5 of this Code;

Plumbing Code – Article 3 of this Code;

Electrical Code - Article 4 of this Code;

Building Code – Article 2 of this Code.

Sec. 5.2.060. - License requirement. **See Article 1.2 of this Code**

Sec. 5.2.070 – Insurance required. **See Article 1.4(c) of this Code.**

Sec. 5.2.080. - Truth in advertising requirements. **See Article 1.4(d) of this Code.**

Article 5, Section 3 - PREFABRICATED ASSEMBLIES

Sec. 5.3.010. - Definitions.

The following definitions shall apply in the interpretation of this chapter:

(1) "Prefabricated assembly" means a structural unit, the integral parts of which have been built up or assembled prior to incorporation in the building or to being erected as a building unit.

(2) "Approved agency" means an established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when such agency has been approved by the Director of the MABCD.

Sec. 5.3.020. - Certificate of approval.

A certificate of approval by an approved agency shall be furnished with every prefabricated assembly, except where the assembly is readily accessible to inspection at the site. The certificate of approval shall certify that the assembly in question has been inspected and meets all the requirements of Article 5 of this Code.

Sec. 5.3.030. - Field erection.

Placement of prefabricated assemblies at the building site shall be inspected by the mechanical inspector to determine compliance herewith.

Sec. 5.3.040. - Master mechanic's certificate or approved agency certification.

The installation of air conditioning and warm air heating equipment within or on any prefabricated assembly to be erected within the City or County, if applicable, shall be performed under the supervision of a person who has secured a master mechanic's certificate as set forth in Sec. 1.330, or shall have been factory installed and inspected by an agency approved by the building official.

Sec. 5.3.050. - Permits and fees.

Permits are to be obtained under Article 1.2 of this Code.

Clean

(First published in The Wichita Eagle December 14, 2012)

Ordinance No. 49-404

AN ORDINANCE REPEALING CHAPTERS 18.04; 18.05; 18.06; 18.08; 18.12; 18.14; 18.17; 18.24; 18.32; 18.36; 18.44; 18.45; 18.50 AND 18.51 OF THE CODE OF THE CITY OF WICHITA AND ADOPTING THE WICHITA/SEDGWICK COUNTY UNIFIED BUILDING AND TRADE CODE BY REFERENCE

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

SECTION 1. Section 18.15.010 of the Code of the City of Wichita is hereby created to read: The Wichita/Sedgwick Unified Building and Trade Code is by reference incorporated in and by this publication made part of this title and chapter as fully as though set out at length herein and is adopted as the building and trade regulations for the City of Wichita.

SECTION 2. The originals of Chapters 18.04; 18.05; 18.06; 18.08; 18.12; 18.14; 18.17; 18.24; 18.32; 18.36; 18.44; 18.45; 18.50 and 18.51 of the Code of the City of Wichita are hereby repealed.

SECTION 3. This ordinance shall be effective upon its passage and publication once in the official city newspaper.

PASSED AND ADOPTED BY THE GOVERNING BODY, this 11th day of December, 2012.

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Carl Brewer, Mayor

ATTEST:

_____

Karen Sublett, City Clerk

Approved as to form:

_____

Gary E. Rebenstorf, City Attorney

Clean

(First published in The Wichita Eagle December 14, 2012

Ordinance No. 49-405

AN ORDINANCE REPEALING CHAPTERS 19.04; 19.08; 19.12; 19.16; 19.20; 19.22; 19.24 AND 19.28 OF THE CODE OF THE CITY OF WICHITA AND ADOPTING THE WICHITA/SEDGWICK COUNTY UNIFIED BUILDING AND TRADE CODE BY REFENENCE

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

SECTION 1. Section 19.01.010 of the Code of the City of Wichita is hereby created to read: The Wichita/Sedgwick Unified Building and Trade Code is by reference incorporated in and by this publication made part of this title and chapter as fully as thought set out at length herein and is adopted as the building and trade regulations for the City of Wichita.

SECTION 2. Chapters 19.04; 19.08; 19.12; 19.16; 19.20; 19.22; 19.24 and 19.28 of the Code of the City of Wichita are hereby repealed.

SECTION 3. This ordinance shall be effective upon its passage and publication once in the official city newspaper.

PASSED AND ADOPTED BY THE GOVERNING BODY, this 11th day of December, 2012.

_____

Carl Brewer, Mayor

ATTEST:

_____

Karen Sublett, City Clerk

Approved as to form:

_____

Gary E. Rebenstorf, City Attorney

Clean

(First published in The Wichita Eagle December 14, 2012)

Ordinance No. 49-406

AN ORDINANCE REPEALING CHAPTERS 21.04; 21.14; 21.24 AND 21.28 OF THE CODE OF THE CITY OF WICHITA AND ADOPTING THE WICHITA/SEDGWICK COUNTY UNIFIED BUILDING AND TRADE CODE BY REFENENCE

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

SECTION 1. Section 21.01.010 of the Code of the City of Wichita is hereby created to read: The Wichita/Sedgwick Unified Building and Trade Code is by reference incorporated in and by this publication made part of this title and chapter as fully as thought set out at length herein and is adopted as the building and trade regulations for the City of Wichita.

SECTION 2. The originals of Chapters 21.04; 21.14; 21.24 and 21.28 of the Code of the City of Wichita is hereby repealed.

SECTION 3. This ordinance shall be effective upon its passage and publication once in the official city newspaper.

PASSED AND ADOPTED BY THE GOVERNING BODY, this 11th day of December, 2012.

_____

Carl Brewer, Mayor

ATTEST:

_____

Karen Sublett, City Clerk

Approved as to form:

_____

Gary E. Rebenstorf, City Attorney

Clean

(First published in The Wichita Eagle December 14, 2012)

Ordinance No. 49-407

AN ORDINANCE REPEALING CHAPTERS 22.01; 22.02; 22.04; 22.05; 22.06; 22.12 AND 22.16 OF THE CODE OF THE CITY OF WICHITA AND ADOPTING THE WICHITA/SEDGWICK COUNTY UNIFIED BUILDING AND TRADE CODE BY REFENENCE

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

SECTION 1. Section 22.10.010 of the Code of the City of Wichita is hereby created to read: The Wichita/Sedgwick Unified Building and Trade Code is by reference incorporated in and by this publication made part of this title and chapter as fully as thought set out at length herein and is adopted as the building and trade regulations for the City of Wichita.

SECTION 2. Chapters 22.01; 22.02; 22.04; 22.05; 22.06; 22.12 and 22.16 of the Code of the City of Wichita are hereby repealed.

SECTION 3. This ordinance shall be effective upon its passage and publication once in the official city newspaper.

PASSED AND ADOPTED BY THE GOVERNING BODY, this 11th day of December, 2012.

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Carl Brewer, Mayor

ATTEST:

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Karen Sublett, City Clerk

Approved as to form:

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Gary E. Rebenstorf, City Attorney

SEDGWICK COUNTY230100

RESOLUTION NO. _____

CITY OF WICHITA
ORDINANCE NO. 49-412

Date Adopted by City of Wichita : - - 2012
Date Adopted by Sedgwick County : - - 2012

Date Published by City of Wichita: - - 2012
Date Published by Sedgwick County: - - 2012

A JOINT CITY ORDINANCE AND COUNTY RESOLUTION ADOPTING THE *WICHITA-SEDGWICK COUNTY UNIFIED BUILDING AND TRADE CODE* FOR BUILDING, MECHANICAL, STRUCTURAL, PLUMBING, FUEL AND GAS, AND ELECTRICAL CODES; FOR BUILDING PLAN REVIEW; FOR APPOINTMENT OF CONSOLIDATED BOARDS TO ADVISE THE COUNCIL AND COMMISSION IN THE ADOPTION OF CODES AND REGULATIONS FOR THE CONSTRUCTION OF COMMERCIAL AND RESIDENTIAL BUILDINGS; PROVIDING FOR JURISDICTION OF ENFORCEMENT AND ESTABLISHING FINES FOR VIOLATIONS THEREOF; AND CREATING EXAMINATION AND LICENSURE STANDARDS FOR THOSE TRADES AND CONTRACTORS WITHIN THE CONFINES OF THE CITY OF WICHITA AND SEDGWICK COUNTY, KANSAS, AND INCLUDING THOSE SECOND AND THIRD CLASS CITIES LOCATED WITHIN SEDGWICK COUNTY WHICH HAVE BY ACTION OF THEIR GOVERNING BODIES ADOPTED SAID CODE APPLICABLE WITHIN THE SEDGWICK COUNTY JURISDICTION; AND THAT HAVE ENTERED INTO SEPARATE AGREEMENTS WITH SEDGWICK COUNTY PROVIDING FOR ENFORCEMENT WITHIN THEIR MUNICIPAL BOUNDARIES AND CONFERRING LEGAL JURISDICTION FOR ALL FUNCTIONS RELATING THERETO.

WHEREAS, the Governing Body of the City of Wichita is authorized by K.S.A. 12-3301, 12-3302 and 12-3009 *et. seq.*, to officially adopt, incorporate, and promulgate by ordinance codes, rules and regulations for building construction and related trades within the incorporated limits of the city; and

WHEREAS, the Board of County Commissioners is authorized by K.S.A. 12-3301 and 12-3303 *et. seq.*, to officially adopt, incorporate, and promulgate by resolution codes, rules and regulations for building construction and related trades within the confines of the county and those second and third cities that have adopted those codes, rules and regulations by action of their governing bodies and have entered into agreements related thereto; and

WHEREAS, the Board of County Commissioners of Sedgwick County, as the Governing Body of Sedgwick County, Kansas, and the City Council of the City of Wichita, as

the Governing Body of the City of Wichita, have by official action in Ordinance 49-333 and Resolution 135-2012, established and announced the joint policy and agreement to create the consolidated Metropolitan Area Building and Construction Department in order to better serve the public and to make more efficient and effective the customer service provided to all of their citizens and stakeholders; and to protect and preserve the safety and quality of the buildings and structures for human habitation and living environments; and

WHEREAS, Sedgwick County and the City of Wichita desire to create and adopt the new *Wichita-Sedgwick County Unified Building and Trade Code* for the joint adoption, creation and enforcement of codes and building trade standards, including all related activities thereto, and to establish the process of appointing members of the consolidated trade boards; and

WHEREAS, the *Wichita-Sedgwick County Unified Building and Trade Code* shall be jointly administered with the intent that the same will be adopted and maintained in substantially identical form where practicable, while considered the individual enactment of the City of Wichita or of Sedgwick County, as applicable; and that if either the City of Wichita or Sedgwick County fails to adopt a code, or a provision therein, or amends or repeals it while the other adopts, amends or maintains it in force, it shall be valid within the jurisdiction of the jurisdiction that adopted, amended or maintained it, notwithstanding its status in the other jurisdiction;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS AND ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS THAT:

SECTION 1. ADOPTION.

A. The *Wichita-Sedgwick County Unified Building and Trade Code* is hereby adopted and incorporated herein by the Board of County Commissioners of Sedgwick County, Kansas, as the official code for building, mechanical, structural, plumbing, fuel and gas, and electrical codes; and all related building plan review, establishing the process for appointing members to the consolidated advisory boards, setting examination and licensing standards, creating building and permit fees, enforcement procedures and fines, and related functions thereto, as more specifically defined therein, within the Sedgwick County Jurisdiction and unincorporated confines thereof, and including those second and third class cities located within Sedgwick County which have by action of their governing bodies adopted said code and have entered into separate agreements with Sedgwick County providing for enforcement within their municipal boundaries and conferring legal jurisdiction for all functions relating thereto.

B. The *Wichita-Sedgwick County Unified Building and Trade Code* is hereby adopted and incorporated herein by the City Council of the City of Wichita, as the Governing Body of the City of Wichita, as the official code for building, mechanical, structural, plumbing, fuel and gas, and electrical codes; and all related building plan review, establishing the process for appointing members to the consolidated

advisory boards, setting examination and licensing standards, creating building and permit fees, enforcement procedures and fines, and related functions thereto, as more specifically defined therein, within the City of Wichita Jurisdiction and the incorporated city limits thereof.

SECTION 2. EFFECTIVE DATE.

The effective date of the *Wichita-Sedgwick County Unified Building and Trade Code* shall be January 1, 2013.

SECTION 3. ENFORCEMENT.

The *Metropolitan Area Building and Construction Department ("MABCD")* is hereby authorized to enforce the *Wichita-Sedgwick County Unified Building and Trade Code* and all related functions set forth and defined therein, within the incorporated confines of the City of Wichita, and the unincorporated confines of Sedgwick County, Kansas and those second and third class cities located within Sedgwick County which have by action of their governing bodies adopted the *Wichita-Sedgwick County Unified Building and Trade Code* and that and that have entered into separate agreements with Sedgwick County providing for enforcement within their municipal boundaries.

SECTION 4. SEVERABILITY.

If any provision or section of the *Wichita-Sedgwick County Unified Building and Trade Code*, incorporated herein, is deemed or ruled unconstitutional or otherwise illegal or invalid by any court of competent jurisdiction, such illegality shall not affect any other provision of said code. The *Wichita-Sedgwick County Unified Building and Trade Code* shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

SECTION5. EFFECT.

This joint Resolution and Ordinance shall take effect and be in force upon the adoption and publication once in the official County and City newspaper.

Commissioners present and voting were:

DAVID M. UNRUH _____
TIM R. NORTON _____
KARL PETERJOHN _____
RICHARD RANZAU _____
JAMES B. SKELTON _____

Dated this _____ day of _____, 2012.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

_____
KELLY B. ARNOLD, County Clerk

_____
TIM R. NORTON, Chairman
Commissioner, Second District

_____
JAMES B. SKELTON, Chair Pro Tem
Commissioner, Fifth District

APPROVED AS TO FORM:

_____
DAVID M. UNRUH
Commissioner, First District

_____
BILL H. RAYMOND
Assistant County Counselor

_____
KARL PETERJOHN
Commissioner, Third District

_____
RICHARD RANZAU
Commissioner, Fourth District

PASSED by the governing body of the CITY OF WICHITA, KANSAS, this 11th day of December, 2012.

_____
CARL BREWER, Mayor

ATTEST:

_____
KAREN SUBLETT, City Clerk

APPROVED AS TO FORM:

_____
GARY E. REBENSTORF
Director of Law

CITY OF WICHITA

INTEROFFICE MEMORANDUM

TO: Tom Stoltz, Director of the MABCD

FROM: Jeff A. VanZandt, Assistant City Attorney

SUBJECT: Summary of Wichita/Sedgwick County Unified Building and Trade Code

DATE: November 21, 2012

The Wichita/Sedgwick County Unified Building and Trade Code ("Unified Code") is the codification of sections of the City and County Codes which were suitable for consolidation. There were certain codes from each jurisdiction which are unique to its operation and were not consolidated. For example, the County has a code regarding sewage lagoons, which does not involve the City, remains solely in the County code. In the Building Code, the County chose not to consolidate City Code Section 18.16 – Dangerous and Unfit Buildings; Section 18.40 – Nonresidential Premises Standards; and Section18.14 – Parking Lot Striping Standards and Enforcement. These sections will remain in the City's Code. All other provisions of the Building and Trade Codes have been consolidated. In the Unified Code there are a few provisions which reflect that said provision is only applicable in the City or County's jurisdiction. Generally speaking, these sections reflected a substantive difference in the interpretation of a code. Given the time constraints of this project, it was decided to just document these differences in the Unified Code and bring these issues to the respective consolidated boards to address next year.

The biggest difference in the Unified Code is its format. The General Provision section includes how we will address the jurisdictional issues regarding the enforcement of the Unified Code. Violations which occur within the jurisdiction of the City of Wichita are prosecuted in Municipal Court. Violations in the jurisdiction of Sedgwick County are prosecuted in County Court. Also, license and permit fees are organized in tables for easy access. Finally, provisions that are uniform in all the codes have been moved into the General Provision section to ensure consistency of content and enforcement.

Some of the advantages of the Unified Code format include:

1) Both City and County are operating under the same version of the building and trade codes;

2) Cost of printing the various codes in Muni Code will be eliminated;

3) Ensures consistency between the various codes when amendments are made;

4) Ease of use by the public.

A number of stakeholders have reviewed the proposed Unified Code and are pleased with its format. The County has already approved the Unified Code.

Jeff A. VanZandt
Assistant City Attorney

Agenda Item No. IV-3

City of Wichita
City Council Meeting
December 4, 2012

TO: Mayor and City Council

SUBJECT: Mt. Vernon and Oliver Intersection Improvement (District III)

INITIATED BY: Department of Public Works & Utilities

AGENDA: New Business

Recommendations: Approve the project and the revised budget.

Background: The 2011-2020 Capital Improvement Program (CIP) adopted by the City Council includes a project to improve the intersection of Mt. Vernon and Oliver. On August 1, 2012, the District III Advisory Board sponsored a neighborhood hearing on the project. The Board voted 9-0 to recommend approval of the project.

Analysis: The intersection will be reconstructed to replace the pavement, construct left turn lanes on all approaches, and upgrade the traffic signals to include audible pedestrian signals and countdown pedestrian indications. Construction is planned to begin in 2013, pending acquisition of necessary right-of-way and utility relocation work. Two-way traffic will be maintained throughout the project.

State/Federal funding administered through the Kansas Department of Transportation will require standard agreements to be signed throughout the course of the project. Design needs may require the acquisition and/or granting of easements, the signing of utility relocation and railroad agreements and/or compensation for the same, and the signing of required permits and/or compensation for the same.

Financial Considerations: The programmed CIP budget is $1,200,000, with $400,000 paid by the City and $800,000 paid by Federal grants administered by the Kansas Department of Transportation (KDOT). After programming the CIP, KDOT approved another $100,000 of Federal grants for the project, bringing the Federal grant total to $900,000 and the total project budget to $1,300,000.

Legal Considerations: The amending resolution has been approved as to form by the Law Department.

Recommendation/Actions: It is recommended that the City Council approve the project and the revised budget, adopt the amending resolution, and authorize the necessary signatures. State/Federal funding administered through the Kansas Department of Transportation will require standard agreements to be signed throughout the course of the project. Design needs may require the acquisition and/or granting of easements, the signing of utility relocation and railroad agreements and/or compensation for the same, and the signing of required permits and/or compensation for the same.

Attachments: Map, CIP sheet, and amending resolution.

CAPITAL IMPROVEMENT

PROJECT AUTHORIZATION

CITY OF WICHITA

USE:

To Initiate Project	
To Revise Project	X

1. Prepare in triplicate
2. Send original & 2 copies to budget.
3. City Manager to sign all copies.
4. File original w/ initiating resolution in City Clerk.
5. Return 2nd copy to initiating department.
6. Send 3rd copy to Controller.

1. Initiating Department	2. Initiating Division	3. Date	4. Project Description & Location
Public Works & Utilites	Eng & Arch	11/16/2012	Mt. Vernon and Oliver Intersection

5. CIP Project Number	6. Accounting Number	7. CIP Project Date (Year)	8. Approved by WCC Date
B-		2012	

9. Estimated Start Date	10. Estimated Completion Date	11. Project Revised
As Required	As Required	

12. Project Cost Estimate

ITEM	GO	SA	KDOT	TOTAL
Right of Way				
Paving, grading & const.				
Bridge & Dam	$400,000		$900,000	$1,300,000
Drainage				
Sanitary Sewer				
Sidewalk				
Water				
Freeway Interchange				
Totals	$400,000		$900,000	$1,300,000
Total CIP Amount Budgeted				
Total Prelim. Estimate				

12A.

	Yes	No
Platting Required		
Lot Split		
Petition		
Ordered by WCC	X	

Remarks:

472-85042

13. Recommendation: Approve the budget and adopt the amending bonding resolution

Division Head	Department Head	Budget Officer	City Manager
		Date	Date

132019

First Published in the Wichita Eagle on December 7th 2012

RESOLUTION NO. 12-249

A RESOLUTION AMENDING RESOLUTION **NO**. **12-207** AUTHORIZING THE ISSUANCE OF BONDS BY THE CITY OF WICHITA AT LARGE TO IMPROVE THE **INTERSECTION OF MT. VERNON AND OLIVER (472-85042).**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WICHITA, KANSAS;

SECTION 1. Section 1 of Resolution **No. 12-207** is hereby amended to read as follows:

"SECTION 1. That the City of Wichita finds it necessary to make certain related improvements as follows:

The design, acquisition of right-of-way, replace pavement, construct left turn lanes and upgrade traffic signals for the intersection of Mt. Vernon and Oliver. "

SECTION 3. The original Section 1 of Resolution **No. 12-207** is hereby rescinded.

SECTION 4. Section 2 of Resolution **No. 12-207** is hereby amended to read as follows:

"SECTION 2. The total cost is estimated not to exceed $1,300,000, exclusive of the cost of interest on borrowed money, with $400,000 paid by the issuance of bonds by the City of Wichita at large and $900,000 paid by Federal Transportation grant."

SECTION. 5 The original Section 2 of Resolution **No. 12-207** is hereby rescinded.

SECTION 6. That the advisability of said improvements is established and authorized by City of Wichita Charter Ordinance No. 156.

SECTION 7. That this resolution shall take effect and be in force from and after its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this 4th day of December, 2012.

_____
CARL BREWER, MAYOR

ATTEST:

_____
KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

_____
GARY REBENSTORF, DIRECTOR OF LAW

Agenda Item No. IV-4

City of Wichita
City Council Meeting
December 4, 2012

TO:	Mayor and City Council
SUBJECT:	Petition for Paving Hoover Court (south of Harry, west of Hoover) (District IV)
INITIATED BY:	Department of Public Works & Utilities
AGENDA:	New Business

- -

Recommendation: Approve the petition.

Background: The signatures on the petition represent one of three (33.33%) resident owners and 75.75% of the improvement district area. The District IV Advisory Board sponsored a neighborhood hearing on November 5, 2012. The Board voted 8-0 to recommend approval of the project.

Analysis: The project will provide paving on Hoover Court; south of Harry Street, west of Hoover Street.

Financial Considerations: The estimated project cost is $174,000, with the total amount assessed to the improvement district. Assessment is on a square foot basis. The estimated assessment to individual properties is $0.33 per square foot of ownership. Since the assessment district is within an existing commercial area, the project will be funded by 15-year bonds.

Legal Considerations: The petition and resolution have been approved as to form by the Law Department.

Recommendations/Actions: It is recommended that the City Council approve the petition, adopt the resolution, and authorize the necessary signatures.

Attachments: Map, assessment roll, petition, CIP sheet and resolution.

CAPITAL IMPROVEMENT

PROJECT AUTHORIZATION

CITY OF WICHITA

USE:

To Initiate Project	X
To Revise Project	

1. Prepare in triplicate
2. Send original & 2 copies to budget.
3. City Manager to sign all copies.
4. File original w/ initiating resolution in City Clerk.
5. Return 2nd copy to initiating department.
6. Send 3rd copy to Controller.

1. Initiating Department	2. Initiating Division	3. Date	4. Project Description & Location
Public Works & Utilites	Eng & Arch	11/6/2012	S Airport Industrial Park

5. CIP Project Number	6. Accounting Number	7. CIP Project Date (Year)	8. Approved by WCC Date
NI-		2012	

9. Estimated Start Date	10. Estimated Completion Date	11. Project Revised
As Required	As Required	

12. Project Cost Estimate

ITEM	GO	SA	LST	TOTAL
Right of Way				
Paving, grading & const.		$174,000		$174,000
Bridge				
Drainage				
Sanitary Sewer				
Sidewalk				
Water				
Freeway				
Totals		$174,000		$174,000
Total CIP Amount Budgeted				
Total Prelim. Estimate				

12A.

	Yes	No
Platting Required		
Lot Split		
Petition	X	
Ordered by WCC		

Remarks:

472-85067

13. Recommendation: Approve the petition and adopt the resoltuion.

Division Head	Department Head	Budget Officer	City Manager
		Date	Date

132019

First Published in the Wichita Eagle on December 7, 2012

RESOLUTION NO. 12-250

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING PAVEMENT ON **HOOVER COURT (LOTS 4, 5, 14, AND 15, BLOCK 2) FROM THE WEST LINE OF HOOVER AVENUE, WEST TO AND INCLUDING THE CUL-DE-SAC (SOUTH OF HARRY, WEST OF HOOVER) 472-85067** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF AUTHORIZING CONSTRUCTING PAVEMENT ON **HOOVER COURT (LOTS 4, 5, 14, AND 15, BLOCK 2) FROM THE WEST LINE OF HOOVER AVENUE, WEST TO AND INCLUDING THE CUL-DE-SAC (SOUTH OF HARRY, WEST OF HOOVER) 472-85067** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to pave **Hoover Court (Lots 4, 5, 14, and 15, Block 2) from the west line of Hoover Avenue, west to and including the cul-de-sac (south of Harry, west of Hoover) 472-85067.**

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be **One Hundred Seventy-Four Thousand Dollars ($174,000)** exclusive of the cost of interest on borrowed money, with 100 Percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **September 1, 2012**, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

AIRPORT INDUSTRIAL PARK
Lots 4 and 15, Block 2

PARCEL 'A'
Lot 5, Block 2, Airport Industrial Park, Wichita, Sedgwick County, Kansas, EXCEPT that part of said Lot 5, Block 2, described as: Commencing at the southeast corner of said Lot 5, Block 2; thence N27˚56'56"W, a distance of 113.55 feet to the point of beginning of said tract on the west line of a 30 foot Texas-Cities Service Pipeline Easement as shown on said Airport Industrial Park plat; thence S12˚37'44"E, along said west line, a distance of 24.42 feet; thence S01˚28'40"E, a distance of 76.61 feet; thence S88˚31'20"W, a distance of 100.00 feet; thence N01˚28'40"W, a distance of 100.57 feet; thence N88˚31'20"E, a distance of 95.28 feet to the point of beginning.

PARCEL 'B'

That part of Lot 5, Block 2, Airport Industrial Park, Wichita, Sedgwick County, Kansas described as: Commencing at the southeast corner of said Lot 5, Block 2; thence N27˚56'56"W, a distance of 113.55 feet to the point of beginning of said tract on the west line of a 30 foot Texas-Cities Service Pipeline Easement as shown on said Airport Industrial Park plat; thence S12˚37'44"E, along said west line, a distance of 24.42 feet; thence S01˚28'40"E, a distance of 76.61 feet; thence S88˚31'20"W, a distance of 100.00 feet; thence N01˚28'40"W, a distance of 100.57 feet; thence N88˚31'20"E, a distance of 95.28 feet to the point of beginning.

PARCEL 'C'

Lot 14, Block 2, Airport Industrial Park, Wichita, Sedgwick County, Kansas EXCEPT beginning at the northeast corner of said Lot 14; thence south along the east side of said Lot 14, a distance of 127.48 feet; thence west parallel with the north line of said Lot 14, a distance of 235.31 feet; thence northwesterly 127.72 feet to a point on the north line and 242.70 feet west of the northeast corner of said Lot 14; thence east 242.70 feet to the point of beginning of excepted tract; AND EXCEPT that part of said Lot 14 described as commencing at the northeast corner of said Lot 14; thence south, along the east line of said Lot 14, 127.48 feet; thence west, parallel with the north line of said Lot 14, 235.31 feet to the point of beginning; thence continuing west, parallel with the north line of said Lot 14, 100.75 feet to a point on the west line of said Lot 14; thence northwesterly, along said west line, 94.68 feet to the northwesterly corner of said Lot 14; thence along the northwesterly line of said Lot 14 along a curve having a radius of 75 feet, an arc distance of 60.49 feet to a point on the north line of said Lot 14; thence east along said north line 63.59 feet to a point 242.70 feet west of the northeast corner of said Lot 14; thence southeasterly 127.72 feet to the point of beginning of excepted tract.

PARCEL 'D'

Beginning at the northeast corner of Lot 14, Block 2, Airport Industrial Park, Wichita, Sedgwick County, Kansas; thence south along the east side of said Lot 14, a distance of 127.48 feet; thence west parallel with the north line of said Lot 14, a distance of 235.31 feet; thence northwesterly 127.72 feet to a point on the north line and 242.70 feet west of the northeast corner of said Lot 14; thence east 242.70 feet to the point of beginning.

PARCEL 'E'

That part of Lot 14, Block 2, Airport Industrial Park, Wichita, Sedgwick County, Kansas described as commencing at the northeast corner of said Lot 14; thence south, along the east line of said Lot 14, 127.48 feet; thence west, parallel with the north line of said Lot 14, 235.31 feet to the point of beginning; thence continuing west, parallel with the north line of said Lot 14, 100.75 feet to a point on the west line of said Lot 14; thence northwesterly, along said west line, 94.68 feet to the northwesterly corner of said Lot 14; thence along the northwesterly line of said Lot 14 along a curve having a radius of 75 feet, an arc distance of 60.49 feet to a point on the north line of said Lot 14; thence east along said north line 63.59 feet to a point 242.70 feet west of the northeast corner of said Lot 14; thence southeasterly 127.72 feet to the point of beginning.

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **square foot** basis.

That the land or area above described be constituted as an improvement district against which shall be assessed 100 percent of the total actual cost of the improvement for which the improvement district is liable.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two

or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis. Except when driveways are requested to serve a particular tract, lot, or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 1980 Supp. 12-6a01 et seq.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas this 4th day of

December, 2012.

_____
CARL BREWER, MAYOR

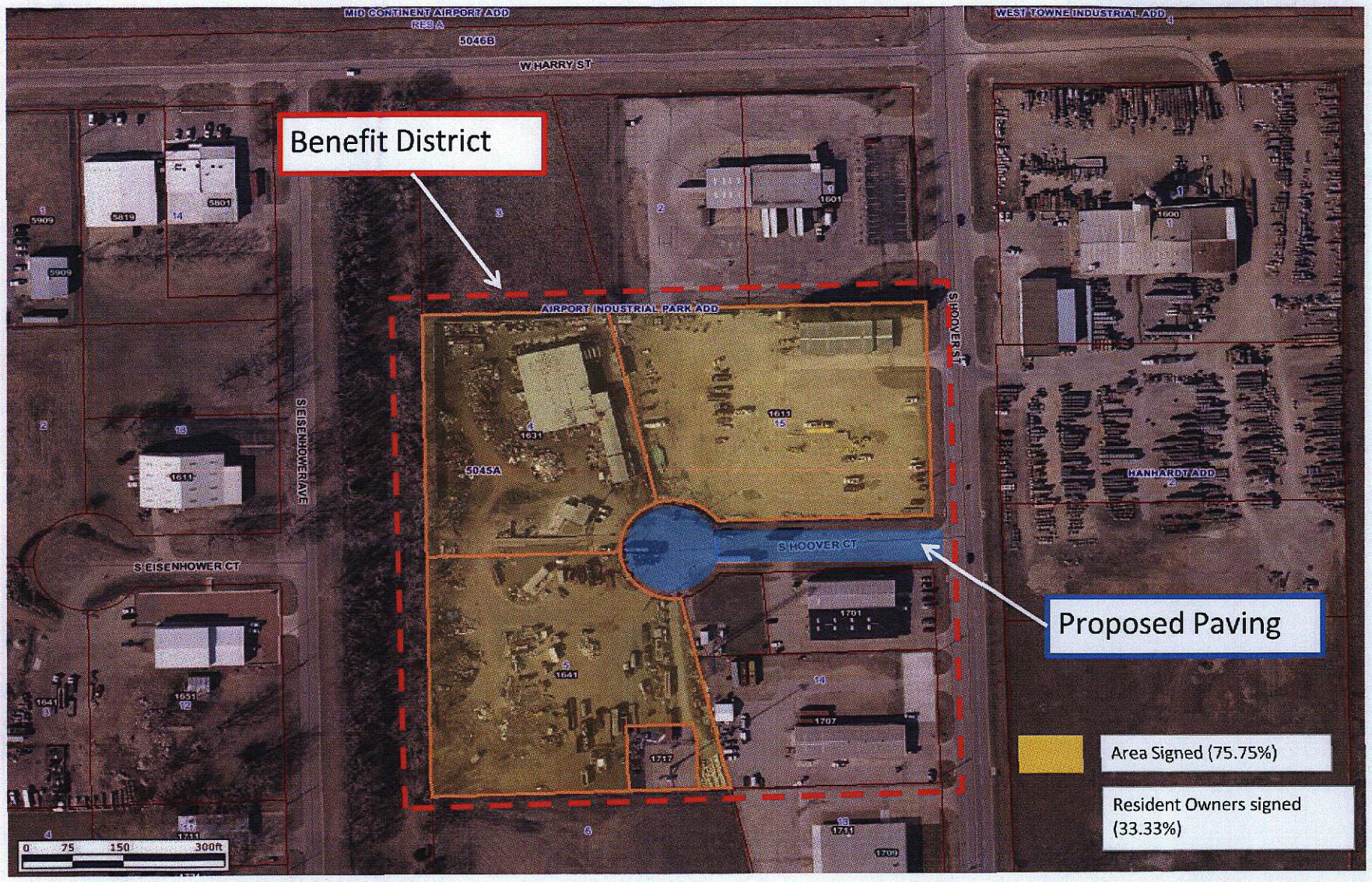
ATTEST:

_____
KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

_____
GARY E. REBENSTORF
DIRECTOR OF LAW


Benefit District
Proposed Paving
Area Signed (75.75%)
Resident Owners signed (33.33%)
MID CONTINENT AIRPORT ADD
RES A
5046B
W HARRY ST
WEST TOWNE INDUSTRIAL ADD
AIRPORT INDUSTRIAL PARK ADD
S HOOVER ST
S HOOVER CT
S EISENHOWER AVE
S EISENHOWER CT
HANHARDT ADD
5045A
0 75 150 300ft

Estimated assessments for Hoover Court paving

Key No.	Property Owner	Property Address	Legal Description	Area (sq. ft.)	Estimated Assessment*	Driveway Assessment***	Total Assessment	10/26/12 Annual Payment**	Resident Owners	cost area rate	$162,000.00 490321 0.330395802	Area Signed	Res. Own. Signed
AIRPORT INDUSTRIAL PARK ADD													
D 28162	DONHAM PROPERTIES LLC	1631 S HOOVER CT	LOT 4, BLOCK 2	108698	$35,813	$2,000	$37,813	$3,653	1			108698	1
D 28163	DONHAM PROPERTIES LLC 1631 S HOOVER WICHITA KS 67209	1641 S HOOVER CT	LOT 5 EXC COMM SE COR TH NW 113.55T FOR BEG TH SE 24.42FT TH S 76.61FT TH W 100 FT TH N 100.57 FT TH E95.28 FT TO BEG	127239	$42,039	$2,000	$44,039	$4,243	repeat			127239	repeat
D 281630001	GLOBAL SIGNAL ACQUISITIONS IV LLC 4017 WASHINGTON RD MC MURRAY PA 15317	1717 S HOOVER ST	COMM SE COR LOT 5 TH NW 113.55 FTOR BEG TH SE 24.42FT TH S 76.61 FTTH W 100 FT TH N 100 FT TH E. 95.28FT TO BEG	9944	$3,286	$2,000	$5,286	$509	nr				
D 28172	FIVE STAR HOLDINGS LLC	1707 S HOOVER ST	LOT 14 EXC BEG NE COR S 127.48 FT W35.31 FT NLY 127.72 FT TO N LI E 242.7 FT TO BEG & EXC BEG 127.48 FT S & 235.31 FT W NE COR SD L	65630	$21,684	$0	$21,684	$2,089	1				
D 281720001	BANNER ACQUISITION IV CORP ATTN: JOHN KOHLER	1701 S HOOVER ST	BEG NE COR LOT 14 S 127.48 FT W35.31 FT NLY 127.72 FT TO N LI E242.7 FT TO BEG	30469	$10,067	$2,000	$12,067	$1,163	1				
D 281720002	AMERICAN TOWER LP PO BOX 723597 ATLANTA GA 31139		BEG 127.48 FT S & 235.31 FT W NEOR LOT 14 TH W 100.75 FT NWLY 94.68 FT TH ALG CUR 60.49 FT TO N LI E 63.59 FT SELY 127.72 FT T	12840	$4,242	$2,000	$6,242	$601	nr				
D 28173	DONHAM PROPERTIES LLC 1631 S HOOVER WICHITA KS 67209	1611 S HOOVER ST	LOT 15, BLOCK 2	135501	$44,769	$2,000	$46,769	$4,506	repeat			135501	repeat
			Totals:	490321	$162,000	$12,000	$174,000		3			371438	1

Abbreviations:
etal. = and others
etux = and wife
etvir. = and husband
nr = non resident

* Estimated assessment for street construction based on $0.33 per square foot basis excluding inflation, and/or temporary financing.

** Estimated Annual escrow payment based on 5% bond sale rate, and spread over 15 years.

Area Signed	75.75%
Resident Owners Signed	33.33%

BREAKDOWN OF PROJECT COSTS

Amount assessed to the improvement district	$162,000
Add: City Share for Intersections (0%)	$0
Add: Estimated driveway costs***	$12,000
Total Estimated project cost	$174,000

*** Driveway approach costs are assessed to individual properties based on the actual size of drive approach requested. Each property must have a driveway constructed with the project, unless it is a corner lot with access to another street. The approach must be at least 12' wide and will extend from the street to the property line. Total estimated cost for driveway construction is based on 20' average width, at a cost of $2000 per driveway. The annual payment above includes the street construction and driveway cost for each lot.

RECEIVED

AUG 1 8 '12

CITY CLERK OFFICE

PAVING PETITION

To the Mayor and City Council
Wichita, Kansas

Dear Council Members:

1. We, the undersigned owners of record as below designated, of Lots, Parcels, and Tracts of real property described as follows:

472-85067

AIRPORT INDUSTRIAL PARK
Lots 4 and 15, Block 2

South of Harry, West of Hoover

Dist. IV

PARCEL 'A'

Lot 5, Block 2, Airport Industrial Park, Wichita, Sedgwick County, Kansas, EXCEPT that part of said Lot 5, Block 2, described as: Commencing at the southeast corner of said Lot 5, Block 2; thence N27°56'56"W, a distance of 113.55 feet to the point of beginning of said tract on the west line of a 30 foot Texas-Cities Service Pipeline Easement as shown on said Airport Industrial Park plat; thence S12°37'44"E, along said west line, a distance of 24.42 feet; thence S01°28'40"E, a distance of 76.61 feet; thence S88°31'20"W, a distance of 100.00 feet; thence N01°28'40"W, a distance of 100.57 feet; thence N88°31'20"E, a distance of 95.28 feet to the point of beginning.

PARCEL 'B'

That part of Lot 5, Block 2, Airport Industrial Park, Wichita, Sedgwick County, Kansas described as: Commencing at the southeast corner of said Lot 5, Block 2; thence N27°56'56"W, a distance of 113.55 feet to the point of beginning of said tract on the west line of a 30 foot Texas-Cities Service Pipeline Easement as shown on said Airport Industrial Park plat; thence S12°37'44"E, along said west line, a distance of 24.42 feet; thence S01°28'40"E, a distance of 76.61 feet; thence S88°31'20"W, a distance of 100.00 feet; thence N01°28'40"W, a distance of 100.57 feet; thence N88°31'20"E, a distance of 95.28 feet to the point of beginning.

PARCEL 'C'

Lot 14, Block 2, Airport Industrial Park, Wichita, Sedgwick County, Kansas EXCEPT beginning at the northeast corner of said Lot 14; thence south along the east side of said Lot 14, a distance of 127.48 feet; thence west parallel with the north line of said Lot 14, a distance of 235.31 feet; thence northwesterly 127.72 feet to a point on the north line and 242.70 feet west of the northeast corner of said Lot 14; thence east 242.70 feet to the point of beginning of excepted tract; AND EXCEPT that part of said Lot 14 described as commencing at the northeast corner of said Lot 14; thence south, along the east line of said Lot 14, 127.48 feet; thence west, parallel with the north line of said Lot 14, 235.31 feet to the point of beginning; thence continuing west, parallel with the north line of said Lot

14, 100.75 feet to a point on the west line of said Lot 14; thence northwesterly, along said west line, 94.68 feet to the northwesterly corner of said Lot 14; thence along the northwesterly line of said Lot 14 along a curve having a radius of 75 feet, an arc distance of 60.49 feet to a point on the north line of said Lot 14; thence east along said north line 63.59 feet to a point 242.70 feet west of the northeast corner of said Lot 14; thence southeasterly 127.72 feet to the point of beginning of excepted tract.

PARCEL 'D'

Beginning at the northeast corner of Lot 14, Block 2, Airport Industrial Park, Wichita, Sedgwick County, Kansas; thence south along the east side of said Lot 14, a distance of 127.48 feet; thence west parallel with the north line of said Lot 14, a distance of 235.31 feet; thence northwesterly 127.72 feet to a point on the north line and 242.70 feet west of the northeast corner of said Lot 14; thence east 242.70 feet to the point of beginning.

PARCEL 'E'

That part of Lot 14, Block 2, Airport Industrial Park, Wichita, Sedgwick County, Kansas described as commencing at the northeast corner of said Lot 14; thence south, along the east line of said Lot 14, 127.48 feet; thence west, parallel with the north line of said Lot 14, 235.31 feet to the point of beginning; thence continuing west, parallel with the north line of said Lot 14, 100.75 feet to a point on the west line of said Lot 14; thence northwesterly, along said west line, 94.68 feet to the northwesterly corner of said Lot 14; thence along the northwesterly line of said Lot 14 along a curve having a radius of 75 feet, an arc distance of 60.49 feet to a point on the north line of said Lot 14; thence east along said north line 63.59 feet to a point 242.70 feet west of the northeast corner of said Lot 14; thence southeasterly 127.72 feet to the point of beginning.

do hereby petition, pursuant to the provisions of K.S.A. 12-6a01 et seq., as follows:

(a) That there be constructed pavement on Hoover Court (Lots 4, 5, 14, and 15, Block 2) from the west line of Hoover Avenue, west to and including the cul-de-sac.

That said pavement between aforesaid limits be constructed for a width of thirty-six (36) feet from gutter line to gutter line, and each gutter to be two (2) feet in width, making a total roadway width of forty (40) feet with plans and specifications to be furnished by the City Engineer of the City of Wichita, Kansas. Drainage to be installed where necessary.

(b) That the estimated and probable cost of the foregoing improvement being One Hundred Seventy-Four Thousand Dollars ($174,000), with 100 percent payable by the improvement district. Said estimated cost as above setforth may be increased to include temporary interest or finance costs incurred during the course of design and construction of the project, and also may be increased

at the pro rata of 1 percent per month from and after September 1, 2012.

(c) That the land or area above described be constituted as an improvement district against which shall be assessed 100 percent of the total actual cost of the improvement for which the improvement district is liable.

If this improvement is abandoned, altered and/or constructed privately in part or whole that precludes building this improvement under the authority of this petition, any costs that the City of Wichita incurs shall be assessed to the property described above in accordance with the terms of the petition. In addition, if the improvement is abandoned at any state during the design and/or construction of the improvement or if it is necessary for the City of Wichita to redesign, repair or reconstruct the improvement after its initial design and/or construction because the design or construction does not meet the requirements of the City, then such costs associated with the redesign, repair or reconstruction of said improvement shall be assessed to the property described above in accordance with the terms of this petition.

(d) That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a square foot basis.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

Except when driveways are requested to serve a particular tract, lot, or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements.

2. It is requested that the improvements hereby petitioned be made without notice and hearing, which but for this request, would be required by K.S.A. 12-6a04. This petition may be combined with other petitions of similar nature in order to form one public improvement project.

3. That names may not be withdrawn from this petition by the signers thereof after the Governing body commences consideration of the petition or later than seven (7) days after filing, whichever comes first.

4. That when this petition has been filed with the City Clerk and it has been certified that the signatures thereon are according to the records of the Register of

Deeds of Sedgwick County, Kansas, the petition may be found sufficient if signed by either (1) a majority of the resident owners of record of property liable for assessment under the proposal, or (2) the resident owners of record of more than one-half of the area liable for assessment under the proposal, or (3) the owners of record (whether resident or not) of more than one-half of the area liable for assessment under the proposal. The Governing Body is requested to proceed in the manner provided by statute to the end that the petitioned improvements may be expeditiously completed and placed in use.

WITNESS our signatures attached with respect to each of which is indicated the property owned and the date of signing.

LEGAL DESCRIPTION	SIGNATURE	DATE
AIRPORT INDUSTRIAL PARK ADDITION Lot 4, Block 2 Lot 15, Block 2 **PARCEL 'A'**	Donham Properties, LLC By: _____ Kelly L. Donham, President	8/15/12
PARCEL 'B'	Global Signal Acquisitions IV, LLC By: _____	
PARCEL 'C'	Five Star Holdings, LLC By: _____	
PARCEL 'D'	Banner Acquisition IV Corp. By: _____	

PARCEL 'E'

American Tower, L.P.

By:_____

AFFIDAVIT

The undersigned, being first duly sworn on his oath, states: That he circulated the attached petition and the signatures thereon are the genuine signatures of the persons they support to be to the best of his knowledge and belief, being signed either in the presence of the undersigned or in the resident owners whose signatures appears on the petition.

Name

Baughman Company, P.A.
315 Ellis, Wichita, KS 67211
Address

262-7271
Telephone No.

Sworn to and subscribed before me this 16 day of August 2012.

Deputy City Clerk

City of Wichita
City Council Meeting
December 4, 2012

TO: Mayor and City Council

SUBJECT: Impacts of Multi-Year Flex Accounts Created by Senate Bill 272 (All Districts)

INITIATED BY: Department of Public Works & Utilities

AGENDA: New Business

Recommendation: Approve the agreement and budget adjustments.

Background: Effective water service is essential for a healthy urban settlement of sufficient density to support a high quality of life. As a regional water provider, the City of Wichita provides water service to over 140,000 residential, commercial, and wholesale customers. The two primary raw water sources for the Wichita Water Utility are Cheney Reservoir, which is a surface water source, and the Equus Beds Aquifer, which is a groundwater source. In response to drought and the interests of agricultural irrigators throughout the state, legislation was enacted in 2012, Senate Bill 272 (SB272), which gives water permit holders the ability to average their water use over a five-year period.

Analysis: Even though permit holders can withdraw larger volumes over the short term, the intent of SB272 was to be aquifer neutral over the long term. Because of the greater fluctuation in the aquifer made possible by SB272, and the unique characteristics of the Equus Beds Aquifer, the quantity and quality of the water available to the City of Wichita Utility may be negatively impacted. Modeling of the aquifer will be conducted to quantify the impacts of SB272. After the impacts are quantified, potential remedies will be formulated, and negotiations will be conducted with the state regulators to implement those remedies.

The Staff Screening & Selection Committee met on September 10, 2012, to interview respondents to a Request for Qualifications. Based on their extensive historical context knowledge, breadth of expertise about water regulation, and specific knowledge of the aquifer, the firm of Burns and McDonnell was selected to provide services for quantifying the impacts of the multi-year flex accounts.

Financial Considerations: The estimated cost of the work under the agreement with Burns & McDonnell is $154,824, and will be paid on a cost reimbursable basis. The City staff time will be paid for from the utility operating budgets. Should the actual costs exceed the estimated costs; the City will be responsible for additional actual costs. In the event additional actual costs are incurred, those costs will be reviewed and verified by engineering staff and submitted to the City Council for approval. There is funding for this project available in the water operating budget.

Legal Considerations: The Law Department has approved the agreement as to form.

Recommendation/Action: It is recommended that the City Council approve the agreement, authorize the necessary budget adjustments, and authorize the necessary signatures.

Attachment: Agreement.

AGREEMENT

for

PROFESSIONAL SERVICES

between

THE CITY OF WICHITA, KANSAS

and

BURNS & MCDONNELL

for

IMPACT OF 5-YEAR DROUGHT TERM PERMITS – SB272
(Project No. 448-90573)

THIS AGREEMENT, made this _____ day of _____, 2012, by and between the CITY OF WICHITA, KANSAS, party of the first part, hereinafter called the "CITY" and BURNS & MCDONNELL, party of the second part, hereinafter called the "ENGINEER".

WHEREAS, the CITY intends to assess the demand for water and alternatives to meet this demand; and

WHEREAS, the major components of this PROJECT will include, but not be limited to:

1. Use the USGS updated groundwater model to evaluate the impact of multi-year flex accounts.
2. Assist the City with obtaining flex account provisions by revising DWR permits, regulations, or statutes as necessary.
3. Assist the City with modifying DWR permits based on changes to the 1993 and 1940 water levels.

WHEREAS, the work will be conducted under the direction of the City Engineer or his designated representative, with milestone reviews; and,

WHEREAS, the following tasks are also part of this study:

1. Meetings
2. Data Collection & Evaluation
3. Water Level Impact Modeling
4. Reporting
5. Water Rights applications
6. Technical Services Consulting
7. Legal Services
8. Project Management and QA/QC

WHEREAS, a detailed SCOPE OF SERVICES is attached as Exhibit A.

NOW, THEREFORE, the parties hereto do mutually agree as follows:

I. SCOPE OF SERVICES

The ENGINEER shall furnish professional services as required to assess the water demand and supply options available and to perform PROJECT tasks outlined herein and in Exhibit A.

II. IN ADDITION, THE ENGINEER AGREES

A. To provide the various technical and professional services, equipment, material and transportation to perform the tasks as outlined herein and in the SCOPE OF SERVICES (Exhibit A).
B. To attend meetings with the City and other local, state and federal agencies as necessitated by the SCOPE OF SERVICES.
C. To make available during regular office hours, all writings, calculations, sketches, drawings and models such as the CITY may wish to examine periodically during performance of this agreement.
D. To save and hold CITY harmless against all suits, claims, damages and losses for injuries to persons or property arising from or caused by errors, omissions or negligent acts of ENGINEER, its agents, servants, employees, or subcontractors occurring in the performance of its services under this contract.
E. To maintain books, documents, papers, accounting records and other evidence pertaining to costs incurred by ENGINEER and, where relevant to method of payment, to make such material available to the CITY, or its authorized representative. To comply with all Federal, State and local laws, ordinances and regulations applicable to the work, including Title VI of the Civil Rights Act of 1964, and to comply with the CITY'S Affirmative Action Program as set forth in Exhibit "B" which is attached hereto and adopted by reference as though fully set forth herein.

F. To accept compensation for the work herein described in such amounts and at such periods as provided in Article IV and that such compensation shall be satisfactory and sufficient payment for all work performed, equipment or materials used and services rendered in connection with such work.

G. To complete the services to be performed by ENGINEER within the time allotted for the PROJECT in accordance with Exhibit A; EXCEPT that the ENGINEER shall not be responsible or held liable for delays occasioned by the actions or inactions of the CITY or other agencies, or for other unavoidable delays beyond control of the ENGINEER.

H. Covenants and represents to be responsible for the professional and technical accuracies and the coordination of all designs, drawings, specifications, plans, writings, models, and/or other work or material furnished by the ENGINEER under this agreement. ENGINEER further agrees, covenants and represents, that all designs, drawings, specifications, plans, writings, models, and other work or material furnished by ENGINEER, its agents, employees and subcontractors, under this agreement, including any additions, alterations or amendments thereof, shall be free from negligent errors or omissions.

   The Study Report, model(s), presentation materials, and any other work produced under this Agreement which may be copyrighted shall become the property of the CITY upon completion, and there shall be no restriction or limitation on the further use of said works by the CITY. The parties hereto intend the CITY to have copyright ownership in the works produced hereunder, as "works made for hire", under the provisions of United States copyright laws. In the event any of the works is ever determined not to constitute or qualify as a "work made for hire," ENGINEER agrees to grant the CITY a perpetual, royalty-free and irrevocable license to reproduce, publish and/or otherwise use and authorize others to use such works.

I. ENGINEER shall procure and maintain such insurance as will protect the ENGINEER from damages resulting from the negligent acts of the ENGINEER, its agents, officers, employees and subcontractors in the performance of the professional services rendered under this agreement. Such policy of insurance shall be in an amount not less than $500,000.00. In addition, a Worker's Compensation and Employer's Liability Policy shall be procured and maintained. This policy shall include an "all state" endorsement. Said insurance policy shall also cover claims for injury, disease or death of employees arising out of and in the course of their employment, which, for any reason, may not fall within the provisions of the Workman's Compensation Law. The liability limit shall be not less than:

   Worker's Compensation – Statutory
   Employer's Liability - $500,000 each occurrence.

   Further, a commercial general liability policy shall be procured and maintained by the ENGINEER that shall be written in a comprehensive form and shall protect ENGINEER against all claims arising from injuries to persons (other than ENGINEER'S employees) or damage to property of the CITY or others arising out of any negligent act or omission of ENGINEER, its agents, officers, employees or subcontractors in the performance of the professional services under this agreement.

The liability limit shall not be less than $500,000.00 per occurrence for bodily injury, death and property damage. Satisfactory Certificates of Insurance shall be filed with the CITY prior to the time ENGINEER starts any work under this agreement. ENGINEER shall provide CITY thirty (30) days written notice by the insurance company before such policy is substantially changed or canceled.

J. To designate a Project Manager for the coordination of the work that this agreement requires to be performed. The ENGINEER agrees to advise the CITY, in writing, of the person(s) designated as Project Manager not later than five (5) days following issuance of the notice to proceed on the work required by this agreement. The ENGINEER shall also advise the CITY of any changes in the person designated Project Manager. Written notification shall be provided to the CITY for any changes exceeding one week in length of time.

III. THE CITY AGREES:

A. To furnish all available data pertaining to the PROJECT now in the CITY'S files at no cost to the ENGINEER. Confidential materials marked or otherwise identified by CITY and so furnished will be kept confidential by the ENGINEER.

B. To provide standards as required for the PROJECT; however, reproduction costs are the responsibility of the ENGINEER, except as specified in Exhibit A.

C. To pay the ENGINEER for his services in accordance with the requirements of this agreement.

D. To provide the right-of-entry for ENGINEER'S personnel in performing field surveys and inspections.

E. To designate a Project Manager for the coordination of the work that this agreement requires to be performed. The CITY agrees to advise the ENGINEER, in writing, of the person(s) designated as Project Manager with the issuance of the notice to proceed on the work required by this agreement. The CITY shall also advise the ENGINEER of any changes in the person(s) designated Project Manager. Written notification shall be provided to the ENGINEER for any changes exceeding one week in length of time.

F. To examine all studies, reports, sketches, drawings, specifications, proposals and other documents presented by ENGINEER in a timely fashion.

IV. PAYMENT PROVISIONS

A. Payment to the Engineer for the performance of the professional services required shall be time related charges for labor, per attached rate table shown in Exhibit "C" and direct expenses, but the total of all payments shall not exceed $154,824 and may be less than the estimated amount.

B. During the progress of work covered by this agreement, partial payments may be made to the ENGINEER monthly. The progress billings shall be supported by documentation acceptable to the City Engineer which shall include a project Gantt chart or other suitable progress chart indicating progress on the PROJECT and a record of the time period to complete the work, the time period elapsed, and the time period that remains to complete the work.

C. When requested by the CITY, the ENGINEER will enter into a Supplemental Agreement for additional services related to the PROJECT such as, but not limited to:
   1. Consultant or witness for the CITY in any litigation, administrative hearing, or other legal proceedings related to the PROJECT.
   2. Additional services not covered by the scope of this agreement.
   3. Administration related to this PROJECT
   4. A major change in the scope of services for the PROJECT.

   If additional work should be necessary, the ENGINEER will be given written notice by the CITY along with a request for an estimate of the increase necessary in the not-to-exceed fee for performance of such additions. No additional work shall be performed nor shall additional compensation be paid except on the basis of a Supplemental Agreement duly entered into by the parties.

V. THE PARTIES HERETO MUTUALLY AGREE:

A. That the right is reserved to the CITY to terminate this agreement at any time, upon written notice, in the event the PROJECT is to be abandoned or indefinitely postponed, or because of the ENGINEER'S inability to proceed with the work.

B. That the notes and other pertinent drawings and documents pertaining to the PROJECT shall become the property of the CITY upon completion or termination of the ENGINEER'S services in accordance with this agreement; and there shall be no restriction or limitation on their further use by the CITY. Provided, however, that CITY shall hold ENGINEER harmless from any and all claims, damages or causes of action which arise out of such further use when such further use is not in connection with the PROJECT.

C. That the services to be performed by the ENGINEER under the terms of this agreement are personal and cannot be assigned, sublet or transferred without specific consent of the CITY.

D. In the event of unavoidable delays in the progress of the work contemplated by this agreement, reasonable extensions in the time allotted for the work will be granted by the CITY, provided, however, that the ENGINEER shall request extensions, in writing, giving the reasons therefor.

E. It is further agreed that this agreement and all contracts entered into under the provisions of this agreement shall be binding upon the parties hereto and their successors and assigns.

F. Neither the CITY'S review, approval, or acceptance of, nor payment for, any of the work or services required to be performed by the ENGINEER under this agreement shall be construed to operate as a waiver of any right under this agreement or any cause of action arising out of the performance of this agreement.

G. The rights and remedies of the CITY provided for under this agreement are in addition to any other rights and remedies provided by law.

It is specifically agreed between the parties executing this contract, that it is not intended by any of the provisions of any part of this contract to create the public or any member thereof a third party beneficiary hereunder, or to authorize anyone not a party to this contract to maintain a suit for damages pursuant to the terms or provisions of this contract.

IN WITNESS WHEREOF, the CITY and the ENGINEER have executed this agreement as of the date first written above.

BY ACTION OF THE CITY COUNCIL

_____
Carl Brewer, Mayor

SEAL:

ATTEST:

_____
Karen Sublett, City Clerk

APPROVED AS TO FORM:

_____
Gary Rebenstorf, Director of Law

BURNS & MCDONNELL

_____
(name/title)

ATTEST:

_____

Exhibit A
Scope of Services
Impact of 5-Year Drought Term Permits – SB272
(Project No. 448-90573)

Task 1 **Attend meetings as necessary, including preparation of meeting materials, generate meeting minutes t decisions, and other activities as necessary. The anticipated meetings for this project include:**

Project Kick-off Meeting with City staff
Preliminary Meeting with Department of Water Resources (DWR) to determine regulatory data requirements
Meet with United States Geological Survey (USGS) & Groundwater Management District No. 2 (GMD2) to dis & regulatory framework
Preliminary progress meeting with City to update staff on results & coordinate DWR presentations
Interim Meeting with DWR to provide initial results & verify approach
Final presentation/progress meeting with City to present & discuss report
Final DWR Meeting to present results & request action

Task 2 **Collect & evaluate historical data as necessary to accomplish the project goals.**

Collect available data from City, regulatory agencies & other sources (drillers, county offices, etc.)
Research historical data, determine how data was applied, & verify 1993 water levels
Research historical distribution of volume restrictions applied City wells, determine application method used to restrictions, & calculate appropriate volumes for application to wells if current volume cannot be rescinded or is
Evaluate priority of use of water rights, to determine use (vested vs. recharge credits)
Evaluate effects of modification of the 10 foot recharge limit
Develop impairment mitigation criteria & plans for operational problems in the wellfield caused by increased pu Accounts (MYFA)

Task 3 **Utilize the revised groundwater flow model for the Wichita wellfiled to model the impacts of MYFA pum chloride migation in the Equus Beds Well Field (EBWF)**

Generate & run 5 scenarios to evaluate the impacts on the water levels in the EBWF caused by MYFA pumpin
Generate data output (such as hydrographs, contour maps, & tables) & evaluate the data to quantify the pump
Generate & run 5 scenarios to evaluate the impacts on water levels and the effect on chloride migration from River areas into the EBWF caused by MYFA pumping.

Generate data output (such as hydrographs, contour maps, block diagrams & tables) & evaluate the data to qu

Task 4 **Generate reports for submittal to the City & regulatory agencies. These reports will include a summary findings, and recommendations/requests for future action. The following reports will be generated:**

Generate preliminary/draft report to City to summarize work completed and findings of data evaluation.
Presentation/Final report to City to summarize project & recommend path to proceed
Deliverable to DWR to summarize project activities, report findings & request action by DWR.

Task 5 **Complete water rights applications for 24 City wells to modify them to allow extraction of recharge cre**

Complete applications for 24 wells
Acquire well location data, aerial photo data & generate radius maps showing locations and distances of perm 0.5 miles of the application well
Collect property ownership data from Harvey & Sedgwick County assesors to identify domestic well ownership
Apply domestic well location data to aerial photos & generate radius maps showing locations and distances of miles of the application well

Visit well locations to visually identify & verify domestic well locations as necessary.

Task 6 Technical Services Consulting

Technical services in the form of meetiings, technical memorandums, and historical documentation in support up to 40 hours.

Task 7 Legal Services

Subcontract legal services provided by FoulstonSiefkin as requested in support of project goals and objectives

Task 8 Project management, administration, and Quality Assurance Quality Control activities

EXHIBIT "B"

REVISED NON-DISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION PROGRAM REQUIREMENTS STATEMENT FOR CONTRACTS OR AGREEMENTS

II. CITY OF WICHITA, KANSAS

III. IMPACT OF 5-YEAR DROUGHT TERM PERMITS – SB272

(Project No. 448-90573)

During the term of this contract, the contractor or subcontractor, vendor or supplier of the City, by whatever term identified herein, shall comply with the following Non-Discrimination--Equal Employment Opportunity/Affirmative Action Program Requirements:

A. During the performance of this contract, the contractor, subcontractor, vendor or supplier of the City, or any of its agencies, shall comply with all the provisions of the Civil Rights Act of 1964, as amended: The Equal Employment Opportunity Act of 1972; Presidential Executive Orders 11246, 11375, 11141; Part 60 of Title 41 of the Code of Federal Regulations; the Age Discrimination in Employment Act of 1967; the Americans with Disabilities Act of 1990 and laws, regulations or amendments as may be promulgated thereunder.

B. Requirements of the State of Kansas:

1. The contractor shall observe the provisions of the Kansas Act against Discrimination (Kansas Statutes Annotated 44-1001, et seq.) and shall not discriminate against any person in the performance of work under the present contract because of race, religion, color, sex, disability, and age except where age is a bona fide occupational qualification, national origin or ancestry;

2. In all solicitations or advertisements for employees, the contractor shall include the phrase, "Equal Opportunity Employer", or a similar phrase to be approved by the "Kansas Human Rights Commission";

3. If the contractor fails to comply with the manner in which the contractor reports to the "Kansas Human Rights Commission" in accordance with the provisions of K.S.A. 1976 Supp. 44-1031, as amended, the contractor shall be deemed to have breached this contract and it may be canceled, terminated or suspended in whole or in part by the contracting agency;

4. If the contractor is found guilty of a violation of the Kansas Act against Discrimination under a decision or order of the "Kansas Human Rights Commission" which has become final, the contractor shall be deemed to have breached the present contract, and it may be canceled, terminated or suspended in whole or in part by the contracting agency;

5. The contractor shall include the provisions of Paragraphs 1 through 4 inclusive, of this Subsection B, in every subcontract or purchase so that such provisions will be binding upon such subcontractor or vendor.

C. Requirements of the City of Wichita, Kansas, relating to Non-Discrimination -- Equal Employment Opportunity/Affirmative Action Program Requirements:

1. The vendor, supplier, contractor or subcontractor shall practice Non-Discrimination -- Equal Employment Opportunity in all employment relations, including but not limited to employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The vendor, supplier, contractor or subcontractor shall submit an Equal Employment Opportunity or Affirmative Action Program, when required, to the Department of Finance of the City of Wichita, Kansas, in accordance with the guidelines established for review and evaluation;

2. The vendor, supplier, contractor or subcontractor will, in all solicitations or advertisements for employees placed by or on behalf of the vendor, supplier, contractor or subcontractor, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, "disability, and age except where age is a bona fide occupational qualification", national origin or ancestry. In all solicitations or advertisements for employees the vendor, supplier, contractor or subcontractor shall include the phrase, "Equal Opportunity Employer", or a similar phrase;

3. The vendor, supplier, contractor or subcontractor will furnish all information and reports required by the Department of Finance of said City for the purpose of investigation to ascertain compliance with Non-Discrimination -- Equal Employment Opportunity Requirements. If the vendor, supplier, contractor, or subcontractor fails to comply with the manner in which he/she or it reports to the City in accordance with the provisions hereof, the vendor, supplier, contractor or subcontractor shall be deemed to have breached the present contract, purchase order or agreement and it may be canceled, terminated or suspended in whole or in part by the City or its agency; and further Civil Rights complaints, or investigations may be referred to the State;

4. The vendor, supplier, contractor or subcontractor shall include the provisions of Subsections 1 through 3 inclusive, of this present section in every subcontract, subpurchase order or subagreement so that such provisions will be binding upon each subcontractor, subvendor or subsupplier.

5. If the contractor fails to comply with the manner in which the contractor reports to the Department of Finance as stated above, the contractor shall be deemed to have breached this contract and it may be canceled, terminated or suspended in whole or in part by the contracting agency;

D. Exempted from these requirements are:

1. Those contractors, subcontractors, vendors or suppliers who have less than four (4) employees, whose contracts, purchase orders or agreements cumulatively total less than five thousand dollars ($5,000)

during the fiscal year of said City are exempt from any further Equal Employment Opportunity or Affirmative Action Program submittal.

2. Those vendors, suppliers, contractors or subcontractors who have already complied with the provisions set forth in this section by reason of holding a contract with the Federal government or contract involving Federal funds; provided that such contractor, subcontractor, vendor or supplier provides written notification of a compliance review and determination of an acceptable compliance posture within a preceding forty-five (45) day period from the Federal agency involved.

Exhibit C
Impact of 5-Year Drought Term Permits – SB272
Staff Rate Schedule
(Project 448-90573)

Position Classification	Classification Level	Hourly Billing Rate
General Office Staff	5	$58.00
Technician	6	$66.00
Assistant	7	$78.00
Assistant	8	$111.00
Assistant	9	$121.00
Staff	10	$134.00
Staff	11	$150.00
Senior	12	$161.00
Senior	13	$172.00
Associate	14	$185.00
Associate	15	$195.00
Associate	16	$200.00
Associate	17	$207.00

Agenda Item No. IV-6

City of Wichita
City Council Meeting
December 4, 2012

TO: Mayor and City Council

SUBJECT: 2013 Performer Contract for Wichita Flight Festival
(All Districts)

INITIATED BY: Division of Arts & Cultural Services

AGENDA: New Business

- -

Recommendation: It is recommended that the City Council approve the funding for the Commemorative Air Force contract for the Tora! Tora! Tora! Show for the 2013 Wichita Flight Festival.

Background: In 2009, the City Council approved the coordination of the Wichita Flight Festival by the Division of Arts and Cultural Services. The Wichita Flight Festival has included an air show featuring world class performers, educational exhibits, static aircraft and military displays, and a twilight air show and concert.

The Wichita Flight Festival is held every other year and is held at Colonel James Jabara Airport. The festival attracted approximately 30,000 visitors from Wichita and the surrounding communities for the two-day event and admission for the twilight air show and concert raised approximately $20,000 in revenue in 2011.

To facilitate the event each year, the Division staff has been tasked with raising additional funds from private sponsors. The remaining $150,000 needed to produce this event has been designated from the Tourism and Convention fund.

Analysis: The 2013 festival will be held on September 28 and 29, 2013 and will include two (2) daytime and one (1) twilight air show. The twilight air show will be followed by a concert and will include a nominal admission charge. The two day-time shows are free and open to the public. The Tora!Tora!Tora! Show is a reenactment of the 1941 bombing of Pearl Harbor and includes 8 aircraft and pyrotechnics to create a realistic reenactment of the event. The cost for this historic reenactment is $41,000 and is included in the budget for air show.

The total proposed budget for the 2013 festival is $361,700 and will include an opportunity to raise additional funds for the festival by the creation and sale of decorative lapel pins as well as admission for the twilight air show and concert. Sponsorships in the amount of $120,000 will be solicited to cover expenses incurred during the production of the festival.

Financial Consideration: The contract with the Commemorative Air Force for the production of the Tora Tora Tora performance is $41,000 and includes two (2) day shows and one (1) twilight show.

Legal Consideration: The Law Department has prepared and approved as to form the contract with the Commemorative Air Force for the production of the Tora! Tora! Tora! Show.

Recommendations/Actions: It is recommended that City Council approve the funding for the contract and allow staff to negotiate details of the contract for the performance of the Tora! Tora! Tora! Show during the execution of the 2013 Wichita Flight Festival.

Attachments: 1 contract

TORA TORA TORA

COMMEMORATIVE AIR FORCE AIRSHOW AGREEMENT

Date of Event:	September 28-29, 2013
Number of Days:	3
Name of Event:	Wichita Flight Festival
Location of Event:	Wichita, KS
Airfield Designator:	KICT
Contact Person:	Bernadette Bradshaw
Address:	Management Assistant Division of Arts & Cultural Services 225 W. Douglas, Wichita, KS 67202
Telephone:	316-303-8663
Fax:	
Email	bbradshaw@wichita.gov

THE TORA TORA TORA ACT

For the contract price stated below, and the additional requirements listed in attachments #1 and #2, the Tora Group agrees to provide the Tora, Tora, Tora act consisting of eight (8) replica Japanese aircraft, ground-based pyrotechnics, and a Tora Group announcer to Wichita, Kansas for an airshow at the time and place stated above. In addition to the contract price, Wichita Flight Festival Airshow understands and agrees that the additional requirements of attachments #1 and #2 are a part of this contract. Confirmation of the additional requirements shall be made at least ten (10) days prior to the airshow event. Final payment of the contract price shall be made on or before noon of the final airshow date. Payment shall be made to CAF-TORA account.

Two day show (8 Aircraft) including pyro		$22,500.00
Twilight Performance - Friday Evening		$6,500.00
Mileage Fee - $3.15 nautical mile x # aircraft x mileage from Pearland Regional (LVJ), TX -- Mileage =	500	$ 12,600.00
TOTAL CONTRACT PRICE		**$41,600.00**

A deposit of $2,000 is required to secure your date. This payment should be made to CAF–TORA at 17626 Airfield Lane, Pearland, TX 77851, Attn: Mark Allen. See pages 2, 3 and 4 for additional conditions.

SIGNATURE FOR AIRSHOW **DATE**

SIGNATURE FOR TORA GROUP **DATE**

Mark Allen – TORA LEAD – 17626 Airfield Lane, Pearland, TX 77581 (713) 329-8694, (832) 493-1368 (cell) – mark.allen@invensys.com
Gordon Webb – PYRO LEAD - 228 Maple Street, Springport, MI 49284 (517) 857-3796 (517) 525-3606 (cell) (517) 857-3228 (FAX) - torapyro@springcom.com

www.toratoratora.com

ADDITIONAL REQUIREMENTS:

LODGING

- **Seventeen rooms** (17) with one additional room for each additional aircraft beyond eight. Double Occupancy, ten (10) of the rooms must have two (2) beds.
- Accommodations should be AA or AAA at the host hotel or hotel headquarters as applicable. Rooms should be guaranteed available for a planned Friday arrival thru Sunday night for a typical Saturday and Sunday airshow. Support personnel might require earlier arrivals. (A Friday performance will require rooms Thursday – Sunday)

TRANSPORTATION

- **6 Vehicles: 4 Full size 4 door passenger cars and 2 Mini-vans** based on an eight aircraft show for **TORA** flight ops.
- Two "Gator," like vehicles or 1 "Gator" and one 1 Pick Up Truck for **TORA BOMB SQUAD** (Pyro Crew) and a 6'x8' utility trailer (to be towed by Gator or Pickup truck) to support efforts in the Pyro area.
- Transportation of Pyro Crew to and from nearby commercial airport.

SOCIAL EVENTS

- **TORA** crew and volunteer assistants (27 people) should be included in any airshow social functions.

FUEL

- Each aircraft requires 100 low lead AVGAS. Each day's performance will require an estimated 40 gallons of fuel per aircraft. Fuel will be provided by the Air Show for press rides, publicity, and any other flying authorized by the Air Show. Aircraft will be topped off after **TORA's** Sunday performance prior to our departure. Total estimated aircraft fuel for 8 aircraft is between 1,200 and 1,300 gallons.
- The pyrotechnic portion of the show will require approximately 400 gallons per day of car gas, or avgas. This must be in a truck that can deliver to the field pyro site and dispensed directly into the pyro containers. (Diesel and jet fuel are not acceptable for pyro due to additives that hinder ignition)

OIL

- 20 Gallons of Phillips 25-60 aviation oil are required along with facilities to put the oil into the aircraft.

SMOKE OIL

- 80 Gallons for 8 aircraft for a 2 day airshow, approximately 5 gallons per aircraft per airshow. Texaco Corvis 13 preferred, Texaco Regal B, Shell Carnea 10, Exxon Faxam 40, or any other 10 weight oil is acceptable and is to be provided by the airshow. Means to deliver the smoke oil to the aircraft must be provided.

TIE DOWNS or HANGAR SPACE

- Required for overnight storage of aircraft

SHORT AN AIRCRAFT

- In the event **TORA** should be short an aircraft due to mechanical or weather conditions, the mileage fee for this missing aircraft will be deducted from the contract cost.

ELECTRIC STARTING UNIT

- Rarely used but may be needed. Check with field FBO and advise designated **TORA** leader or **TORA** ground personnel.

FIRE BOTTLES

- One per each two aircraft should be positioned at the aircraft for each startup.

PERMITS & LICENSES

- The airshow is responsible for all local and state permits and licenses, as well as associated costs, required for the Tora performance including pyro. Tora will assist in the preparation of any applications.

Mark Allen – TORA LEAD – 17626 Airfield Lane, Pearland, TX 77581 (713) 329-8694, (832) 493-1368 (cell) – mark.allen@invensys.com
Gordon Webb – PYRO LEAD - 228 Maple Street, Springport, MI 49284 (517) 857-3796 (517) 525-3606 (cell) (517) 857-3228 (FAX) - torapyro@springcom.com

TORA ANNOUNCER

- The **TORA** act will provide their own announcer.

PYROTECHNIC SPECIAL MATERIALS AND NEEDS

- **If local conditions require special licenses, permits or unique licensed personnel, this additional cost will be passed on to the Air Show. Legal storage of the explosive materials is required.** If local approved explosive bunkers are available, we suggest these. If portable magazine bunkers are required, the show must pay the rental, delivery and pick up of same. **The same applies to daily weekend delivery of explosive material.**
- The "guidelines" established by the International Council of Airshows (ICAS) for pyro safety should be complied with to ensure safety, security and otherwise comfortable airport operations.

ADDITIONAL PYROTECHNICS

- **TORA's** own pyro squad (TORA BOMB SQUAD) will assist you with any additional pyro needs for just the cost of materials and any cost of extra-required personnel. Allow these individuals to work with your show choreographer for a really great show. **IF ADDITIONAL PYRO IS REQUESTED, TIMING FOR DELIVERY OF MATERIALS IS VERY CRITICAL – ADVISE OF YOUR INTENTIONS EARLY. We suggest 90-120 in advance of show date as a minimum.**

PRE-AIRSHOW PUBLICITY AND MEDIA FLIGHTS

- The **TORA** crew will work with your Air Show with advance publicity. We can arrange for media flights. **TORA** maintains a Public Information Officer who will supply you with print and video press materials upon request. For details contact names listed below.

AIRCRAFT OPERATIONS, PARKING AND SECURITY

- All aircraft operations are the sole responsibility of the designated **TORA LEAD** and the pilots in command of each individual aircraft. All aircraft should be parked line abreast allowing 50 feet per aircraft. The **TORA TORA TORA** aircraft should be parked in a prominent point in the aircraft staging area. .
- Security for the aircraft should be provided during the entire time the aircraft are on the field.
- Spectators should be allowed easy access to the aircraft prior to and after the airshow performances.
- Spectators are encouraged to approach the aircraft but are not allowed to smoke near or climb on the aircraft.

TORA PX OPERATIONS

- We reserve the right to sell articles that relate only to our **TORA Aircraft** and we will not compete with other vendor's articles. This is dependent upon your concession contractor's agreement.

TORA GROUND

- The **TORA** act will provide their own ground marshaller and event coordinator.

FRIENDLY AIRCRAFT

- It is advisable, and a crowd pleasing addition, to include a friendly allied aircraft during the **TORA** act to simulate scrambling to defend against the attackers. For this we recommend the use of the Commemorative Air Force's P-51 Mustang "Gunfighter" and P-40 Warhawk. In addition to scrambling and "dog fighting" with the Japanese Aircraft playing the role of the "good guy", both aircraft can perform an impressive aerobatic routine. Agreements each aircraft are to be made separately. Contact Larry Lumpkin with the F-5 Gunfighter @ 402-312-4675 (cell) P51gunfighter@prodigy.net and Ray Kinny with the P-40 Warhawk @ rkinney@groupcbs.com

HAVE A GREAT SAFE AIRSHOW

Mark Allen – TORA LEAD – 17626 Airfield Lane, Pearland, TX 77581 (713) 329-8694, (832) 493-1368 (cell) – mark.allen@invensys.com
Gordon Webb – PYRO LEAD - 228 Maple Street, Springport, MI 49284 (517) 857-3796 (517) 525-3606 (cell) (517) 857-3228 (FAX) - torapyro@springcom.com

TORA CONTACTS:

Mark Allen
TORA LEAD
17626 Airfield Lane
Pearland, TX 77581
PHONE: 832-493-1368
EMAIL: mark.allen@invensys.com

CONTRACTING OFFICER:

Gordon Webb
TORA PYRO LEAD
228 Maple Street
Springport, MI 49284
PHONE: 517-525-3606
EMAIL: torapyro@springcom.com

TORA SHOW CHECK LIST

_____ Motel Rooms (17 Rooms, ten (10) must have two (2) beds For Standard Show

_____ Transportation (6 Vehicles 4 full-size Cars and 2 Mini-vans For Standard Show)

_____ Two (2) "Gator," like vehicles or one (1) "Gator" and one (1) Pick Up Truck for Pyro Crew (Standard Show)

_____ Passes, Vehicle Ramp Permits, and Credentials for TORA Personnel (up to 26 people)

_____ Aircraft Fuel

_____ Pyro Fuel (Including Truck to Deliver to Pyro Site – NOTE fuel bowsers do not work – NO GRAVITY FEED)

_____ Aircraft Engine Oil

_____ Aircraft Smoke Oil

_____ Electric Starting Unit Availability

_____ Fire Bottles For Aircraft Starting

_____ Hangar Storage or Tie Down Location

_____ Special Pyro Requirements (local & state permits & licenses, including legal storage of explosive materials)

_____ Field Prepared For Pyro (i.e.: grass mowed very short, field pre-burnt, etc.)

_____ Crew To Clean up Pyro Area (non-explosive materials only). Pyro crew will "safe walk" the pyro area and put all major materials in piles if timing allows (Thunderbirds or Blue Angels flying immediately afterwards could make this not possible). It is suggested that materials be picked up the day after show is over to be sure no sparks start dumpster fires. **If a dumpster is made readily available the TORA pyro crew will place all materials into this dumpster.**

_____ Fire Department Coordination

www.toratoratora.com
COMMEMORATIVE AIR FORCE
TORA TORA TORA

City of Wichita
City Council Meeting
December 4, 2012

TO: Mayor and City Council

SUBJECT: Redbud Multi-Use Path, I-135 to Oliver (District I)

INITIATED BY: Department of Public Works & Utilities

AGENDA: New Business

Recommendations: Approve the project and the revised budget.

Background: The 2011-2020 Capital Improvement Program (CIP) adopted by the City Council includes the completion of the bicycle/pedestrian path along the abandoned railroad corridor from Murdock and I-135 to 17th Street North and Oliver. District I Advisory Board sponsored a neighborhood hearing on the project on November 5, 2012. The Board voted 7-0 to recommend approval of the project. The Design Council approved the project with several modifications at their November 14, 2012 meeting.

Analysis: The project provides a multi-use path from Hydraulic, near Murdock, to the intersection of 17th and Oliver, along an abandoned railroad corridor. The path is one of those recommended in the Wichita Parks, Recreation and Open Space Plan and connects to the multi-use path that runs along I-135. Future projects could extend the path further east along the same railroad corridor at approximately 17th Street North, all the way to Andover. This path is adjacent to residential neighborhoods and MacDonald Golf Course, and is an easy connection to Wesley Medical Center. Work is scheduled to begin in spring 2013 and be completed by late summer 2013.

State/Federal funding administered through the Kansas Department of Transportation will require standard agreements to be signed throughout the course of the project. Design needs may require the acquisition and/or granting of easements, the signing of utility relocation and railroad agreements and/or compensation for the same, and the signing of required permits and/or compensation for the same**.**

Financial Considerations: The programmed CIP budget for construction is $2,600,000, with $950,000 paid by the City and $1,650,000 paid by Federal grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation bonds.

Legal Considerations: The amending resolution has been approved as to form by the Law Department.

Recommendation/Actions: It is recommended that the City Council approve the project and the revised budget, adopt the amending resolution, and authorize the necessary signatures. State/Federal funding administered through the Kansas Department of Transportation will require standard agreements to be signed throughout the course of the project. Design needs may require the acquisition and/or granting of easements, the signing of utility relocation and railroad agreements and/or compensation for the same, and the signing of required permits and/or compensation for the same.

Attachments: Map, CIP sheet, and amending resolution.

132019

First Published in the Wichita Eagle on

RESOLUTION NO. 12-258

A RESOLUTION AMENDING RESOLUTION **NO. 11-219** AUTHORIZING THE ISSUANCE OF BONDS BY THE CITY OF WICHITA AT LARGE TO IMPROVE THE **REDBUD MULTI-USE PATH (472-85007).**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WICHITA, KANSAS;

SECTION 1. Section 1 of Resolution **No. 11-219** is hereby amended to read as follows:

"SECTION 1. That the City of Wichita finds it necessary to make certain related improvements as follows:

The design, acquisition of right-of-way and construction for a multi-use path along the rail banked Frisco right-of-way between the I-135 Freeway and Oliver."

SECTION 2. The original Section 1 of Resolution **No. 11-219** is hereby rescinded.

SECTION 3. Section 2 of Resolution **No. 11-219** is hereby amended to read as follows:

"SECTION 2. The total cost is estimated not to exceed $2,600,000, exclusive of the cost of interest on borrowed money, with $950,000 paid by the issuance of bonds by the City of Wichita at large and $1,650,000 paid by Kansas Department of Transportation."

SECTION 3. The original Section 2 of Resolution **No. 11-219** is hereby rescinded.

SECTION 4. That the advisability of said improvements is established and authorized by City of Wichita Charter Ordinance No. 156.

SECTION 5. That this resolution shall take effect and be in force from and after its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this _____ day of _____, 2012.

_____
CARL BREWER, MAYOR

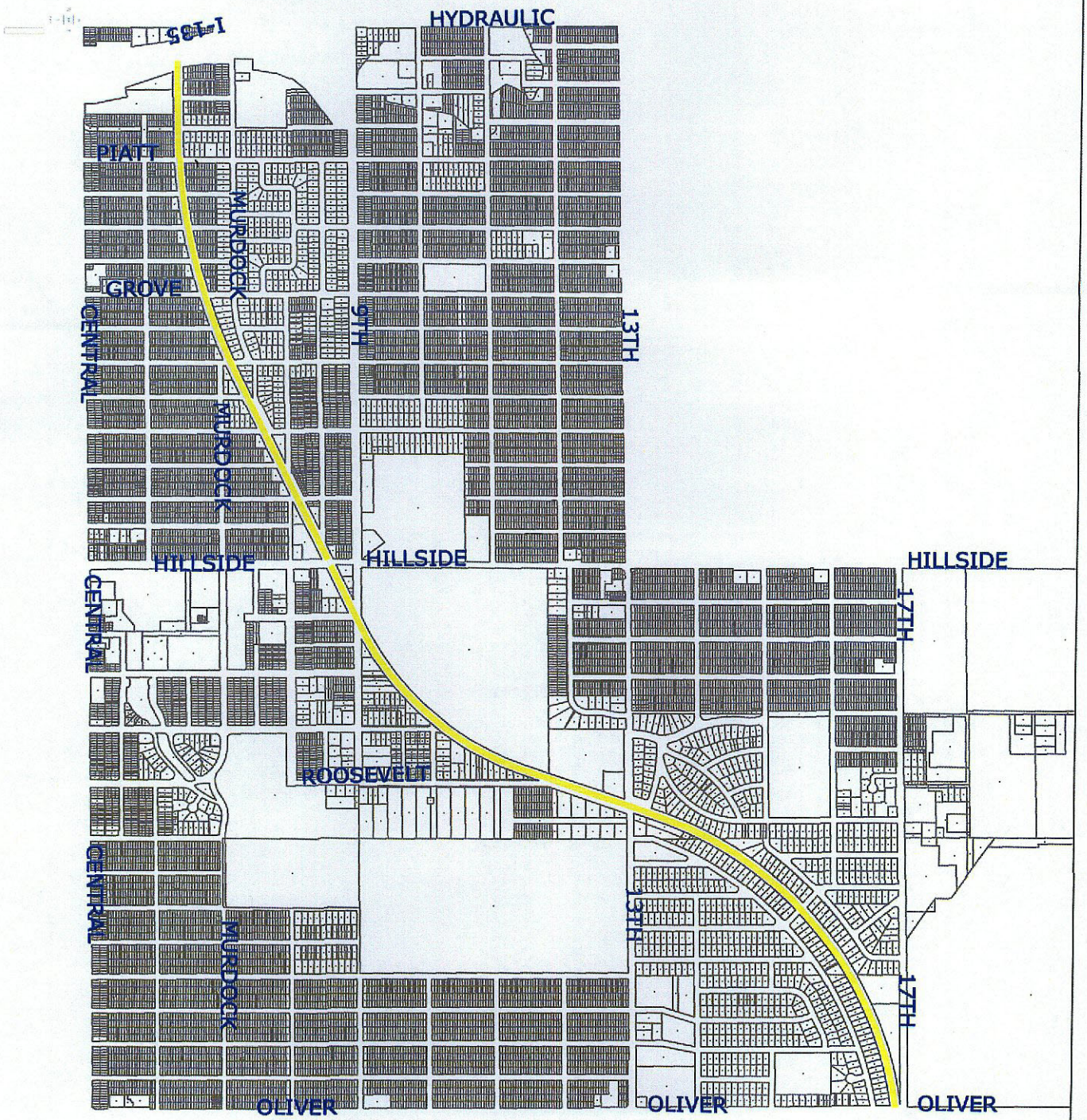
ATTEST:

_____
KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

_____
GARY REBENSTORF, DIRECTOR OF LAW


I-135
HYDRAULIC
PIATT
MURDOCK
GROVE
CENTRAL
9TH
13TH
MURDOCK
HILLSIDE
HILLSIDE
HILLSIDE
CENTRAL
17TH
ROOSEVELT
CENTRAL
13TH
MURDOCK
17TH
OLIVER
OLIVER
OLIVER

CAPITAL IMPROVEMENT

PROJECT AUTHORIZATION

CITY OF WICHITA

USE:

To Initiate Project	
To Revise Project	X

1. Prepare in triplicate
2. Send original & 2 copies to budget.
3. City Manager to sign all copies.
4. File original w/ initiating resolution in City Clerk.
5. Return 2nd copy to initiating department.
6. Send 3rd copy to Controller.

1. Initiating Department	2. Initiating Division	3. Date	4. Project Description & Location
Public Works & Utilites	Eng & Arch	11/26/2012	S Redbud Mulit-Use Path

5. CIP Project Number	6. Accounting Number	7. CIP Project Date (Year)	8. Approved by WCC Date
NI-		2012	

9. Estimated Start Date	10. Estimated Completion Date	11. Project Revised
As Required	As Required	

12. Project Cost Estimate

ITEM	GO	SA	KDOT	TOTAL
Right of Way				
Paving, grading & const.	$950,000		$1,650,000	$2,600,000
Bridge				
Drainage				
Sanitary Sewer				
Sidewalk				
Water				
Freeway				
Totals	$950,000		$1,650,000	$2,600,000
Total CIP Amount Budgeted				
Total Prelim. Estimate				

12A.

	Yes	No
Platting Required		
Lot Split		
Petition		
Ordered by WCC	X	

Remarks:

472-85007

13. Recommendation: Approve the budget and amending resolution.

Division Head	Department Head	Budget Officer	City Manager
		Date	Date

City of Wichita
City Council Meeting
December 4, 2012

TO: Mayor and City Council

SUBJECT: Approval of Bond Counsel Contract

INITIATED BY: Department of Law

AGENDA: New Business

Recommendation: Approve vendor selection and contract for bond counsel services.

Background: As the contract for the City's bond counsel came to the end of its term, a Request for Proposals was promulgated and three law firms responded with proposals to be the City's bond counsel. The responses were referred to a Staff Screening and Selection Committee for review. Three law firms were interviewed by the Committee. The Committee recommended the selection of the law firm of Gilmore & Bell, PC.

The City utilizes bond counsel to provide a broad range of professional services relative to the issuance and sale of bonds by the City. The City's usual bond issuances are general obligation bonds, general obligation refunding bonds, utility revenue bonds, utility revenue refunding bonds, temporary notes, and industrial revenue bonds. Bond counsel is generally compensated only if and when bonds are issued.

Analysis: The law firm of Gilmore Bell was selected by the committee based primarily upon the firm's record of professionalism and quality. Ranking forms were completed by each committee member and reviewed/tabulated to verify the committee's selection. The results of the interviews, along with an analysis of the proposals were reviewed by the Internal Auditor and approved by the City Manager.

The contract has been drafted for a two-year term, and is based on the content of the City's RFP and the firm's response. As with previous bond counsel contracts, the contract is non-exclusive and does not prevent the City from retaining additional or different bond counsel for a particular financing, should the need arise. The regular practice of the City for a number of years has been to use its general bond counsel for most IRB projects, except in cases of conflict, in order to prevent applicants, underwriters or other parties interested in a financing from engaging in opinion-shopping before bringing a project to the City.

Financial Considerations: Payments for bond counsel services will generally be made from bond proceeds or, in conduit financings and certain special obligation financings (such as industrial revenue bond issues or special obligation CID or TIF bond issues) from funds provided by the business or developer on whose behalf the bonds are issued.

Legal Considerations: The Law Department has prepared the contract and approved it as to form.

Recommendations/Actions: It is recommended that City Council approve the contract and authorize the necessary signatures.

Attachment: Contract for Bond Counsel Services

CONTRACT FOR BOND COUNSEL SERVICES

THIS CONTRACT made and entered into as of this _____ day of December 2012, by and between THE CITY OF WICHITA, KANSAS, a Municipal Corporation, hereinafter called "CITY," and GILMORE & BELL, P.C., Attorneys at Law, hereinafter referred to as "BOND COUNSEL."

WITNESSETH:

That in consideration of the sum to be paid by the CITY to the BOND COUNSEL as hereinafter provided, and in further consideration of the mutual promises, covenants and agreements of the parties, the CITY does hereby non-exclusively employ the BOND COUNSEL for services in connection with the issuance and sale of General Obligation Bonds, General Obligation Refunding Bonds, Revenue Bonds, Refunding Revenue Bonds, General Obligation - Sales Tax Revenue Bonds, Temporary Notes and other evidence of indebtedness.

The BOND COUNSEL agrees to, and hereby does, accept such employment and agrees to do the work necessary to perform professional legal services as BOND COUNSEL for the CITY. The BOND COUNSEL agrees to commence such work the date this contract is executed, and agrees to expedite the same with reasonable diligence until the 31st day of December, 2014, or until such time thereafter that a new BOND COUNSEL is selected by the CITY.

BOND COUNSEL, the firm of GILMORE & BELL, P.C., including but not limited to the financing team of Joe Norton, Kevin Cowan, Sarah Steele, Garth Herrmann, Gary Anderson, Richard Wright, Marcus McCarty and Meghan McKernan, do hereby agree to provide bond counsel professional services to the City of Wichita as required herein.

It is agreed that the BOND COUNSEL shall be compensated for its services for each separate series of bonds and notes in accordance with the following:

1. General Obligation Bonds (excluding special assessment backed Bonds):

   a. $0.75 per thousand dollar par amount up to $10 million;

   b. $0.65 per thousand dollar par amount thereafter.

2. General Obligation Temporary Notes (excluding special assessment backed Notes):

a. $0.60 per thousand dollar par amount.

3. General Obligation Bonds also backed by special revenues:

a. $0.80 per thousand dollar par amount up to $10 million;

c. $0.70 per thousand dollar par amount thereafter.

4. General Obligation Notes also backed by special revenues:

a. $0.70 per thousand dollar par amount.

5. City Revenue Bonds (non-conduit debt, typically utility):

a. $0.85 per thousand dollar par amount up to $10 million;

b. $0.75 per thousand dollar par amount thereafter.

6. Public Building Commission Bonds:

a. $0.85 per thousand dollar par amount up to $10 million;

b. $0.75 per thousand dollar par amount thereafter.

7. Industrial Revenue Bonds, Airport Special Facilities Revenue Bonds, and special obligation TIF, CID or STAR Bonds:

a. $12.50 per thousand dollar par amount up to $1 million;

b. $3.00 per thousand dollar par amount from $1 million to $5 million;

c. $2.00 per thousand dollar par amount from $5 million to $10 million;

d. $1.00 per thousand dollar par amount thereafter.

8. Refunding Bonds: 1.25 x the standard fee for the type of Bond being refunded.

For issues identified in paragraphs 1 through 5 above (and refundings of such issues), BOND COUNSEL will be compensated from proceeds or other City funds if and when the bonds are successfully issued and sold. For issues identified in paragraphs 6 and 7 above (and refundings of such issues), BOND

COUNSEL'S compensation will be paid from proceeds and/or funds of conduit borrowers or developers, but copies of all statements will be furnished to the City Attorney and the Director of Finance.

BOND COUNSEL shall also be reimbursed from the sources indicated above for its disbursements and advances, for items such as reproduction of documents, shipping and postage, long distance telephone calls and similar costs as follows:

a. In-house photocopying:	$0.20 per page
b. Outside photocopying/printing:	Actual Expense incurred
c. Facsimile transmittals:	No charge
d. Long Distance Telephone Expense:	
e. Postage and Shipping Expense:	Actual Expense Incurred
f. Publication Expenses:	Actual Expense Incurred
g. Recording/Filing Fees:	Actual Expense Incurred
h. State Agency Fees:	Actual Expense Incurred

i. Travel Expenses (excluding routine attendance at meetings of City Council or with staff concerning governmental bond issues):

(i)	Mileage	IRS approved Per Mile
(ii)	Tolls/Parking	Actual Expense Incurred
(iii)	Airline, Taxis.:	Actual Expense Incurred
(iv)	Meals/Lodging:	Actual Expense Incurred

j. Transcript Supplies:

(i)	Binder Covers	$11.50 Per Cover
(ii)	Index tabs	$24.50 Per Set
(iii)	Binding of Transcripts/CD Transcripts:	Actual Expense Incurred

Statements for fees and itemized expenses for all issues shall be presented to the City Attorney at or promptly following each bond closing, and shall be paid within thirty days after receipt (or, in conduit issues or special obligation issues where payment will be made from a party other than the City, at such

other time as may be set by agreement among the parties). Copies of statements for fees and itemized expenses for such issues shall be submitted to the City Attorney and the Director of Finance at the time the original statement is presented to the conduit borrower, developer, or other party obligated to make payment.

SCOPE OF SERVICES TO BE PROVIDED

During the performance of the contract, BOND COUNSEL agrees to perform and shall be prepared to provide a broad range of professional services relative to matters leading up to and following the issuance and sale of General Obligation Bonds, General Obligation Refunding Bonds, Revenue Bonds, Revenue Refunding Bonds, General Obligation - Sales Tax Revenue Bonds, Tax Increment Financing Bonds, Temporary Notes, Industrial Revenue Bonds and other evidence of indebtedness of the CITY of Wichita or agencies thereof (Airport Authority and Public Building Commission), including, but not limited to, the following:

1. Render advice, guidance and assistance when requested by the City Manager, City Attorney, Director of Finance or their designees, relative to projects proposed to be financed through the issuance of general obligation bonds, general obligation refunding bonds, revenue bonds, refunding revenue bonds, general obligation - sales tax revenue bonds, tax increment financing bonds and temporary notes or other evidence of indebtedness including, but not limited to, the drafting and reviewing of all proposed project initiation resolutions and ordinances and any associated requests for declaration of emergency in a timely manner;

2. Assist in preparing preliminary official statements and official statements for general obligation bonds, general obligation refunding bonds, revenue bonds and refunding revenue bonds, including but not limited to, rendering advice with respect to full disclosure and due diligence responsibilities;

3. Prepare all public notices required in conjunction with the issuance of bonds, or the establishment of a basis for *ad valorem* tax exemption of industrial revenue bond financed projects, including without limitation, notices of bond sales and notices of intent to issue bonds;

4. Prepare all special certificates needed to complete the issuance of bonds, including without limitation, closing certificates, final delivery certificates and Treasurer's Receipts;
5. Help in the selection of electronic bid providers for the electronic sale of the bonds, vendors for the printing and distribution of Preliminary Official Statements and Official Statements depository trust and insurance providers.
6. Attend the public sale of bonds to insure that bids are properly received and opened and that the award of sale conforms to legal requirements;
7. Assist in the preparation of bond transcripts;
8. Examine certified copies of official transcripts of all proceedings;
9. Render an acceptable approving opinion, on delivery of a payment for the bonds; this opinion may be printed on the bonds;
10. Issue and deliver other written opinions pertaining to any legal questions concerning any area of law involving CITY'S issuance of bonds, or CITY'S subsequent uses or proposed uses of bond-financed property, at the request of the City Attorney;
11. Review documents, assist CITY with and provide opinion as necessary to facilitate replacement of lost CITY bonds;
12. Advise, guide and assist the CITY and its officers in avoiding impermissible arbitrage and/or in calculating and making payment of arbitrage rebate in connection with outstanding bonds;
13. Advise, guide and assist the City and its officers in avoiding application of private payments to debt service and in avoiding uses of or arrangements with respect to property financed with bonds or notes where the result of such applications, uses or arrangements might be an adverse impact on the tax treatment of interest paid to holders of such bonds or notes;

14. Have available at all reasonable times a member of the firm for the purpose of providing the services described herein in a timely manner;

15. Under the direction of the City Attorney, provide standardized forms in relation to enacting resolutions, ordinances, notices, etc., for all bond-funded projects that CITY from time to time utilizes;

16. Avoid representation of other clients which cause or will result in conflict of interests with the CITY; however, if any conflict of interest issue arises, BOND COUNSEL shall notify the City Attorney and seek a waiver of the conflict of interest;

17. Upon request, attend City Council meetings when a matter involving a bond transaction is to be considered by the City Council;

18. Correct materially erroneous statements to the City Council at City Council meetings, whether made by staff or others, if BOND COUNSEL knows that such statements were materially erroneous when made.

19. Provide assistance in drafting legislation for submission to the state legislature on matters that relate to CITY finances and appear before state legislative committees on hearings involving such matters.

20. Upon the request of the City Council or the City Manager, provide a report to the City Council summarizing bond transactions the City Council is considering.

21. Provide advice and assistance to the City Attorney and the Director of Finance in the preparation and review of agenda items relating to bond matters prior to submission to the City Council.

BOND COUNSEL represents that in providing professional services under this contract it shall represent solely and only the CITY's interests.

BOND COUNSEL understands and acknowledges the City will assign trained and experienced personnel of its Finance Department and Law Department to work with Bond Counsel on various types of financings, and BOND COUNSEL agrees not to try to compete with the City for such personnel by offering employment to them during their employment with the City.

BOND COUNSEL will maintain a policy or policies of professional liability insurance coverage (which coverage does not exclude securities liability coverage) in the amount of not less than Ten Million Dollars ($10,000,000.00), with a Certificate of Insurance or a copy of the policy to be provided to the CITY. BOND COUNSEL also agrees to discuss the possibility of obtaining additional coverage in the event of assignment to the supervision of bond issues extraordinary in volume and size or amount.

BOND COUNSEL agrees to the terms and conditions as set forth in Exhibit "A", which is attached to and made a part of this Contract.

It is mutually agreed that the CITY reserves the right to terminate this Contract at any time, upon written notice, in the event of BOND COUNSEL's inability to perform the services or in the event the services of BOND COUNSEL are unsatisfactory; provided, that in such case the BOND COUNSEL will be paid the reasonable value of the services rendered up to the time of termination, unless the termination is linked to a breach of fiduciary duty supporting forfeiture of compensation under principles of Equity.

It is further understood that this contract, at the option of the CITY, may be terminated by the CITY if Joe Norton, Kevin Cowan, Sarah Steele or Gary Anderson terminate(s) employment with BOND COUNSEL. This contract may not be assigned.

IN WITNESS WHEREOF, the CITY has caused this contract to be executed by its Mayor and attested by its City Clerk duly authorized to do so by the governing body of said CITY, and said BOND COUNSEL has executed this contract by and through an authorized member. The undersigned member executing this contract on behalf of the BOND COUNSEL expressly represents and warrants thereby that he or she has

proper authority to execute this contract on behalf of GILMORE & BELL, P.C., and that every member of the firm of GILMORE & BELL, P.C., whose approval is required to constitute this contract a valid and binding contract of such firm has approved it.

CITY OF WICHITA

_____
Mayor

ATTEST:

_____
City Clerk

GILMORE & BELL, P.C.

_____
_____
An authorized member

Approved as to form:

_____
Gary E. Rebenstorf, Director of Law

Exhibit A

REVISED NON-DISCRIMINATION AND
EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION PROGRAM
REQUIREMENTS STATEMENT FOR CONTRACTS OR AGREEMENTS

During the term of this contract, the contractor or subcontractor, vendor or supplier of the City, by whatever term identified herein, shall comply with the following Non-Discrimination--Equal Employment Opportunity/Affirmative Action Program Requirements:

A. During the performance of this contract, the contractor, subcontractor, vendor or supplier of the City, or any of its agencies, shall comply with all the provisions of the Civil Rights Act of 1964, as amended: The Equal Employment Opportunity Act of 1972; Presidential Executive Orders 11246, 11375, 11131; Part 60 of Title 41 of the Code of Federal Regulations; the Age Discrimination in Employment Act of 1967; the Americans with Disabilities Act of 1990 and laws, regulations or amendments as may be promulgated thereunder.

B. Requirements of the State of Kansas:

1. The contractor shall observe the provisions of the Kansas Act against Discrimination (Kansas Statutes Annotated 44-1001, et seq.) and shall not discriminate against any person in the performance of work under the present contract because of race, religion, color, sex, disability, and age except where age is a bona fide occupational qualification, national origin or ancestry;

2. In all solicitations or advertisements for employees, the contractor shall include the phrase, "Equal Opportunity Employer", or a similar phrase to be approved by the "Kansas Human Rights Commission";

3. If the contractor fails to comply with the manner in which the contractor reports to the "Kansas Human Rights Commission" in accordance with the provisions of K.S.A. 1976 Supp. 44-1031, as amended, the contractor shall be deemed to have breached this contract and it may be canceled, terminated or suspended in whole or in part by the contracting agency;

4. If the contractor is found guilty of a violation of the Kansas Act against Discrimination under a decision or order of the "Kansas Human Rights Commission" which has become final, the contractor shall be deemed to have breached the present contract, and it may be canceled, terminated or suspended in whole or in part by the contracting agency;

5. The contractor shall include the provisions of Paragraphs 1 through 4 inclusive, of this Subsection B, in every subcontract or purchase so that such provisions will be binding upon such subcontractor or vendor.

C. Requirements of the City of Wichita, Kansas, relating to Non-Discrimination -- Equal Employment Opportunity/Affirmative Action Program Requirements:

1. The vendor, supplier, contractor or subcontractor shall practice Non-Discrimination -- Equal Employment Opportunity in all employment relations, including but not limited to employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The vendor, supplier, contractor or subcontractor shall submit an Equal Employment Opportunity or Affirmative Action Program, when required, to the Department of Finance of the City of Wichita, Kansas, in accordance with the guidelines established for review and evaluation;

2. The vendor, supplier, contractor or subcontractor will, in all solicitations or advertisements for employees placed by or on behalf of the vendor, supplier, contractor or subcontractor, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, "disability, and age except where age is a bona fide occupational qualification", national origin or ancestry. In all solicitations or advertisements for employees the vendor, supplier, contractor or subcontractor shall include the phrase, "Equal Opportunity Employer", or a similar phrase;

3. The vendor, supplier, contractor or subcontractor will furnish all information and reports required by the Department of Finance of said City for the purpose of investigation to ascertain compliance with Non-Discrimination -- Equal Employment Opportunity Requirements. If the vendor, supplier, contractor, or subcontractor fails to comply with the manner in which he/she or it reports to the City in accordance with the provisions hereof, the vendor, supplier, contractor or subcontractor shall be deemed to have breached the present contract, purchase order or agreement and it may be canceled, terminated or suspended in whole or in part by the City or its agency; and further Civil Rights complaints, or investigations may be referred to the State;

4. The vendor, supplier, contractor or subcontractor shall include the provisions of Subsections 1 through 3 inclusive, of this present section in every subcontract, subpurchase order or subagreement so that such provisions will be binding upon each subcontractor, subvendor or subsupplier.

5. If the contractor fails to comply with the manner in which the contractor reports to the Department of Finance as stated above, the contractor shall be deemed to have breached this contract and it may be canceled, terminated or suspended in whole or in part by the contracting agency;

D. Exempted from these requirements are:

1. Those contractors, subcontractors, vendors or suppliers who have less than four (4) employees, whose contracts, purchase orders or agreements cumulatively total less than five thousand dollars ($5,000) during the fiscal year of said City are exempt from any further Equal Employment Opportunity or Affirmative Action Program submittal.

2. Those vendors, suppliers, contractors or subcontractors who have already complied with the provisions set forth in this section by reason of holding a contract with the Federal government or contract involving Federal funds; provided that such contractor, subcontractor, vendor or supplier provides written notification of a compliance review and determination of an acceptable compliance posture within a preceding forty-five (45) day period from the Federal agency involved.

City of Wichita
City Council Meeting
December 4, 2012

TO: Mayor and City Council

SUBJECT: Repair or Removal of Dangerous & Unsafe Structure (District IV)

INITIATED BY: Office of Central Inspection

AGENDA: New Business

Recommendations: Adopt the resolution.

Background: On October 16, 2012, a report was submitted with respect to the dangerous and unsafe conditions on the property below. The Council adopted a resolution providing for a public hearing to be held on the condemnation action at 9:30 a.m. or soon thereafter, on December 4, 2012.

Analysis: On October 1, 2012, the Board of Code Standards and Appeals (BCSA) held a hearing on the residential property listed below

Property Address	Council District
a. 1818 South Shefford Circle	IV

Detailed information/analysis concerning this property is included in the attachments.

Financial Considerations: Structures condemned as dangerous buildings are demolished with funds from the Office of Central Inspection Special Revenue Fund contractual services budget, as approved annually by the City Council. This budget is supplemented by an annual allocation of federal Community Development Block Grant funds for demolition of structures located within the designated Neighborhood Reinvestment Area. Expenditures for dangerous building condemnation and demolition activities are tracked to ensure that City Council Resolution No. R-95-560, which limits OCI expenditures for non-revenue producing condemnation and housing code enforcement activities to 20% of OCI's total annual budgeted Special Revenue Fund expenditures, is followed. Owners of condemned structures demolished by the City are billed for the contractual costs of demolition, plus an additional $500 administrative fee. If the property owner fails to pay, these charges are recorded as a special property tax assessment against the property, which may be collected upon subsequent sale or transfer of the property.

Legal Considerations: The resolution and notice of hearing was reviewed and approved as to form by the Law Department.

Recommendations/Actions: It is recommended that the City Council close the public hearing, adopt the resolution declaring the building to be a dangerous and unsafe structure, and accept the BCSA recommended action to proceed with condemnation, allowing 10 days to start demolition and 10 days to complete removal of the structure. Any extensions of time granted to repair any structure would be contingent on the following: (1) All taxes have been paid to date as of December 4, 2012; (2) the structure has been secured as of December 4, 2012, and will continue to be kept secured; and (3) the premise is mowed and free of debris as of December 4, 2012, and will be so maintained during renovation.

If any of the above conditions are not met, the Office of Central Inspection will proceed with demolition action and also instruct the City Clerk to have the resolutions published once in the official city paper and advise the owner of these findings.

Attachments: Memorandums to Council, case summary, and resolution.

DATE: November 14, 2012

CDM SUMMARY

COUNCIL DISTRICT # IV

ADDRESS: 1818 S SHEFFORD CIR

LEGAL DESCRIPTION: LOT 12, BLOCK 5, LARK 3RD ADDITION, WICHITA, SEDGWICK COUNTY, KANSAS

DESCRIPTION OF STRUCTURE: A one-story frame dwelling about 20 x 24 feet in size. Vacant for at least 6 months, this structure has been badly damaged by fire. It has fire-damaged and missing composition siding; fire-damaged, sagging composition roof with holes; fire-damaged front porch; fire-damaged wood trim and framing members and the interior has been gutted by fire.

Description of dangerous or unsafe condition(s): The property is found to be dangerous and unsafe because of the following conditions:

A. Those, which have been damaged by fire, wind, want of repair, or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city.

B. The structure fails to provide the necessities to decent living, which makes it, unfit for human habitation.

C. Those whose use, equipment or want of good housekeeping constitutes a decided fire or safety hazard to the property itself or its occupants or which presents a decided fire or safety hazards to surrounding property or a menace to the public safety and general welfare.

City Ordinance states that any one of the above categories is just cause to declare the building a public nuisance and shall be repaired or demolished.

_____ _____

Director of Metropolitan Area Building and Construction Department Date
Enforcing Officer

DATE: November 14, 2012

BCSA GROUP # 1

ADDRESS: 1818 S SHEFFORD CIR

ACTIVE FIELD FILE STARTED: December 14, 2011

NOTICE(S) ISSUED: Since December 14, 2011, a violation notice has been issued. It should be noted that the Wichita Fire Department is investigating the possible arson of this property.

PRE-CONDEMNATION LETTER: December 20, 2011

TAX INFORMATION: Current

COST ASSESSMENT/DATES: None

PREMISE CONDITIONS: Front is maintained. Staff was unable to access rear of property to view premises.

VACANT NEGLECTED BUILDING REPORT: None

NUISANCE ABATEMENT REPORT: None

POLICE REPORT: In the past five years there has been three reported police incidents at this location including burglary residence, arson dwelling and destruction to auto.

FORMAL CONDEMNATION ACTION INITIATED: March 20, 2012

RECENT DEVELOPMENTS: No repairs have been made and no building permits have been issued. Staff was unable to view back of property to determine secure status.

HISTORIC PRESERVATION REPORT: No impact

OWNER'S PAST CDM HISTORY: None

BOARD OF C.S.&A. RECOMMENDATION: At the May 7, 2012, BCSA hearing Paul Zachare, property owner, attended the hearing.

There has been active case on this property since December 2011, after the fire. There is an arson investigation in progress. A pre-condemnation letter was sent on December 20, 2011; the taxes are current and there are no special assessments against the property. Although no repairs have been made, the structure is secure and the premise is being maintained.

Addressing the Board, Mr. Paul Zachare explained that he had not been permitted to disturb anything or remove anything from the site due to the arson investigation. The previous Thursday he was granted clearance to access the site and begin cleaning it up by both the insurance company and the Wichita Fire Department.

Chairman Coonrod inquired about the time frame anticipated for repairing or rebuilding the structure. Mr. Zachare stated that he planned to repair as much as possible and rebuild what had

been totally damaged. Chairman Coonrod asked if the exterior could be repaired within ninety days. Mr. Zachare replied that he anticipated that most of the exterior work could be addressed within ninety days. Board Member Wilhite expressed a concern for the hazard presented by a portion of the severely damaged areas of the structure, and added that the items that Central Inspection staff had deemed dangerous should be addressed immediately (within 24-48 hours).

Mr. Stubbs asked Mr. Zachare if the settlement with the insurance company had been achieved. Mr. Zachare said that a settlement had been reached; however he was still waiting for the funds to be disbursed.

Neighbors of the property attended the meeting to voice concerns about the condition of the site.

Ms. Heather Brown (1829 S. Shefford Cr.) stated that she was concerned about the safety of the structure at 1818 S. Shefford Cr., as were other residents living nearby. Ms. Brown said she wanted the repairs or rebuild done quickly because of the number of children in the neighborhood and the danger that the current condition of the site posed to the neighborhood children. She said there was a concern about portions of the structure coming loose in the wind and blowing into a neighboring yard, possibly causing injury to someone.

Ms. Virginia Schroeder (1826 S. Shefford Cr.) told the Board that she had intercepted young teenagers who were attempting to break into the structure. There is an odor of mold eminating from the structure. Ms. Schroeder said her main concern is the danger the property poses to the children in the area.

Board Member Webb said additional security, such as temporary fencing, should be used to help prevent access to the property by the children in the area. Additionally, all structural items creating a stability issue should be addressed immediately to eliminate those hazards. Mr. Zachare said a privacy fence enclosed the rear of the property, and he was willing to have a temporary construction fence installed to enclose the front of the property. Klein Construction has been contracted to do the reconstruction and surmised it would take approximately six months to complete.

Board Member Wilhite made a motion that Mr. Zachare and/or his contractor address the specific safety hazards on the site within 24-48 hours, that all non-secure areas be secured within 24-48 hours, that Mr. Zachare and/or his contractor work in coorrdination with the Central Inspection staff throughout the project, and the remainder of the project be completed by the end of six months. Board Member Webb seconded the motion. The motion was approved.

At the October 1, 2012, BCSA hearing no one was present on behalf of this structure; however, several of the occupants of the neighboring residences were present.

At the May 2012 meeting, the Board approved a motion to allow six months for the owner to make the repairs, with the provision that he maintain all areas that were not secured by putting up a fence and cleaning up the fire debris. During that time, the owner was to stay in contact with Central Inspection to keep staff apprised of the situation. There has since been more than one occasion that Central Inspection staff had to contact the owner to advise him that the grass had to be mowed. A fence was initially installed, but then removed a short time later. Central Inspection staff contacted him, and the fence was re-installed; the removal and re-installation of the fencing occurred on more than one occasion as well.

Board Member Harder made a motion that the property be submitted to the City Council with a recommendation of condemnation, with ten days to begin razing the structure and ten days to complete the demolition. Board Member Crotts seconded the motion. The motion was approved.

Ms. Legge explained to the concerned neighbors present at the meeting that the recommendation of condemnation would be presented to the City Council in approximately forty-five days from the BCSA hearing. The law requires that the dates of the condemnation hearing before the City Council be published twice. Approximately thirty days after the second publication, the City Council hearing will occur and the City Council will make a final decision. In the interim, Ms. Legge said she would try to have the fencing in the front re-installed and try to get the board fence at the side yard secured.

STAFF RECOMMENDATION/REMARKS: Adopt the recommendation of the Board of Code Standards and Appeals. However, any extensions to repairs would be providing that all provisions of City Council Policy 33 are complied with. If any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure.

December 4, 2012
City Council Hearing
Removal of Dangerous Structure Case Summary

Address	Cncl. Dist.	Hsng. Case Age	Cndm. Init. Date	BCSA Hearing Date & Recommendation	Owner/ Rep. At BCSA ?	Open or Secure	Premise Cond. Status	Property Tax Status	Special Assessments	Pending Incurred Cost
1818 S. Shefford Cir	IV	11 mos.	03/20/12	05/07/12: 6 months 10/01/12: 10/10	Yes No	Staff was unable to view back of property to determine secure status.	Front is maintained. Staff was unable to access rear of property to view premises.	Current	None	None

REVISED 12-03-2012

Agenda Item No. IV-10.

City of Wichita
City Council Meeting
December 4, 2012

TO: Mayor and City Council

SUBJECT: Change Order No. 1 – Storm Water Sewer No. 663 to Serve Glenview Addition (District II)

INITIATED BY: Department of Public Works & Utilities

AGENDA: ~~Consent~~ ***New Business***

Recommendation: Approve the change order and funding source.

Background: On April 10, 2012, the City Council approved the construction of Storm Water Sewer No. 663 to serve Glenview Addition, which is south of 21st Street North and west of Greenwich. In October 2012, City survey crews incorrectly staked 125 lineal feet of 18 inch storm sewer for this development, causing the pipe, an inlet curb, a manhole, and a headwall all to be too high.

Analysis: The work completed must be removed and replaced for the storm sewer to function properly, and to match proposed lot and street grading. Because the staking was completed incorrectly by City survey crews, it is the City's responsibility to pay for the rework. A change order has been prepared to authorize the additional work.

Financial Considerations: The cost of the additional storm sewer work is $23,000. The budget will be set at $27,000 to accommodate engineering and administrative costs. The additional work will be paid from the Storm Water Utility. The construction cost for the Glenview Addition project will remain at 94,965 paid for by special assessments. This change order represents 28.7% of the original contract amount, which exceeds the City Council policy that limits change orders to 25% of the original contract amount. It is requested that the City Council waive the 25% limit for this change order. Charter Ordinance 198 does not act as a total prohibition of higher dollar change orders that exceed 25% of the contract price; it simply requires an alternative justification to bypass public bidding. In this instance, the requirements to meet a public exigency under City Code 2.64.020 provide that justification. The rework of the storm sewer needs to be completed as soon as possible so as to not cause delay to the paving contractor.

Legal Considerations: The Law Department has approved Change Order No. 1 as to form.

Recommendation/Action: It is recommended that the City Council approve Change Order No.1., approve budget adjustments as required and authorize the necessary signatures.

Attachments: Change Order No. 1.

October 30, 2012

PUBLIC WORKS-ENGINEERING

CHANGE ORDER

To: WB Carter Construction Co.

Change Order No.: 1
Purchase Order No.: 240356
CHARGE TO OCA No.: 751509

Project: WDS tied w/L13,M16 tied w/SWS #663 to serve Glenview Addition
Project No.: 448-90552/468-84818/468-84819
OCA No.: 735477/744336/**133116**
PPN: 470150/480028/**485400**

Please perform the following extra work at a cost not to exceed: $23,000.00

Additional Work: Remove 120' of 18" SWS pipe and relay at the correct elevation, which is 1.87' lower. Headwall, curb inlet and SWS Manhole will also be lowered 1.87'. Contractor will have 6 days to complete work.

Reason for Additional Work: The new facilities were constructed higher than the planned elevation due to an inadvertent surveying error.

Item	KDOT#	Negot'd/Bid	Qty	Unit Price	Extension
Rem/Repl Line 1 SWS		Negot'd	1 LS	$23,000.00	$23,000.00
				TOTAL:	**$23,000.00**

CIP Budget Amount: $29,000.00 (735477)
$68,000.00 (744336)
$80,000.00 (751509)
Consultant: MKEC
Exp. & Encum. To Date: $43,390.05

CO Amount: $23,000.00
Unencum. Bal. After CO: $13,609.95

Original Contract Amt.: $94,965.00

Current CO Amt.: $23,000.00
Amt. of Previous CO's: $0.00
Total of All CO's: $23,000.00
% of Orig. Contract / 25% Max.: 24.21%
Adjusted Contract Amt.: $117,965.00

Recommended By: Justin Westhoff

Greg Baalman, P.E. Date
Construction Engineer

Approved:

Gary Janzen, P.E. Date
City Engineer

Approved:

Contractor Date

Approved

Alan King Date
Director of Public Works & Utilities

Approved as to Form:

Gary Rebenstorf Date
Director of Law

By Order of the City Council:

Carl Brewer Date
Mayor

Attest:_____
City Clerk

City of Wichita
City Council Meeting
December 4, 2012

TO: Mayor and City Council

SUBJECT: ZON2012-00024 and CUP2012-00021 – City zone change from SF-5 Single-Family Residential ("SF-5") to LC Limited Commercial ("LC") and creation of the Maize and 29th Commercial Community Unit Plan, CUP DP-327; generally located on the northeast corner of 29th Street North and Maize Road. (District V)

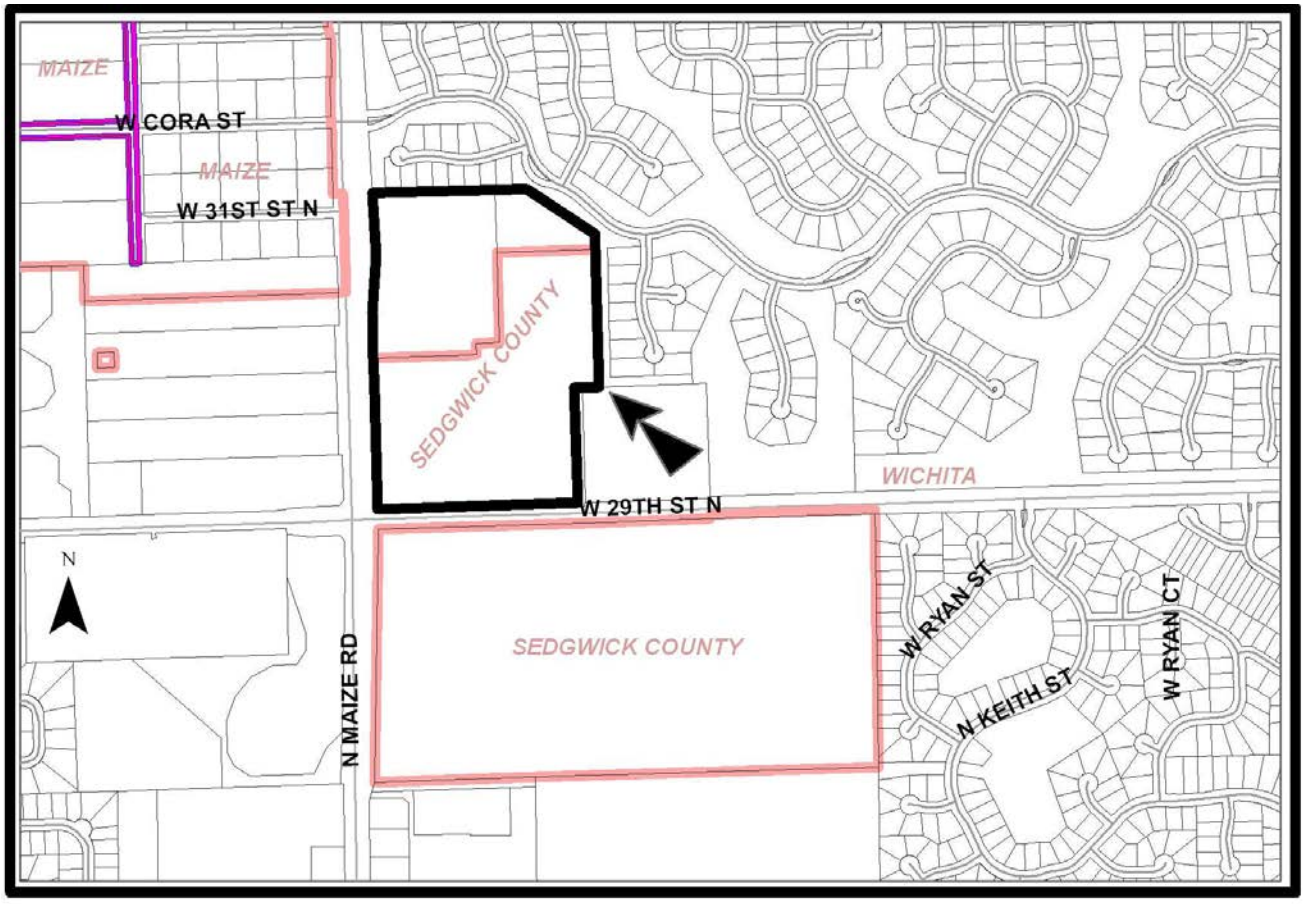
INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Non-Consent)

MAPC Recommendation: Approve (7-3), with the provisions of the CUP.

DAB V Recommendation: Approve (5-3), with the provisions of the CUP.

MAPD Staff Recommendation: Approve with the provisions of the CUP.



Background: The applicants are seeking LC Limited Commercial ("LC") zoning subject to the development standards contained in the proposed Maize and 29th Commercial Community Unit Plan ("CUP") DP-327; see attached CUP. At the time of the application the 38.09-acre site was zoned SF-5 Single-Family Residential ("SF-5", Wichita zoning) and SF-20 Single-Family Residential ("SF-20" Sedgwick County zoning). On September 11, 2012, the Wichita City Council approved the owner's application for the SF-20 zoned portion of the site to be annexed into the City of Wichita, thus changing its zoning to SF-5. The Unified Zoning Code (UZC) recommends a CUP or a PO Protective Overlay ("PO") for LC and GC General Commercial ("GC") zoned sites of 6-acres or more that are held under unified control at the time of initial approval. A CUP is intended to provide well planned and well organized residential, commercial and mixed development.

The site is located on the northeast corner of the 29th Street North and Maize Road intersection. The site is currently developed with two farmhouses (built 1948 and 1950) and numerous accessory agricultural buildings. There are extensive mature, mixed tree hedges planted around the farm buildings. There is also another 70-90-foot wide mature mixed tree hedge located along most of the north end of the site, where it abuts SF-5 zoned single-family residences.

The 29th Street North and Maize Road intersection is an area where the City limits of Wichita and Maize abut each other and SF-20 zoned lands located in Sedgwick County. West of the site across Maize Road (in Wichita), there are five large tract, SF-5 zoned single-family residences, which were built 1979-1991; most of these lands are located within a FEMA Flood Zone. Also located west of Maize Road, there is one large tract single-family residence (1999) and urban scale single-family residences (platted November 16, 1956) located in Maize. Further west there are 38.2-acres of undeveloped GO General Office ("GO") zoned land, more SF-5 zoned single-family residences, and single-family residences and agricultural land located in Maize. The SF-5 zoned Fox Ridge single-family residential subdivision (platted July 8, 2003) abuts all of the north side of the site and most of the east side of the site. The Fox Ridge subdivision has two ways in and out of it, one on Maize Road and another on its east end at Tyler Road; via Westlake Parkway, a residential collector street. A large tract SF-5 zoned single-family residence (1995) abuts the south most portion of the east side of the site.

North of the Fox Ridge subdivision is the approximately 187-acre SF-5 zoned USD 266 Maize School District's educational complex and 35.63-acres of undeveloped SF-5 zoned land that was approved for LC zoning, but has not been replatted to secure the commercial zoning; ZON2011-38/CUP2011-42. A partially developed approximately 36-acre LC and GC zoned site, anchored by the big box retail, home improvement Menards store (ZON2006-0007/CUP DP-295) finishes out development north to 37th Street North with another approximately 24-acres of undeveloped LC zoned (ZON2002-29/DP-262) land located northwest across Maize Road and 37th Street North.

South of the site, across 29th Street North, is a farmstead located on a SF-20 zoned remnant of Cadillac Lake and an undeveloped LC zoned land. Most of these two lands are located within a FEMA Flood Zone, which has impacted development south of 29th Street. Between 29th and 21st Streets North, Maize Road is pretty much striped out with LC and GC zoned lands, most of them with CUP or PO overlays. Almost all of these LC and GC zoned lands are developed or are developing, with big box retail such as Wal-Mart, Target, Lowes, Academy Sports and a super Dillon's, or free standing retail and retail strips, many with national and local commercial chains as tenants. The exception to this concentration of LC and GC zoned commercial activity on this section of Maize Road between 21st and 29th Streets is the mid-mile located, SF-5 zoned Chadsworth 1st and 2nd Additions (1990 & 1992), which has single-family residences' back yards abutting Maize. The Chadsworth Additions have access to 21st Street North and Maize Road.

Analysis: At the September 10, 2012, District V Advisory Board (DAB) meeting, the DAB considered ZON2012-00024 with the associated CUP2012-00021, DP-327. There was standing room only at the DAB meeting and most of the people present were opposed to the requested zoning and the CUP. Objections and concerns expressed by those present included (but not limited to): the proposed zoning

and development does not match the 2030 Comprehensive Land Plan; the height of the buildings; the proximity of the buildings to the abutting Fox Ridge development; no traffic light being installed; the need for a center turn lane north; the impact on public safety on the neighborhood and the schools due to the increase in traffic on Maize Road; how will drainage and on site retention of water on the site impact the neighbors; the times of truck delivery; the fate of the existing tree line on the north side; what will the landscaping and the height of the landscape berms be; where is screening located and what type of screening ; a perceived increase in crime; the impact of noise and trash generated from the development; the need to apply strict development standards to Sam's to match the abutting Fox Ridge development, and the devaluation of the abutting single-family residences. The DAB voted to approve (5-3) the request per staff's recommendations.

At the September 20, 2012, Metropolitan Area Planning Commission (MAPC) public hearing meeting, the MAPC considered ZON2012-00024 with the associated CUP2012-00021, DP-327. At the beginning of the MAPC meeting, it was noted that the Planning staff was requesting the MAPC to defer a recommendation on the request due to ongoing changes to the CUP. Because of the large number of people present for this case, the MAPC recommended that the public hearing proceed with consideration for a recommendation for deferral to be decided after the public hearing. Most of the people present were opposed to the requested zoning and the CUP. The objections and concerns to the proposed zoning and development were similar to those expressed at the DAB V meeting. The MAPC voted (9-3) to defer the request until the November 1, 2012, MAPC meeting and to allow the public hearing to continue at that time. The MAPC instructed the applicant, the neighbors and staff to meet in an attempt to find resolution on the issues with the request, before coming back to the November 1, 2012, MAPC meeting. The MAPC specifically directed the applicant to provide a concept traffic study for review by the Traffic Engineer, a concept drainage study for review by the Stormwater Engineer, to push the Sam's building further away from the abutting Fox Ridge development and to have someone from corporate headquarters that can make a decision present at any meeting.

On November 1, 2012, the MAPC heard an update on the request from the staff, the applicant and the neighbors. Again, a large number of people were present for this case and almost all of them were still opposed to the request. The MAPC approved (7-3) the request per staff's recommendation, with the provisions of the CUP and subject to platting within a year. The MAPC acknowledged progress in finding resolution, but also noted that the applicant had no one present from corporate headquarters that can make a decision present at the one meeting held. They also noted that the neighborhood seemed have multiple speakers for various design concerns. The copy of the CUP that the City Council has with this packet is subject to the following edits:

- Provision 8; Revise as "The owner of Parcel 1 shall provide a petition for a traffic signal, to be installed when traffic warrants are met."
- Provision 12.B; Add, as verbally presented at the November 1, 2012 MAPC meeting, "Landscape materials, with the exception of the conifer planting on as noted on 12.D, will compliment the plantings on Reserve G, Fox Ridge Addition, with the use of similar plants."
- Provision 12.D; Add, as presented with the Power Point presentation at the November 1, 2012, MAPC meeting, "A row of deciduous trees, with a minimum 3-inch caliper will be planted behind the conifers."
- In reference to 13.A; Show the pad elevation of the proposed building on Parcel 1 & 7 and the corresponding pad elevation of the abutting single-family homes & Reserve G, Fox Ridge Addition to illustrate the finished height of all berms, as shown at the November 1, 2012, MAPC meeting.
- In reference to Provision 15; The motion was to upgrade the front façade, which means the front wall, not just the entry way, similar to the Sam's in Fayetteville, Arkansas or Franklin, Tennessee, as shown at the November 1, 2012, MAPC meeting.
- Provision 25, needs to have reference to review by the City Traffic Engineer & Fire Department.
- All Parcels; "I. Permitted Uses," need to be changed and simply refer to the permitted uses listed in General Provision #17.

- The Site Plan presented at the November 1, 2012 MAPC meeting will be sent as a draft to City Council as part of the approval packet.
- Provide more legible detail on the materials and design of all four walls and the roof.

There have been valid protest petitions filed with the City Clerk that equal a 55.8 percent protest, which triggers a three-fourths majority vote of the City Council to approve the request.

Financial Considerations: There are no financial considerations in regards to the zoning request.

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Actions: 1) Adopt the findings of the MAPC and approve the request subject to the recommended conditions of approval (three-fourths majority vote required because of protests) and instruct the Planning Department to forward the ordinance for first reading when the plat is completed; 2) deny the request (two-thirds majority vote required), or; 3) return the application to the MAPC for reconsideration (simple majority vote required).

Attachments:
- Ordinance
- MAPC minutes
- DAB memo
- Protest map
- CUP
- Site Plan
- September letter from the homeowners
- Sam's response to the September letter

OCA#150004

ORDINANCE NO. 49-408

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2012-00024

A zone change from SF-5 Single-Family Residential ("SF-5") to LC Limited Commercial ("LC"), subject to platting within a year of approval by the Governing Body and with the provisions of Community Unit Plan DP-327 on an approximately 38.09-acres property described as:

Tract 1: The Southwest Quarter of Section 32, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas,

EXCEPT A tract described as beginning at the Northwest corner of the South half of the Southwest Quarter; thence East along the North line of the South half of the Southwest Quarter 410.25 feet; thence South parallel with the West line of said South half of the Southwest Quarter 315 feet; thence East parallel to the North line of the South half of the Southwest Quarter 211 feet; thence South parallel with the West line of the South half of the Southwest Quarter 198.75 feet; thence West 621.25 feet to a point in the West line of the Southwest Quarter; thence North 513.75 feet to the point of beginning, in Section 32, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas;

AND EXCEPT Part of the Southwest Quarter of Section 32, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, described as follows: Commencing at the Southwest corner of said Southwest Quarter; thence N 0°00' E along the West line of said Southwest Quarter 1315.39 feet to the Northwest corner of the South half of said Southwest Quarter; thence N 89°47'23" E along the North line of said South half 160 feet to a point of beginning, said point being the Easterly right of way of Maize Road; thence N 2°10'38" W along the Easterly right of way of Maize Road 316.44 feet; thence S

89°40'51" E 617.16 feet; thence S 89°40'51" E 617.16 feet; thence S 0°00' E 647.76 feet; thence S 0°03'54" E 111.85 feet; thence S 84°40'41" W 122.59 feet; thence S 6°37'38" E 54.11 feet; thence S 89°47'23" W 28.19 feet to a point 621.25 feet East of the West line of said Southwest Quarter; thence N 0°00' E parallel with the West line of said Southwest Quarter 198.75 feet; thence S 89°47'23" W 211 feet; thence N 0°00' E 315 feet; thence S 89°47'23" W along the North line of said South half 250.25 feet to the point of beginning;

AND EXCEPT a tract described as commencing at the Southwest corner of the East half of the South half of said Southwest Quarter; thence N 90°00'00" W (assumed) along the South line of said Southwest Quarter 140.00 feet; thence N 00°00'00" E 626.16 feet; thence S 90°00'00" E 626.16 feet; thence S 00°00'00" W 626.16 feet; thence N 90°00'00" W 486.16 feet to the point of beginning;

AND EXCEPT a tract described as commencing at the Southwest corner of the East half of the South half of said Southwest Quarter; thence N 90°00'00" W (assumed) along the South line of said Southwest Quarter 140.00 feet to the point of beginning, being the Southwest corner of a tract of land recorded in the Register of Deeds Office on Warranty Deed in Film 1207 Page 248; thence along the South line of said Section N 90°00'00" W 40 feet; thence N 00°00'00" E 626.16 feet; thence N 90°00'00" E 40 feet to the Northwest corner of said Deed; thence S 00°00'00" W 626.16 feet along the West line of said Deed to the point of beginning;

AND EXCEPT that portion of said Southwest Quarter platted as Fox Ridge Addition and Fox Ridge 2nd Addition

Tract 2: Part of the Southwest Quarter of Section 32, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, described as follows: Commencing at the Southwest corner of said Southwest Quarter; thence N 0°00' E along the West line of said Southwest Quarter 1315.39 feet to the Northwest corner of the South half of said Southwest Quarter; thence N 89°47'23" E along the North line of said South half 160 feet to a point of beginning, said point being the Easterly right of way of Maize Road; thence N 2°10'38" W along the Easterly right of way of Maize Road 316.44 feet; thence S 89°40'51" E 617.16 feet; thence S 89°40'51" E 617.16 feet; thence S 0°00' E 647.76 feet; thence S 0°03'54" E 111.85 feet; thence S 84°40'41" W 122.59 feet; thence S 6°37'38" E 54.11 feet; thence S 89°47'23" W 28.19 feet to a point 621.25 feet East of the West line of said Southwest Quarter; thence N 0°00' E parallel with the West line of said Southwest Quarter 198.75 feet; thence S 89°47'23" W 211 feet; thence N 0°00' E 315 feet; thence S 89°47'23" W along the North line of said South half 250.25 feet to the point of beginning;

AND

Tract 3: A tract described as beginning at the Northwest corner of the South half of the Southwest Quarter; thence East along the North line of the South half of the Southwest Quarter 410.25 feet; thence South parallel with the West line of said South half of the Southwest Quarter 315 feet; thence East parallel to the North line of the South half of the Southwest Quarter 211 feet; thence South parallel with the West line of the South half of the Southwest Quarter 198.75 feet; thence West 621.25 feet to a point in the West line of the Southwest Quarter; thence North 513.75 feet to the point of beginning, in Section 32, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas;

AND

Part of the Southwest Quarter of Section 32, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, described as follows: Commencing at the Southwest corner of said Southwest Quarter; thence N 0°00' E along the West line of said Southwest Quarter 1315.39 feet to the Northwest corner of the South half of said Southwest Quarter; thence N 89°47'23" E along the North line of said South half 160 feet to a point of beginning, said point being the Easterly right of way of Maize Road; thence N 2°10'38" W along the Easterly right of way of Maize Road 316.44 feet; thence S 89°40'51" E 617.16 feet; thence S 89°40'51" E 617.16 feet; thence S 0°00' E 647.76 feet; thence S 0°03'54" E 111.85 feet; thence S 84°40'41" W 122.59 feet; thence S 6°37'38" E 54.11 feet; thence S 89°47'23" W 28.19 feet to a point 621.25 feet East of the West line of said Southwest Quarter; thence N 0°00' E parallel with the West line of said Southwest Quarter 198.75 feet; thence S 89°47'23" W 211 feet; thence N 0°00' E 315 feet; thence S 89°47'23" W along the North line of said South half 250.25 feet to the point of beginning; generally located on the northeast corner of 29th Street North and Maize Road.

SUBJECT TO A PLATTING WITHIN ONE YEAR OF APPROVAL BY THE GOVERNING BODY AND THE PROVISIONS OF COMMUNITY UNIT PLAN DP-327

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS, December 4th, 2012.

_____

Carl Brewer, Mayor

ATTEST:

_____

Karen Sublett, City Clerk

Approved as to form:

_____

Gary E. Rebenstorf, City Attorney

EXCERPT MINUTES OF THE SEPTEMBER 20, 2012 WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION HEARING

Case No.: ZON2012-00024/CUP2012-00021 - Curtis W. & Karen S. Rink and Leo M. & Vivian L. Rink (owners) Kimley-Horn & Associates, Inc. c/o Kevin Gaskey (agent) request a city zone change from SF-5 and SF-20 Single-Family Residential to LC Limited Commercial and Creation of the Maize and 29th Commercial Community Unit Plan CUP DP-327 on property described as:

Tract 1: The Southwest Quarter of Section 32, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas,

EXCEPT A tract described as beginning at the Northwest corner of the South half of the Southwest Quarter; thence East along the North line of the South half of the Southwest Quarter 410.25 feet; thence South parallel with the West line of said South half of the Southwest Quarter 315 feet; thence East parallel to the North line of the South half of the Southwest Quarter 211 feet; thence South parallel with the West line of the South half of the Southwest Quarter 198.75 feet; thence West 621.25 feet to a point in the West line of the Southwest Quarter; thence North 513.75 feet to the point of beginning, in Section 32, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas;

AND EXCEPT Part of the Southwest Quarter of Section 32, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, described as follows: Commencing at the Southwest corner of said Southwest Quarter; thence N 0°00' E along the West line of said Southwest Quarter 1315.39 feet to the Northwest corner of the South half of said Southwest Quarter; thence N 89°47'23" E along the North line of said South half 160 feet to a point of beginning, said point being the Easterly right of way of Maize Road; thence N 2°10'38" W along the Easterly right of way of Maize Road 316.44 feet; thence S 89°40'51" E 617.16 feet; thence S 89°40'51" E 617.16 feet; thence S 0°00' E 647.76 feet; thence S 0°03'54" E 111.85 feet; thence S 84°40'41" W 122.59 feet; thence S 6°37'38" E 54.11 feet; thence S 89°47'23" W 28.19 feet to a point 621.25 feet East of the West line of said Southwest Quarter; thence N 0°00' E parallel with the West line of said Southwest Quarter 198.75 feet; thence S 89°47'23" W 211 feet; thence N 0°00' E 315 feet; thence S 89°47'23" W along the North line of said South half 250.25 feet to the point of beginning;

AND EXCEPT a tract described as commencing at the Southwest corner of the East half of the South half of said Southwest Quarter; thence N 90°00'00" W (assumed) along the South line of said Southwest Quarter 140.00 feet; thence N 00°00'00" E 626.16 feet; thence S 90°00'00" E 626.16 feet; thence S 00°00'00" W 626.16 feet; thence N 90°00'00" W 486.16 feet to the point of beginning;

AND EXCEPT a tract described as commencing at the Southwest corner of the East half of the South half of said Southwest Quarter; thence N 90°00'00" W (assumed) along the South line of said Southwest Quarter 140.00 feet to the point of beginning, being the Southwest corner of a tract of land recorded in the Register of Deeds Office on Warranty Deed in Film 1207 Page 248; thence along the South line of said Section N 90°00'00" W 40 feet; thence N 00°00'00" E 626.16 feet; thence N 90°00'00" E 40 feet to the Northwest corner of said Deed; thence S 00°00'00" W 626.16 feet along the West line of said Deed to the point of beginning;

AND EXCEPT that portion of said Southwest Quarter platted as Fox Ridge Addition and Fox Ridge 2nd Addition

Tract 2: Part of the Southwest Quarter of Section 32, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, described as follows: Commencing at the Southwest corner of said Southwest Quarter; thence N 0°00' E along the West line of said Southwest Quarter 1315.39 feet to the Northwest corner of the South half of said Southwest Quarter; thence N 89°47'23" E along the North line of said South half 160 feet to a point of beginning, said point being the Easterly right of way of Maize Road; thence N 2°10'38" W along the Easterly right of way of Maize Road 316.44 feet; thence S 89°40'51" E 617.16 feet; thence S 89°40'51" E 617.16 feet; thence S 0°00' E 647.76 feet; thence S 0°03'54" E 111.85 feet; thence S 84°40'41" W 122.59 feet; thence S 6°37'38" E 54.11 feet; thence S 89°47'23" W 28.19 feet to a point 621.25 feet East of the West line of said Southwest Quarter; thence N 0°00' E parallel with the West line of said Southwest Quarter 198.75 feet; thence S 89°47'23" W 211 feet; thence N 0°00' E 315 feet; thence S 89°47'23" W along the North line of said South half 250.25 feet to the point of beginning;

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Tract 3: A tract described as beginning at the Northwest corner of the South half of the Southwest Quarter; thence East along the North line of the South half of the Southwest Quarter 410.25 feet; thence South parallel with the West line of said South half of the Southwest Quarter 315 feet; thence East parallel to the North line of the South half of the Southwest Quarter 211 feet; thence South parallel with the West line of the South half of the Southwest Quarter 198.75 feet; thence West 621.25 feet to a point in the West line of the Southwest Quarter; thence North 513.75 feet to the point of beginning, in Section 32, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas;

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BACKGROUND: The applicant is seeking LC Limited Commercial ("LC") zoning subject to the development standards contained in the proposed Maize and 29th Commercial Community Unit Plan ("CUP") DP-327. At the time of the application the 38.09-acre site was zoned SF-5 Single-Family Residential ("SF-5", Wichita zoning) and SF-20 Single-Family Residential ("SF-20" Sedgwick County zoning). On September 11, 2012, the Wichita City Council approved the owner's application for the SF-20 zoned portion of the site to be annexed into the City of Wichita, thus changing its zoning to SF-5. The Unified Zoning Code (UZC) recommends a CUP or a PO Protective Overlay ("PO") for LC and GC General Commercial ("GC") zoned sites of 6-acres or more, that are held under unified control at the time of initial approval. A CUP is intended to provide well planned and well organized residential, commercial and mixed development.

The site is located on the northeast corner of the 29th Street North and Maize Road intersection. The site is currently developed with two farmhouses (built 1948 and 1950) and numerous accessory agricultural

buildings. There are extensive mature, mixed tree hedges planted around the farm buildings. There is also another 70-90-foot wide mature mixed tree hedge located along most of the north end of the site, where it abuts SF-5 zoned single-family residences.

The 29th Street North and Maize Road intersection is an area where the City limits of Wichita and Maize abut each other and the SF-20 zoned lands still located in Sedgwick County. West of the site across Maize Road (in Wichita), there are five large tract, SF-5 zoned single-family residences; built 1979-1991. Also located west of Maize Road, there is one large tract single-family residence (1999) and urban scale single-family residences (platted November 16, 1956) located in Maize. Further west there are 38.2-acres of undeveloped GO General Office ("GO") zoned land, more SF-5 zoned single-family residences, and single-family residences and agricultural land located in Maize. The SF-5 zoned Fox Ridge single-family residential subdivision (platted July 8, 2003) abuts all of the north side of the site and most of the east side of the site. The Fox Ridge subdivision has two ways in and out of it, one on Maize Road and another on its east end at Tyler Road; via Westlake Parkway, a residential collector street. A large tract SF-5 zoned single-family residence (1995) abuts the south most portion of the east side of the site.

North of the Fox Ridge subdivision is the approximately 187-acre SF-5 zoned USD 266 Maize School District's educational complex and 35.63-acres of undeveloped SF-5 zoned land that was approved for LC zoning, but has not been replatted to secure the commercial zoning; ZON2011-38/CUP2011-42. A partially developed approximately 36-acre LC and GC zoned site, anchored by the big box retail home improvement Menards store (ZON2006-0007/CUP DP-295) finishes out development north to 37th Street North with another approximately 24-acres of undeveloped LC zoned land located northwest across Maize Road and 37th Street North.

South of the site, across 29th Street North, is a farmstead located on a SF-20 zoned remnant of Cadillac Lake (most of it within a FEMA Flood Zone) and an undeveloped LC zoned land. Between 29th and 21st Streets North, Maize Road is pretty much striped out with LC and GC zoned lands, most of them with CUP or PO overlays. Almost all of these LC and GC zoned lands are developed or are developing, with big box retail such as Wal-Mart, Target, Lowes, Academy and a super Dillon's, or free standing retail and retail strips, many with national and local commercial chains tenants. The exception to this concentration of LC and GC zoned commercial activity on this section of Maize Road between 21st and 29th Streets is the mid-mile located, SF-5 zoned Chadsworth 1st and 2nd Additions (1990 & 1992), which has single-family residences' back yards abutting Maize. The Chadsworth Additions have access to 21st Street North and Maize Road.

The applicant proposes all LC uses permitted by right except: adult entertainment/sexually oriented business, correctional placement residence, night clubs, taverns and drinking establishments. The applicant proposes restaurants with drive thru windows with no lights shining into single-family development, convenience stores, service stations and limited vehicle repair (with the exception of tire and battery service) are allowed if located more than 200 feet from residential uses. The 200 feet is measured from the building to the nearest residential zoning. The applicant also proposes that any overhead doors associated with limited vehicle repair (again with the exception of tire and battery service) must not face residential zoning. The applicant proposes to allow outdoor audio systems but requires that their sound not project beyond the boundaries of the CUP.

The applicant proposes 40-foot tall (including base and fixtures) light poles; the UZC has a 15-foot height limit when light poles are located within 200 feet residential zoning, which applies to this site. Proposed maximum building coverage is the CUP standard 30 percent. Proposed maximum building height is 35 feet, which meets the UZC's compatibility height standards. Proposed screening is a 6-foot tall concrete/masonry wall or a 3-foot tall earthen berm along the site's north and east sides, where it abuts SF-5 zoned single-family residences. Proposed Landscaping is per the Landscape Ordinance. The UZC requires a 6-8 foot tall masonry wall or landscaping that can meet solid screening standards, along the

site's north and east side. Solid screening is proposed to be provided around all outdoor work and storage areas when located within 200 feet of residential uses, and around trash receptacles, loading areas, and roof top mechanical equipment. The UZC has restrictions on outdoor storage in the LC zoning district. The applicant has provided the standard architectural requirements. The CUP proposes signage per the sign code with additional standards.

The CUP plan shows seven parcels, the larger Parcels 1 and 7 and the smaller Parcels 2, 3, 4, 5 and 6. The larger parcels abut the SF-5 zoned single-family residences located on its north and east sides. The smaller out parcels have 29th Street North and Maize Road frontage. The plan shows the CUP minimum 35-foot setback along 29th and Maize and a substandard 30-foot setback along its north side and most of its east side where it abuts SF-5 single-family residences. The proposed CUP's setbacks either exceed or are less than the minimum standard for a CUP.

CASE HISTORY: The site is not platted and a portion of it is located in the County. On September 11, 2012, the City Council approved the owner's application for annexation of the SF-20 zoned County portion of the site into the City of Wichita. The County does not provide water or sewer, but annexation will allow the site to have Wichita water and sewer services. The SF-5 zoned portions of the site appear to have been annexed around 2003. There have been numerous protest or concerns expressed about the proposed rezoning by residence of the abutting SF-5 zoned Fox Ridge subdivision. Staff has copied these e-mails for the MAPC to review.

Many people attended the September 10, 2012 DAB V meeting. Comments ranged from no zone change to modifying the proposed CUP. DAB V recommended approval of the zone change and the CUP per staff's recommendations, which are pretty much reflected in this report. Staff also told everyone attending the DAB meeting that they expected another (3rd) revised CUP and thus changes to the CUP; staff has not received the 3rd version of the CUP at the time of this mail out.

ADJACENT ZONING AND LAND USE:

NORTH: SF-5, LC	Single-family residential subdivision, undeveloped lands, large public school complex, large box retail
SOUTH: LC, GC, SF-20, SF-5	Undeveloped land, farmstead, multiple large box retail, stand alone commercial, retail strips, and single-family residential subdivision
EAST: SF-5,	Single-family residential subdivision, large tract single-family residence
WEST: SF-5, City of Maize, GO	Large tract single-family residences, single-family residential subdivisions, undeveloped land, agricultural land

PUBLIC SERVICES: Access to the site is provided by the four-lane, minor arterial street 29th Street North and the four-lane, principle arterial street Maize Road; WAMPO Federal Roadway Functional Classification. 29th has center turn lanes, while only the south side of Maize has a center turn lane. This intersection has traffic lights. 29th Street has a full raised median with cuts for access running parallel to the south side of the site. Traffic counts range from 12,000-10,000 trips per day on Maize and 2,700-4,550 trips per day on 29th. Projected traffic volumes for 2035 under the build scenario from the WAMPO travel demand model shows traffic counts ranging from 19,150-18,660 trips per day on Maize and 8,900-9,430 trips per day on 29th. All utilities are available to the site. The southwest corner of the site is located within a FEMA Flood Zone.

CONFORMANCE TO PLANS/POLICIES: The '2030 Land Use Guide of the Comprehensive Plan' (Plan) identifies the site as "local commercial." The local commercial category encompasses areas that contain concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. Typical uses include medical or insurance offices, auto repair, service

stations, grocery stores, florist shops, restaurants and personal services. The UZC identifies NR Neighborhood Retail ("NR") and LC zoning as being generally compatible with the Plan's local commercial category. The size of the site, approximately 38.09-acres, and the design of the site's CUP are similar to the existing commercial development patterns located in the Maize Road corridor, which is stand alone retail and strip retail anchored by big box retail such as Wal-Mart, Target, Lowes and Menards. The CUP's two largest parcels, Parcels 1 and 7, are large enough for big box retail. The Plan's local commercial category does not list big box retail as a use, however the Plan's "regional commercial" category does list big box retail as a use. The regional commercial category lists uses that have a regional market draw, can generate high traffic volume and are located in close proximity to major arterials or freeways. The UZC does not list big box retail, strip retail or stand alone retail as use types, but bundles them together in the definition of "retail, general"; UZC SecIII.D, 'Use Regulations' and Sec.II.B.11.I. The LC zoning request conforms to the local commercial category, but the size of the site and the site's CUP's design suggest regional commercial types of development, similar to what is currently lining this portion of Maize Road. The site's location along Maize Road, a principle/major arterial, the minor arterial 29th Street North, and its having no vehicular access through residential streets or neighborhoods meets the location criteria of the Comprehensive Plan for regional commercial development. Additional right-of-way for road improvements, Ingress and egress onto Maize Road and 29th Street North will be determined at the time of a platting.

The UZC recommends a CUP or a PO for LC and GC zoned sites of 6-acres or more, that are held under unified control at the time of initial approval. A CUP is intended to provide well planned and well organized residential, commercial and mixed development.

RECOMMENDATION: There has been extensive dialogue between the applicant, the neighbors and staff about the design and uses of the proposed CUP, including the applicant meeting with a neighborhood group (Staff was not invited) late Wednesday, September 12. At the time of this report there has been no revised CUP submitted to staff for review or comment, therefore staff recommends a Deferral, to allow time for staff's review and recommendation.

However if the MAPC finds there is sufficient information for a recommendation staff recommends Approval, subject to platting within one-year and (but not limited to) the additional following development standards:

A. In reference to General Provision 4 and the CUP drawing, include; "A platted reserve for landscaping, drainage retention and utilities shall be established on the north end of the CUP, where it is now abutting Reserves C and G and the rear yards of Lots 6-13, Block 4, Fox Ridge Addition. It shall be 120 feet wide, which is wide enough to contain and preserve the existing mature mixed tree hedge and provide a buffering space similar to the other proposed reserves on the subject site. The final approved drainage plan could change the width of this platted reserve but it will not be less than120 feet wide. This existing mature mixed tree hedge shall be required landscaping and must be maintained and replaced as needed. This platted reserve shall also serve as the CUP's setback on this portion of the site; this waives compatibility setback standards. A platted reserve for landscaping, utilities and drainage retention shall be established along northeast and east portion of the CUP, where it abuts Reserve G, Fox Ridge Addition. The inside 5 feet of this reserve shall allow light poles as specified in this CUP and a wrought iron fence. This platted reserve shall be a minimum of 90 feet wide and shall serve as the setback; this waives compatibility setback standards. There shall be a 60-foot wide platted reserve for landscape, utility and drainage established along that portion of CUP where it abuts the unplatted SF-5 single-family residence that abuts the CUP's south most east side. These platted reserves will retain their current SF-5 zoning.

B. General Provision 6 shall read as; A. Each parcel is permitted one free standing sign per arterial frontage, with the exceptions as noted on Parcels 1 & 7…" with the following restrictions."; B. to 150 feet apart; be more specific on C, and; clarify C.
C. General Provision 8 shall read; "All lighting shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code, Sec. IV, unless otherwise specified. All lighting shall be shielded to direct light disbursement in a downward direction and away from residential areas/zoning.
D. General Provision 9.A shall read as; There is a 15-foot height limit (including fixtures, lamps and base) when light poles are located within 200 feet residential zoning. All other light poles shall have a 27-foot height limit.
E. General Provision 11.A. shall read as; "Development of all parcels within the CUP shall comply with the Landscape Ordinance of the City of Wichita fro street yard, parking lots (including landscape islands located with the parking lot) and buffers, unless otherwise specified for an increase to the minimum standard and shall be of a shared palette of landscape materials among parcels and reserves.
F. General Provision 12 to shall read as; "A 6-8 foot tall masonry or a concrete wall designed to look like a masonry wall (as reviewed and approved by the Planning Director) shall be provided along the north and east sides of the site where it abuts SF-5 zoned property. The approved wall shall be placed behind the CUP's landscape and landscape drainage reserves/setbacks, so that the landscape and landscape drainage reserves/setbacks are located between the wall and the abutting SF-5 zoned property. The height of the wall shall be measured from the high point of the abutting SF-5 property to ensure its 6-8 feet begins at that high spot and is carried throughout the CUP. A landscaped berm may be used to meet this standard, upon review and approval by the Planning Director."
G. General Provision 12.C shall read as; "Outdoor storage and outdoor display shall be subject to all conditions of Sec.II.B.14 of the Wichita-Sedgwick County Unified Zoning Code. No outdoor work on motor vehicles."
H. General Provision 14 shall add; "The predominate building material for all buildings over 100 feet long and/or 100 feet wide will be a mix of architectural block that will break up the surface of each of the buildings in the CUP. Architectural embellishments will also be used to break up the surface of these buildings. All to be reviewed and approved by the Planning Director."
I. General Provision 16 shall read as; "All use permitted by right in the LC Limited Commercial zoning district except sexually oriented business, correctional placement residence, night clubs, taverns and drinking establishments, outside storage, asphalt and concrete plant, limited, cemetery, offices that accept paycheck or car titles as security for loan, and pawnshops. Restaurants with drive thru windows or drive in service, convenience stores, service stations and vehicle repair, limited are allowed if located more than 300 feet from residential uses located on the north and east sides of the site. Overhead doors associated with vehicle repair, limited and general, warehouses and tire and battery sales and loading docks must not face the abutting north and east residential zoning districts. No uses requiring Conditional Use approval are allowed unless specifically permitted."
J. Change all permitted uses in the Parcel descriptions to refer to the above Revised General Provision 16.
K. General Provision 22 shall add; "Pedestrian access to the CUP shall include at least one path to Reserve G, Fox Ridge Addition.

L. Add to the General Provisions; "A notice of a CUP noting the conditions placed on this land shall be filed with the Sedgwick County Register of Deeds."
M. Add to the General Provisions; "No vehicles larger than a pickup is permitted to park and idle over night within 400 feet of adjacent residential properties."
N. Add to General Provision 12; "The screening requirements of the Wichita-Sedgwick County Unified Zoning Code, Sec. IV-B.e shall be in effect unless other wised noted. Screening of loading areas shall be tall enough and long enough to cover the largest trucks and trailers unloading on the site. Provide an exhibit for review and approval by the Planning Director.
O. Add to General Provisions; "Trash pickup will be between 7 a.m. and 7 p.m."
P. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings and the last CUP staff had for review:

1. **The zoning, uses and character of the neighborhood:** The 29th Street North and Maize Road intersection is an area where the City limits of Wichita and Maize abut each other and the SF-20 zoned lands still located in Sedgwick County. West of the site across Maize Road (in Wichita), there are five large tract, SF-5 zoned single-family residences; built 1979-1991. Also located west of Maize Road, there is one large tract single-family residence (1999) and urban scale single-family residences (platted November 16, 1956) located in Maize. Further west there are 38.2-acres of undeveloped GO General Office ("GO", Wichita) zoned land, more SF-5 zoned single-family residences (Wichita), and single-family residences and agricultural land located in Maize. The SF-5 zoned (Wichita)Fox Ridge single-family residential subdivision (platted July 8, 2003) abuts all of the north side of the site and most of the east side of the site. The Fox Ridge subdivision has two ways in and out of it, one on Maize Road and another on its east end at Tyler Road; via Westlake Parkway, a residential collector street. A large tract SF-5 zoned (Wichita) single-family residence (1995) abuts the south most portion of the east side of the site.

   North of the Fox Ridge subdivision is the approximately 187-acre SF-5 zoned (Wichita) USD 266 Maize School District's educational complex and 35.63-acres of undeveloped SF-5 zoned land (Wichita) that was approved for LC zoning, but has not been replatted to secure the commercial zoning; ZON2011-38/CUP2011-42. A partially developed approximately 36-acre LC and GC General Commercial ("GC") zoned site, anchored by the big box retail home improvement Menards store (ZON2006-0007/CUP DP-295) finishes out development north to 37th Street North with another approximately 24-acres of undeveloped LC zoned land located northwest across Maize and 37th.

   South of the site, across 29th Street North, is a farmstead located on a SF-20 zoned remnant of Cadillac Lake (most of it within a FEMA Flood Zone) and an undeveloped LC zoned land. Between 29th and 21st Streets North, Maize Road is pretty much striped out with LC and GC zoned lands, most of them with CUP or PO overlays. Almost all of these LC and GC zoned lands are developed or are developing, with big box retail such as Wal-Mart, Target, Lowes, Academy and a super Dillon's, or free standing retail and retail strips, many with national and local commercial chains tenants. The exception to this concentration of LC and GC zoned commercial activity on this section of Maize Road between 21st and 29th Streets is the mid-mile located, SF-5 zoned Chadsworth 1st and 2nd Additions, which has single-family residences' back yards abutting Maize. The Chadsworth Additions have access to 21st Street North and Maize Road.

2. **The suitability of the subject property for the uses to which it has been restricted:** The currently SF-5 and SF-20 zoned site could be developed as single-family residential, upon platting. Platting would require the SF-20 portion of the site to be annexed into the City of Wichita, after which the County SF-20 zoning would become SF-5. Annexation would provide the site with the City of Wichita's water and sewer. A single-family residential subdivision could be designed similar to the abutting Fox Ridge Addition that could feature landscaped buffers and reserves that would minimize the impact of any future adjacent commercial development. However, the site's location at the intersection of a principle/major arterial, Maize Road, and a minor arterial, 29th Street North, coupled with the prevailing commercial zoning and development of Maize Road from 21st Street North to 37th Street North makes the site a potential commercial development, much like the current commercial development along this portion of Maize Road.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The proposed 38.09-acres of commercial development replacing the existing farmhouses will have unavoidable detrimental impact on the existing single-family development. Traffic will increase no matter what replaces the farmhouses, with commercial/retail traffic likely to generate the highest volume of traffic. The design of the proposed CUP is critical in providing buffering between the commercial activities on the site and the abutting sing-family residences.

4. **Length of time the property has remained vacant:** The site has been developed with the two farmhouses and numerous accessory agricultural buildings since at least between 1948 and 1950.

5. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The '2030 Land Use Guide of the Comprehensive Plan' (Plan) identifies the site as "local commercial." The local commercial category encompasses areas that contain concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. Typical uses include medical or insurance offices, auto repair, service stations, grocery stores, florist shops, restaurants and personal services. The UZC identifies NR and LC zoning as being generally compatible with the Plan's local commercial category. The size of the site, approximately 38.09-acres, and the design of the site's CUP are similar to the existing commercial development patterns located in the Maize Road corridor, which is stand alone retail and strip retail anchored by big box retail such as Wal-Mart, Target, Lowes and Menards. The Plan's local commercial category does not list big box retail as a use, however the Plan's "regional commercial" category does list big box retail as a use. The regional commercial category lists uses that have a regional market draw, can generate high traffic volume and are located in close proximity to major arterials or freeways. The UZC does not list big box retail, strip retail or stand alone retail as use types, but bundles them together in the definition of "retail, general"; UZC SecIII.D, 'Use Regulations' and Sec.II.B.11.l. The LC zoning request conforms to the local commercial category, but the size of the site and the site's CUP's design suggest regional commercial types of development, similar to what is currently lining this portion of Maize Road. The site's location along Maize Road, a principle/major arterial and its having no vehicular access through residential streets or neighborhoods meets the location criteria of the Comprehensive Plan for regional commercial development. Ingress and egress onto Maize Road and 29th Street North will be determined at the time of a platting.

The UZC recommends a CUP or a PO for LC and GC zoned sites of 6-acres or more, that are held under unified control at the time of initial approval. A CUP is intended to provide well planned and well organized residential, commercial and mixed development. As proposed the CUP's development standards provide little or no buffering for the abutting and adjacent single-family residences. There are examples of existing buffering in the area that can be applied to this site. There has been dialogue between the applicant, the neighbors and staff to improve the design, but at the time of this re

6. **Impact of the proposed development on community facilities:** The project will generate increased traffic and demand for utilities and City supplied services; however, these demands would occur upon any development of the property and they can be met by existing or planned improvements.

BILL LONGNECKER, Planning Staff presented the Staff Report.

DENNIS stated he believes everyone on the board had received ex-parte contact by email or other means, and we need to declare that for the entire board. Staff has asked to defer this case, but we have an entire room full of folks here today for this case. My concern is with all the people here I don't think that it is fair to those who took off of work and so forth to ask them to come back again. So I'm going to ask the Commissioners what their thoughts are on this subject.

G. SHERMAN stated he had a question for staff. I know in the past when we've had big crowds, we would hear everything, but defer on giving a recommendation to give staff time to work things out.

SCHLEGEL stated that we would recommend that you do that. If the action of this board is to defer, approve or deny, we would recommend you hear testimony from anyone that wants to give testimony.

G. SHERMAN asked if we can decide that after we hear the testimony.

SCHLEGEL answered correct.

MCKAY asked if we go through that process, does that mean the next time, will it be an open hearing where they can also speak.

SCHLEGEL stated that is up to the Commission. What the chair just said a minute ago, you have the option of taking testimony today and closing the public hearing or taking testimony and leaving the public hearing open for any additional testimony that may be necessary at the next meeting.

ALDRICH stated my question has to do with the deferral, what kind of time span are you looking at, two weeks.

LONGNECKER stated that unless there is something drastic, I think two weeks should be sufficient time. I would also like to point out that a two week deferral in no way affects the date that this case is to go to City Council. We have a two week protest period that's going to end October 4th. Which means it would go to the October 23rd Council meeting, however, the October 23rd meeting is a consent item workshop day, and based on my experience with this case, it is highly doubtful this would go without protest. So that leaves November 6th, as the first City Council date available that's not a consent agenda day and if we deferred it to October 4th, the protest period would end October 18th and that would allow staff time to send it to Law on October 22nd and therefore City Council on November 6th. As far as final action by the governing body, we have the time to proceed to the governing body for final action on this.

ALDRICH stated that you made comment that there were some meetings held between the owners and the agent or applicant and that staff wasn't invited. Were there reasons behind that. Was it just to allow them to work things out.

LONGNECKER stated that yeah, it was an attempt to try and allow these issues to be worked out if they could. We have plenty of folks here to give their take on where we are at right now in regards to resolution.

ALDRICH asked if staff felt if there has been a significant amount of change that you would recommend that deferral take place based on the additional input.

LONGNECKER stated that there are still some issues that staff and the applicant haven't addressed. To be honest, I haven't had time to just sit and go over the last revision that we received last Thursday, after the mail-out to the MAPC, simply because I have other projects that I need to get on to and I needed to get this case mailed out to the MAPC.

ALDRICH stated he has a question for Mr. **SCHLEGEL.** If this body does decide to make a deferral on this till October 4th, what will that do for notifications, would that process have to be redone.

SCHLEGEL stated that no, if you defer it to a date certain, then that is notification to all those that are present that it has been deferred to that date then. We will not send out another letter of notification.

G. SHERMAN stated he has a few specific questions. In number D where you recommended that light pole be 15 feet tall within 200 feet of residential zoning, since that reserve will be residential, would that mean 200 feet from the reserve.

LONGNECKER stated no. We say in the staff report that the reserve would also act as a setback and that we would also put in language that would waive the compatibility setback standards. So the reserve acts as both the setback and reserve and we would note on the CUP that would waive compatibility setback standards.

G. SHERMAN asked how close to the property lines can a 27 foot light pole be.

LONGNECKER said it has to be more than 200 feet away from the property line.

G. SHERMAN asked, not 200 feet from that zoning because you waived the standards there.

LONGNECKER stated correct.

G. SHERMAN stated that I couldn't tell whether you thought the wrought iron fence and berm with trees are good or bad.

LONGNECKER stated he thinks it's a good idea. The applicant has a PowerPoint presentation where they will give you examples of what they propose to do. Just along 29th Street, between Maize Road and Tyler, you've got a berm that's planted with what looks like red cedars staggered every fifteen feet. I don't know how high the berm is but the way they have those cedars staggered, you could have effective solid screening year round and a tree like a red cedar could last through just about anything.

G. SHERMAN asked is there room to do that at the cropped corner where you've reduced the setback.

LONGNECKER we would have to see. They are asking for 35-foot, but they are going to have to provide the equivalent of what solid screening is. Again, landscaping is going to have to be reviewed, and if they want to meet the solid screen criteria with a berm and plantings, they are going to have to show us how it works.

G. SHERMAN stated that you are saying in the report they will provide 1.5 times the landscaping required by code, but they get to count the landscaping up on the north side of the site.

LONGNECKER stated the only portion of the landscaping that's on their property that we are going to count is the mixed tree hedge line along the north property line. Other than that, we do not have any other landscaping on their side, separating them from residential properties.

G. SHERMAN asked about General Provision H; about the predominant building material, does that apply to each wall of the building.

LONGNECKER stated that it would apply to all walls.

G. SHERMAN stated that he would read that to mean if it is predominant on the building and not on each wall.

LONGNECKER stated okay, I see what you are saying, for the walls.

G. SHERMAN stated for the walls of the building. Just reading that, it looks to me like they could make the whole back wall of the building metal panels if they wanted to as long as the others were block or predominately block.

LONGNECKER answered I'm not sure how to answer that.

SCHLEGEL stated that he didn't think that was Bill's intent.

G. SHERMAN stated me neither. I'm just going off what it is saying.

SCHLEGEL stated that your comment is well noted.

G. SHERMAN stated on item number N, it talks about screening of the loading areas being tall enough and long enough to screen the largest trucks and trailers unloading. Obviously trucks are taller than eight feet high, that does mean they will have to be higher than that or between the berm and trees when they plant them, be higher than a trailer truck.

LONGNECKER stated it's got to be higher than the trailer and truck. There are a couple ways to address that, if you are going to have a loading dock, you can have it at the same level and go up. Or you could have a recessed area into the loading area, which would reduce the height of the wall and hide to truck going down into it. At the DAB meeting they did show examples of a recessed loading area. So again, we are asking to see examples of it also.

G. SHERMAN stated he suspects there maybe more than one truck in the loading dock waiting even if they are not idling and there will be those storage boxes, I didn't see any provisions about that.

LONGNECKER stated the storage boxes, by code, have to be screened.

G. SHERMAN asked to their full height.

LONGNECKER stated yes.

DENNIS asked if there were any more questions. Seeing none, what I recommend is that we do hold the public hearing today and at the end of that you can decide if you want to defer action for a future date or not, but I do recommend a full public hearing because everyone is here today.

KEVIN GASKEY, 1316 GARDEN GROVE COURT, PLANO, TX stated that we have done a lot of work with staff and the homeowners, many of them I recognize here today. We had three different

meetings with the homeowners over the last two weeks, had multiple phone calls and face to face meetings with staff. This afternoon what I wanted to do was to go over our presentation for the overall project. A lot of the questions that some of you have asked, I think we can answer them today. Bill showed you originally the CUP plan that we originally submitted, which this represents the original CUP Plan (referring to a drawing shown on the screen). In conversations with staff, with the homeowners and the HOA, we have made some modifications to that plan and I will walk through those modifications with you. Looking at your staff report that you have in front of you, I think the only two items that we have outstanding with you right now are A and K, and we will touch on those with you. I think the rest of the items we are in agreement with. So on A and K we still have to have some discussion on. The first item I want to touch on is the item to the north. We originally submitted a 30- foot setback, then we increased it to 70 feet and that was based on conversations we had with homeowners and staff based on maintaining those existing trees. To the east, we originally started with a 30-foot setback, reserve if you will, and we increased it to 60 feet to meet the existing 60-foot setback the HOA has to the east. To the south we originally had a zero-foot reserve in this area and, based on conversations, we increased it to 35-foot. To the north we have a 30-foot reserve that we increased to 35 feet to meet the setback requirement. The light poles were reduced from 40 feet to 27 feet. The sign heights were reduced from 24 feet to 22 feet and 40 to 35 feet, respectively. Landscaping, just one point of clarification, we are proposing to increase the landscaping in the reserves by 1.5 times quantity and size. The remainder of the site would be per code. So in the reserve areas the landscaping would be 1.5 times code; the remainder of the site would be per city code. Mr. LONGNECKER mentioned the addition of the wrought iron fence. That is a discussion we had with the homeowners and for security reasons they would like to have a six-foot wrought iron fence. We have that located from 29th Street all the way up to the masonry wall. We also added three-foot berms to match the overall character of the Fox Ridge neighborhood with their berms. And then lastly, we added language to the CUP about screening the roof-top units on the eastern elevation.

GASKEY describes the site plan, building elevations, landscape plan and signage.

DENNIS stated that your time is up, do you need more time.

GASKEY stated at least a half minute.

> **MOTION:** To approve one additional minute of presentation time.
>
> **ALDRICH** moved, **DENNIS** seconded the motion, approved by a vote of (14-0)

GASKEY stated that one of the questions that have come up is traffic. We have put together a small diagram related to what a Sam's Clubs generates in terms of traffic related to a grocery use or a strip center use and per the 2008 ITE trip generation manual. If we were to take a 60,000 square-foot grocery store plus 70,000-foot of retail and put it on the site, it would generate approximately 11,900 TPM trips per hour coming out of the site. Based on a 138,000 square-foot Sam's Club on our site, we would be generating approximately 585 trips per hour, which is almost half of what a grocery anchored center and a retail center would generate with the same square footage. That's assuming that the remainder of the site, the out lots and what's happening up on Tract Seven, remains the same. Thank you and I will stand for any questions you may have.

ALDRICH stated that I don't know for sure or not if you are in a position to answer this, but do you have an approximate number of employees that would be employed at this facility.

GASKEY stated approximately 150. I can get more specific. Is that correct Ryan?

ALDRICH asked if that is during normal business hours. Would there be an increase during the holidays or would employment pretty much stay the same.

RYAN IRSIK, PUBLIC AFFAIRS, WALMART, 3902 SW. RIDGEWAY STREET, BENTONVILLE, ARKANSAS, stated approximately 150 associates with this Sam's Club; however, it would mirror other Sam's Club's in the area and they trend from 150 to 200. There is not a mandatory number they do. They go in and out.

ALDRICH asked do you also see that other types of businesses will pop up, if you will; would you think the same thing would occur at this location if this was approved.

IRSIK stated yes, the Sam's Club and Wal-Mart and other developments they do tend to be an anchor for other development.

ALDRICH asked if it would have additional employees working at those sites, correct.

IRSIK stated absolutely.

G. SHERMAN stated he had one question in regards to employees, you say 150 associates, that's total, not any one shift, right?

IRSIK stated correct, total.

G. SHERMAN stated he wanted to clarify the one with the fence. You are not proposing one for the north there, are you just using the trees for that?

GASKEY stated no sir. Let me clarify. What we are proposing is a wrought iron fence along the area that is inside our property, on our side of the berm, if you will, coming across to the north and then it would continue to the north and then tie in to the existing six-foot wall that's behind the existing homes here.

G. SHERMAN stated when you were speaking you talked about pylon signs and then you showed pictures of pole signs, which is it you are proposing there.

GASKEY stated we would propose the signs as shown, as a pole type signs.

SHEETS stated that this is a membership club correct. It should be clear on the hours of operation, correct.

IRSIK stated that this club will mirror the same hours you see throughout the Wichita area. These aren't completely set, but small businesses will have the opportunity at 7:00 a.m., Monday through Friday, and 7:00 a.m. on Saturday. Those hours last from 7:00 to 10:00 am; they come in and shop exclusively. Other members that aren't small businesses can come in on Monday through Friday from 10:00 a.m. to 8:30 p.m. and Saturday from 9:00 a.m. to 8:30 p.m. and Sunday 10:00 am to 6:00 p.m. The latest the club would be open on any given day would be 8:30 p.m., Monday through Friday.

G. SHERMAN stated I think when you started you said A and K were points you disagreed with staff on, unless I fell asleep, I don't think you addressed K.

GASKEY stated K was one that based on conversations with staff and homeowners. I don't want to speak for the homeowners, but we supported the six-foot wrought iron wall because they were concerned with somebody parking over here at the club, and there are a lot of other cars here, walking through the

neighborhood and being able to break into a home and then walking back. So we propose a six-foot wrought iron fence without a gate to discourage that. If the homeowners were to speak differently to that we can talk through that. On A, I think the only two issues we were concerned about is we've gone from a 30-foot setback on the north where this existing tree buffer is to seventy feet and we agreed with staff on the 90 feet. We understand Mr. LONGNECKER is looking for 120 feet to mirror what is on the east, but to the east we have 60 feet on our property and 60 feet on their property.

FARNEY asked do you know where you are going to put the trash containers.

GASKEY stated yes. There will be a compactor in a location where a screening wall will come around in the location of the compactor. The screening will take care of the compactor.

FARNEY asked if they will require a daily pickup.

GASKEY said that would be an operations question, Ryan?

IRSIK stated yes.

FOSTER stated he has a couple questions about the dry detention. Sometimes those are not very sightly, what is your intended landscaping down within the detention.

GASKEY stated what we are proposing on the plan, since these are at our front door, is that these will be natural grasses down in there. We wanted to keep them natural. We didn't want them to be retention ponds where they hold water. We wanted them to be basically a dry storage area so in the event of a rain storm that exceeds the capacity that our outfalls have, that drainage would be stored here and probably be released within 24 hours. It would be a natural grass similar to what we will be planting on the berm.

FOSTER asked about using detention as additional buffering, was that looked at on that east side there.

GASKEY stated we have looked at drainage for the overall site and the natural grade of the site. There are basically three outfall sites on the whole site and there are discharge points on the south part of the site. As we looked at the site plan it was determined that we wanted to bring the drainage as far south as we could, and send a portion of the drainage to the east, but it won't exceed what's allowable by code. The remaining water will be detained and metered out to the south and southeast. To answer your question, we didn't look at potential detention area back there because it would continue to push the building further west.

G. SHERMAN stated my experience with Wal-Mart and Sam's has been the upfront people, the designers, the planners are pretty cooperative, and then the operations people ignore all the promises that were made or even don't know what they were. Could somebody get a phone number for the homeowners to call if the trash truck shows up at five in the morning or trucks are idling all night back there?

IRSIK stated with all of our stores we have a chain of command and the neighbors or customers can complain directly to the manager about issues. As you mentioned it, Wal-Mart and Sam's Club, based on our sustainability agenda and also based on trying to be a good neighbor, we have a zero idle policy for all of our semis.

SARAH LAUFFER, 9901 W. WESTLAKES CT., stated that we the residents of Fox Ridge strongly oppose changing the zoning under review for the reasons that will be presented on the following slides by residents and concerned citizens. My husband and I built our custom home in 2008. This was our third home and we felt like we got everything right this time. The development choice was easy. We were

impressed with Fox Ridge. It is a great place to raise our two sons who walk to and from Maize South every day. When I first learned that Sam's may develop the land our home backs up to, I was stunned. We knew the land might not always be farmland, and believed that it might be developed as an extension of Fox Ridge. At most it would be a light or local commercial that would complement Fox Ridge, and even that would require zoning changes and approvals. I believe the change such as the one they are requesting would not be allowed because our local government would want to preserve the city's unique and distinctive neighborhoods on the basis that approving one development, one who could clearly have their pick of more appropriate sites, at the expense of another when they have their largest single investment at stake, their homes is not in Wichita's best interest. To find out how our community felt about the proposed change we began a petition. The petition that we gave to you today requested that the zoning change be denied and that instead any zoning change to local commercial as per the definitions for the 2030 Functional Land Use Plan. Many volunteers, including myself, canvassed Fox Ridge and the surrounding neighborhoods. Many concerned citizens searched us out for an opportunity to make sure they could sign the petition. The result was overwhelmingly apparent that we oppose the change as less than three percent declined to sign the petition with some of those simply saying they couldn't sign it. The petition was submitted on August 31st to the Planning office and it currently has 281 signatures representing 419 concerned citizens. In the short time since we learned of the zoning change, the Fox Ridge residents have held two community meetings, each of which had approximately 100 people in attendance. We also had a strong showing of support of approximately 70 residents who attended the DAB meeting on September 10th. The other speakers and I want it known that, although not everyone is able to attend this meeting, their signatures and their attendance at the other meetings represents their strong rejection of the zoning change application. On a personal note, last night as I lay awake I was pleased to hear the owls outside my window, and I thought about what a great job Mr. Shellenberg had done giving a small town country feel to Fox Ridge. I hope you don't allow that to be sacrificed by over development.

ALDRICH asked if you were aware of any of the other development going on along Maize when you bought the property.

LAUFFER stated yes we were. We didn't believe they would be giving their farm to someone else, but when we discussed that with the developer and real estate agent, I think based on what that land use plan said, he assured us that it would someday be part of Fox Ridge. It would continue on when they were ready to give up that farmland. Hopefully it would be a light or local commercial, which I understand it to be now, so it would tie into Fox Ridge.

ALDRICH asked if she knew what Fox Ridge was before it was developed.

LAUFFER stated farmland.

G. SHERMAN stated that you mentioned a couple of neighborhood meetings, were those meeting that Sam's was at, and did you participate at those meetings.

LAUFFER stated that the two neighborhood meetings were at the Sedgwick County Extension Office, and that Mr. Longwell and Mr. **LONGNECKER** came to those as well as some other Commissioners. It was an open public forum. Sam's was not communicating at that time, so they were not involved.

G. SHERMAN asked have you spoken with the Sam's people since.

LAUFFER stated we had one meeting with them that I was involved in because my property does back up to loading dock.

ANDY JONES, 9905 W. WESTLAKES COURT, stated he wanted to comment on the extensive meetings. There have not been extensive meetings between the applicant and the homeowners. It's been very minimal and what we see changed has been even less minimal. It's very little that they have actually listened to us at all. In terms of the 2030 Comprehensive Plan, we looked at this before we bought our home and it said local commercial and its definition says concentrations of predominately commercial, office and personal services that do not have significant regional draw. For example grocery stores, florists, restaurants. It can be comparable to the Unified Zoning Code's Neighborhood Retail. And that, again, is local commercial, urban development mix of Wichita-Sedgwick County. It does not include regional commercial which encompasses major destination areas that have predominately regional market areas and high volumes of retail traffic and includes things like big box retail stores of which Sam's is one. The staff report, as we read it, implies that the local commercial and regional commercial are pretty equivalent. Now I believe as you read this, that is not the case, local commercial is not equivalent to regional commercial development. As we understand the process to be, for the Comprehensive Plan, the MAPC is required to meet annually to review the Comprehensive Plan. If the MAPC determines that the plan needs to be amended, then the MAPC has to hold a public hearing and have to have a public notice published about that hearing on what they are going to do, as in adopting changes to the CUP. If they vote in favor of the amendment, it has to go to the Wichita City Council and Sedgwick County Board of County Commissioners for approval. Now the fact that the MAPC has annually looked at the Comprehensive Plan and has never saw fit to sponsor an amendment seems to those who have bought into that development over the last four or five years a bit odd to say the least. And, if it was a natural progression as we keep being told, why was the CUP never revised or updated after all those opportunities over the last four or five years. Why were me misled to believe that local commercial was what it is suppose to be when if you intended to change it, why didn't you. Again, the Comprehensive Plan, as I understand it, is a required procedure for amending the CUP. If the planning authorities determine a change in the CUP is appropriate, the process must be followed. Using private parties' rezoning applications as a way of amending the CUP undermines the process and all the due deliberations that the public went through as an entire community come in to play when amending the original proposal. In a sense if you reverse the process, rather than creating harmonious development, which is what it is suppose to be, but first determining a change in the CUP is appropriate makes it a rezoning change first and then you go back and change the CUP to justify your actions. Ignoring the CUP guidance of the range of proper uses in a particular location and rezoned to something else comes close to spot zoning and leads to an ad hoc piecemeal development which I thought was the point of the Comprehensive Plan to avoid those kind of issues. Reading the report, it seems there is an apparent fudging of what local commercial and neighborhood retail is so as to undermine the legal and public role of the process. The staff report wants to look at attributes of the site, size, location, etc., saying it aligns with regional commercial and then trying to interpret their way around the legal limitations of the local commercial designation. In summary, the CUP is zoned local commercial, a big box store is not available to this type of land use and if there is a change that is required, the CUP amendment process must be followed.

NATHAN LAGER, 10315 W. WESTLAKES COURT, stated he has concerns regarding the traffic specifically. There has been no discussion about traffic with the applicants. I believe they stated that they were not required to do so at the time. I would suggest that would need to be considered, not just in terms of the Sam's Club, but the overall site development. There are five other parcels on this lot as well as Parcel 7 on the northern part of the map and that will create additional traffic. With this additional traffic there are safety concerns within the neighborhood. There is a school in the neighborhood with 2,100 students with grades 2 through 12, and there are impacts in respect with what we had in mind with the neighborhood. We suggest that zoning be denied until an appropriate traffic study is done. In terms of the burden of traffic, Sam's Club has indicated that there would be 500 trips a day just with their store and they haven't considered the rest of the development. The 2035 traffic model suggests that 29th and Maize intersection has 18 to 19,000 trips per day. Just adding the Sam's Club alone to the current traffic of 10 to 12,000 trips per day puts it at that maximum without consideration of other development. The Institute of

Transportation Engineers suggests that any development that has over 750 trips per day should look at a traffic study. Again, this is not just Sam's Club. There are multiple businesses, the gas station at the corner; there's parcel 7 and there are delivery trucks. We have had a recent experience at 21st and Maize where that intersection had to be completely redone with the traffic versus when it was first developed. I would not want to see that same experience happen here where no traffic is considered pre-zoning change then have to redo it sometime later. To compare some uniqueness to this site versus the other Sam's Club sites in the area, the other Sam's Clubs are located near major traffic highways, there are no schools around them and there are no neighborhood roads for traffic to pass through. The Sam's Clubs here are on Kellogg and on Rock Road. Our development here is much different than these Sam's Clubs from a traffic standpoint. Moving on to the safety concerns in terms of increased traffic, there is a cut through road through our neighborhood that is specifically designed to have a calming system to slow down traffic. There are blind spots through this neighborhood. There are students who walk to school just north of the neighborhood and we have had nonresident accidents in the neighborhood because they are unfamiliar with the road and the pass through street. I want to highlight specifically what the applicant has suggested for the entrances and exits from the store on to Maize since that is the closest proximity street to the development. Today, I am a resident of Fox Ridge and it is very difficult to make a left-hand turn on to Maize Road, going out of the neighborhood. So there is a thought that the traffic would flow north, and Sam's Club have said they expect the traffic flow to come from the south, so the traffic will want to head back south. The only way to get out of the store without a traffic study to understand lighting signals and how to manage the flow of that traffic is to go north. When they go north they can cut through our neighborhood and they can cut through the street that goes right by the school to get them back south if they don't want to wait to make a left hand turn.

MOTION: To approve two additional minutes of presentation time.

SHEETS moved, **FOSTER** seconded the motion, approved by a vote of (14-0)

LAGER stated the biggest concern here is that there has been no discussion about what the traffic impact is other than what's specific with the Sam's store; what that traffic looks like in terms of the total site development, not just the Sam's Club itself. This has been discussed before as a regional draw. You are talking about traffic coming from all different areas from out-of-town to this store. In conclusion, there is inadequate information at this point of the game to understand the impact to traffic. There are significant concerns, kids and a major school system in close proximity of this development where they will be walking. From a neighborhood standpoint, there are a lot of walkers and cyclists. Nonresidents that are not familiar would take an easy cut-through the neighborhood. We have already had accidents with those nonresidents not adhering to the speed zones or contemplating the blind spots through that neighborhood.

ALDRICH stated if he would be opposed to other uses, like a recycling collection station, asphalt/concrete plant, church or government service on that property.

LAGER stated I would not be opposed to a church or an office building, a one story office building. I would have concerns on the other development, the cleanliness of it and how it looks in relation to the rest of the development.

ALDRICH stated the reason why I say that is because those services, if you will, would be allowed there now.

LAGER stated that I am learning through this process on what's allowed.

KLAUSMEYER asked if you have problems with school traffic coming through the neighborhood.

LAGER stated that he doesn't experience that today.

DAVID PIPER, 9917 W. WESTLAKES COURT, stated that he believes a drainage study is needed for this area. I have lived on the west side of Wichita for 42 years and my biggest concern during that time has been the drainage. I've seen numerous occasions when the Westlink drainage canal receives all the water from upstream, and Fox Ridge is the headwaters for that. There was a catastrophic event that happened in 2008, the twelve and a half inches at the airport to twenty inches in other locations that occurred on September 8th of that year. Fox Ridge area was inundated with water. 29th Street and all of the downstream areas were flooded. There has been some mitigation to that since then, but I believe it is not capable of handling another twelve inch rain. The natural flow of the property is from the north towards the south. That water feeds Fox Ridge Lake or a portion of it and it helps keep those lakes at a natural level and the health of those lakes. The rest of that water is planned to be drained to the south to those detention ponds. For a twelve inch rain, I don't believe there is a retention pond they can build on this site and still build all the buildings that can retain that water. If you look downstream, you can see the Cadillac Lake area has a 30-acre detention pond, and it's designed to retain the water and then slowly drain it south downstream into the Westlink drainage ditch. A twelve inch rain would fill that and overflow it. Fox Ridge needs some of that water off of that property to keep the lakes healthy and the developer originally designed that to have that flow. I would like you to think of an asphalt property with contaminants and oils draining into our lakes. I don't think that is good either. If you reduce that flow or eliminate, that's not good. We thought about drainage areas and ponds adjacent to our property to handle that, but I don't believe the developer of Sam' was willing to do that. Isn't it the responsibility of the local government to do a well thought out and careful planned change so neighborhoods are not drastically affected so if we have a rain like this again…I think it is prudent judgment that decisions made that affect Fox Ridge before this occurs. Ignoring this issue is going to be hazardous to us and our residences. That makes rezoning of this property really susceptibly to speculative information at this point.

MOTION: To approve one additional minute of presentation time.

SHEETS moved, **FOSTER** seconded the motion, approved by a vote of (14-0)

PIPER stated that we feel that you should defer this, deny this rezoning until the developer of the Sam's property comes up with a better alternative. Basically we think that the data to support this change is insufficient at this time and the decision that you are trying to make is very difficult considering this limited data.

THOMAS LUTHER, 10128 W. WESTLAKES COURT, stated he would like to address the subject of property values and advocate for a cautious approach going forward. One of the functions of government is to protect personal property rights. A part of this is to ensure predicable circumstances for our real estate investments as far as it is reasonable and possible to do so. That is in fact one of the reason we do land use planning. As you can see from the handout the residential component of the adjacent real estate has a collective value in the range of $150 million. This represents the dreams and aspirations of over 300 families that are unaware that their property values may be compromised by zoning changes on property that literally touches their backyards. Please consider that these hundreds of families were there first. In fact, had the sellers had wanted they could have made their current holdings a part of a larger planning process when Fox Ridge community was created. Would it not be in the best interest of all parties to succeed with proper planning and impact assessments before making any decision regarding this development? Why unnecessarily risk so many people's investment of $150 million for the possible rewards that might be realized from an overly quick decision to green light this project. It is our position that any changes to existing zoning plans balance the interest of adjacent property owners with the benefits of a reasonable development of this land. We feel it is far and just to conclude any changes to the zoning at this late date be viewed as an afterthought regarding the residual property that for whatever reason was not made a part of the original land use plan.

JIM MORGAN, 9913 W. WESTLAKES COURT, stated he wanted to talk about noise pollution. When we look at the city code ordinance 47-030, you see that in residential it is between 8:00 a.m. and 10:00 p.m. is 55 decibels and between 10:00 p.m. and 8:00 a.m. it is 50 decibels. When we look at adjacent zones, when a noise source can be heard from another zone, the zone with the more restrictive level shall be used. (Showing Slides) Sound levels, depending on distance; every time you double the distance from a sound source the sound level decreases by 6 decibels. A heavy truck at ten miles per hour, for example driving to the docks the way that Sam's has it set up right now, they would drive along the north side and turn the corner behind my house and my neighbors houses and then drive into the docks. That's how I understand it. At 60 feet, the proposed distance of Parcel 1 to SF-5 zoning, not from my property line, but from where single-family 5 zoning is, is still 67.4 decibels, which is still over the maximum they can have in a residential zone. You would have to go out over 400 feet to be in compliance with the noise ordinance during the day and all the way out to 800 feet to be in compliance during the night. A garbage truck is 100 decibels at 25 feet. Even at 1,600 feet the decibel level does not drop enough to meet the City of Wichita Noise Ordinance. A study done by the Federal Highway Administration about using vegetation for noise abatement basically says vegetation is not considered noise abatement, especially when involving federally funded projects. Vegetation must be a minimum of 100 feet thick, a minimum of 20 feet high and sufficiently dense so that it cannot be seen through in order to provide a 5 decibel drop in noise. So the proposal that we have gotten does not even come close to that. There is a very high standard of landscaping our development has. We spend as a HOA between 80 and 100,000 dollars a year to maintain the landscaping. We take much pride in the development and we put our money where our mouth is. We have trees and native landscaping and, in my opinion, this is one of the best developed and nicest neighborhoods in Wichita. Trucks delivering at all hours…we requested a restriction of 7:00 a.m.-7:00 p.m., and we were told that that is not possible. We requested moving the loading docks away from residential area to reduce noise. We were told that was not an option. I have nine windows facing the farm land right now. I look out at about 12 feet off the ground, not ground level. Shielding it from ground level is inadequate. There will be 27-foot light poles affecting the houses to the north and trucks driving towards my house shining headlights into my kitchen, living room and bedroom at all hours of the night. The reason this is so important for this area is for the kids. Its quality of life we are talking about here. If we let a big box store back up to every nice neighborhood in the entire City of Wichita, we are just going to lose out on people wanting to live here.

ALDRICH asked if he knew how many trash trucks would you think would be going to Sam's. I guess their delivery and pickup would probably be once a day.

MORGAN said he would assume at least one trash truck per day.

ALDRICH asked how many trash companies service Fox Ridge.

MORGAN answered one. It is in our covenants that we have one trash company so we have one trash pickup day per week. We don't have multiples coming in at all hours on all days.

ALDRICH asked if your service provider only picks up on one day.

MORGAN answered yes.

MIKE BEAVERS, 9921 W. WESTLAKES COURT stated that they have a new neighbor and they want to build here. They don't care that much about us because we met with them and had conversations with them. When they build, they don't want to be held accountable to the same standards as our neighborhood. Based on the plan that I just saw today, I am shocked part of the land behind my house won't even get any trees until they sell the property. So I'm going to have a great view of Sam's over the trees that are left behind. Our neighbors want to build a huge building with a tall façade as close to the

property as possible. They want to erect the lights that shine in our homes, and have a huge parking lot with constant traffic. For every item that goes into the store, tons of garbage comes out. Can you picture the dumpsters overflowing with smelly and nasty trash? I can because that is what I am going to see. Our home overlooks what's known as Rink's farm today and we have one of the most beautiful sunsets in Kansas. We recently learned a developer from Dallas representing Sam's Club will be our new neighbor. If this happens, we along with hundreds of neighbors will be faced with the negatives associated with a development like this, including trash that blows in the strong Kansas winds, increased crime and devaluation of our property. Where will the wildlife go? We will never see the hawks, pheasants, deer, fox and other animals that made our neighborhood such a charming place. They are going to be replaced with overflowing dumpsters with rotten fruit, vegetables, spoiled meat and other byproducts of a place like this. The facts tell us that Sam's and its parent company, Wal-Mart, have a history of getting what they want and then leaving a mess for the rest of us to take care of. Now is not the time for this development and this is not the place. As a business, Sam's primary goal is to deliver a profit to their shareholders. And as a business, Sam's tries to develop its properties as economical as possible so it has less investment and overhead so it can deliver a higher profit. At one of our recent meetings when asked why they have not included particular features that protected the community, they said it was because our city didn't require it. As a homeowner like many of my neighbors, we have suffered through a terrible recession. I am just trying to stand up for my family and our values. As a government body, you are our last line of defense. You can easily just stamp it approved and go on to next business; however, I ask you to make Sam's a responsible part of our community. If they truly want to develop here, ask them to go above and beyond the minimum. Insist on a plan that not only represents the concerns of our community, but to protect the city's communities well into the future. Please consider the effects this will have on our neighborhood and the neighborhood's surrounding it. Just remember if it gets approved, the nice folks from Sam's and the developers from Dallas will take their money and go back home and leave us to deal with the unsightly mess. As for the community, I can drive ten minutes to Sam's if I need to. It's not an inconvenience to me.

DEBBIE HAND, 3217 N. DEN HOLLOW STREET, stated that as you have heard from my neighbors, we do not believe the site chosen by Sam's represents the best placement of a new club. You have heard our concerns about the perceived lack of consideration for our safety, potential drainage issues, and increased traffic in and around our neighborhood, our home values and the aesthetics that exists in Fox Ridge today. We also feel that this location does not mirror the more regional locations here in Wichita where the club's have not been placed in close proximity to residential neighborhoods. In good Midwestern fashion, however, we felt strongly that when someone complains about a situation you need to step up to the plate and offer an alternative and be part of the solution. As a good neighbor and a citizen that supports commercial growth here in Wichita, we would like to offer two alternative locations. (Slides were shown showing other possible locations in Northwest Wichita for the Sam's Club. One location is to the north, south of the existing Menard's and a second location is the northwest corner of 37th Street North and North Ridge Road.) Being a good neighbor and corporate citizen is highly valued and expected here in Wichita. Good neighbors compromise to achieve a win/win outcome. Good neighbors are when two competing middle schools come together and provide an opportunity for a disadvantaged youth to score the last touchdown. Good neighbors drive slowly through a neighborhood that has both deaf and disabled children who enjoy being outside and active. Good neighbors care about each other. We expect nothing less of our corporate neighbors.

SCOTT BENDER, FOX RIDGE HOMEOWNERS ASSOCIATION PRESIDENT, 3109 N. RED FOX STREET stated they just received a letter from Doug Powers, the superintendent of the Maize School District, and he wanted to enter it into the record. It states that they have not had a chance to even look at this. They were not made aware of it until I contacted them about it this week in regards to some issues. First, I want to answer some questions asked earlier. Who are people going to call when Sam's doesn't meet the requirements, it will be me. I get lots of feedback from the neighborhood. I am the one who is going to get that call. I want to point out that my rule as Fox Ridge president is to make sure we

have good neighbors and I do that by way of the considerations of those who are present and those who join us. I make sure the weight of the many outweigh the individual. I concern myself with the fact I am here to protect the people largest and second largest single investments on properties ranging from $250,000 and $800,000. The way we do that is we require very high architectural standards. We vary the designs and do lots of things to make sure our neighborhood is nice. There is strong covenant enforcement, which is a big chunk of what I do. I make sure people toe the line and hold on to what is valuable to the neighborhood. We are not a neighborhood of 1.5 standard, we raise the bar much higher. Obviously the purpose of the CUP is to make standards that are not minimal. It is not a document of minimum standards, but yet it's like covenants in our planned community. We are here to make sure people follow the rules. We've had little interaction with the applicant. They said we had three meetings, DAB, board meeting, and another meeting from parties that live on the two streets in the neighborhood. We requested fifteen specific fundamental items. Some of these have been addressed already and talked about, but we have seen very few of those come out in the new CUP. Basically, if you are going to give us a new neighbor, what the Fox Ridge board is here to do is to ask that you provide very strong covenants for that neighbor. We have handed you a letter outlining those requirements. At this point, there is nothing Fox Ridge can do. We are stuck; we can't force other property owners to give up their property to build bigger berms. All of the impact and the issues that come up have to be dealt with on the applicant's side. Specifically, we need to talk about use restrictions. I want to make sure that uses currently allowed by right, which are detailed in the letter, that we restrict certain ones. One of them is multi-family. We don't want Section 8 housing popping up next to us. That's not being rude or elitist. I mean we've got very nice homes and we want to make sure we keep that and we don't want third part apartments looking over into our homes. We are not saying that long term these items can't exist. We just want to have a chance to comment when that happens. It is no different if somebody wanted to build a new house in our neighborhood, change the paint, change the look and add a new pool. We get a chance to we get a chance to comment on those things. If you allowed the CUP as planned, we never get another shot at this. We never get another chance to comment. We want to make sure we protect ourselves against surprises later on. I will agree with Sam's on one thing, we don't want any pedestrian access. If this is going to be limited commercial, let's be honest, I'm not going to carry the four tires that I buy from Sam's Club on my bike and ride through the neighborhood to get them home. I would get them on my golf cart, but not on my bike and we have covenants against riding my golf cart on the sidewalks. I'll hand it over to Greg Allison.

ALDRICH stated that he made notation that they have had very little interaction with the applicant, how many times have you or any other representative from Fox Ridge met with the applicant or agent.

BENDER stated two board members met with them once. The local neighbors and two board members met with them another time and then we were all present at the DAB.

ALDRICH stated that you have had three meetings with them so far.

BENDER stated that if you call the DAB a meeting, a conversational work, talk-it-out kind of meeting, yes, but I don't consider that a work, talk-it-out meeting. We found out about this from surveyors standing in one of the resident's backyard with a survey stake.

ALDRICH asked do you think it would be beneficial, pure question, if you or any representatives from Fox Ridge would set down with the agent and applicant to see what some of these issues if you could work it out.

BENDER stated that we gave them that list. We talked about it and we outlined it and prioritized it.

ALDRICH said he wasn't talking about a list, about having a face-to-face set down meeting.

BENDER stated that if Sam's wants to show up with decision makers we would be willing to talk. As part of the problem, I am told when we met earlier was that the decision makers weren't present. The Fox Ridge board would consider that option and we would be willing to talk to do what we can to protect our neighbors.

MILLER STEVENS stated that you have identified fifteen requests included in the CUP, and then you had your letter that had ten items. Do these ten items include the fifteen and if so, have the other five been resolved. Where is that comprehensive list?

BENDER answered that all fifteen items that we raised that evening are included in our requirements here. The fifteen items that we presented, what we called, were bare bones. They were kind of watered down a little bit based on feedback, based on the applicant's agents. This is our complete list. It not only includes those fifteen, but additional items if you look in the sub-points.

GREG ALLISON, 3302 DEN HOLLOW, stated that he has been asked to consult with the HOA board. As you know I am experienced in land development and entitlement issues in Wichita, experienced in engineering design on multiple projects and specifically around this area. In fact, I was the lead engineer on the Fox Ridge development, for the developer Marv Shellenberg, for the Fox Ridge Plaza zoning CUP that was approved late last year, the Stonebridge CUP that included the Menard's and the Hampton Square which is at 37th Street and Maize as well as Watercrest in the City of Maize. I come before you as an experienced person in this role just asking you for your consideration on the several point that have been brought up; to be able to reach reconciliation on some requested restrictions. Drainage is an item I know for sure that we need to review. As an example, when we brought before you the Fox Ridge Plaza just north of here, and lies within the same drainage basin, we provided a detailed concept report along with the CUP on our own request because we knew the importance of the plan. We had also provided a very detailed and comprehensive report for the northwest YMCA, because it was such a concern to those neighbors at that time that resolved and solved drainage problems, that we provided a detailed report. In fact from that detailed report, the YMCA reduced their size of development, particularly in commercial development. The reason I think it is importation for this to be done is because the drainage plan affects the site plan with so much detail that if there are changes to site plan from what we have seen today, I believe the landowners or developers could lose additional credibility with the neighborhood. As far as a traffic study, I believe a traffic study or at minimum an outlining of the plan for traffic so that some of the concerns raised by these citizens are important, and that includes resolving where traffic signals would exist and where access points exist. For example, on 29th Street where they have their access point, they plan to have one of the most major access points off of 29th Street, 400 feet away from the traffic signal at the intersection. Now you could look at 21st and Maize as an example in a similar intersection at a very busy retail area just closed off from full access movement into the Dillon's. I believe that access point would be too close to facilitate another signal. I also think in the traffic study they ought to supply information on traffic lanes and improvements they intend to build. Again I think this adds credibility to the process and I know from my standpoint, coming into a developed area these are items that we often address at the zoning level, regardless if it is required at platting. It is our opinion that they ought to supply reasonable solutions to loading docks, and berm heights and wall heights. Another example of that is during the Fox Ridge Plaza to the north, this is a plan we provided (referencing screen). It was simply a plan that looked over 1.5 times. We literally, on this plan, counted the trees and we've committed to a quantity of trees and a number of rows of trees and separation between the trees. That is all based on concerns of the neighborhood that the developer, at that time, along with use, met with neighbors to come to some resolution before we even got to this point. Providing cross-sections literally show how well it will screen and hides off the neighborhood. Some of the concern with screening when just the minimum is required (referencing slide).

MOTION: To approve two additional minutes of presentation time.

G. SHERMAN moved, **MITCHELL** seconded the motion, approved by a vote of (12-0)

ALLISON (Continued to reference slides showing landscape standards) I could give you many examples like this. I think in the letter spelling out what we feel are minimum requirements are reasonable for a neighbor moving into a new neighborhood that effects several people such as wall heights, loading dock, materials being used, monument signs rather that pole signs, and material on the back of buildings. In conclusion, it is our opinion that to be able to co-habitat and to have some transitional areas, we believe the CUP should be strong enough to voice the concerns of the residents in Fox Ridge.

ALDRICH asked if they have met with the agent and/or applicant regarding your proposals.

ALLISON stated yes.

ALDRICH stated at this point here all we are looking at is strictly whether or not what we have is appropriate for a zone change. We are not here platting. In fact, all this stuff will be addressed at that time, and this is strictly whether or not it is proper land use at this time.

ALLISON stated that is correct and I do realize at planning, if you leave it off the platting time, there are issues within the site plan that can severely affect all these items, particularly drainage. Because I heard the drainage concept that they have and I really, having been the designer of the neighborhood, I really am concerned they got the mark on their solution. Because I feel like if they want it to happen the way they want, the need more land area to detain the volume of water. What they really need to do is not increase runoff, whether it is to 29th Street, Maize or the Fox Ridge neighborhood, and, as I know, it flat and things just tend to spread out to be able to be detained or pumped out. At this point, if they don't hit that right, the site plan changes and maybe gets more immediate concern from the neighbors.

ALDRICH stated that without an approved drainage plan, this doesn't move forward.

ALLISON stated no, but it does affect the site plan and if they adjust the site plan any different that would impinge on neighbors' rights.

MITCHELL asked as a professional in land development, what zoning would you recommend?

ALLISON stated as far as he understood, commercial would be a part of this corner. Typically, especially when commercial comes into a neighborhood, there is some transitional zoning rather than intensely light commercial or limited commercial throughout. This isn't about Sam's. This is about the whole CUP. They haven't addressed concerns on Parcel 7, the north parcel, without even having a site plan. I would recommend…they are going to have the opportunity if it is an apartment complex or a big box to come back to you and to the neighbors, credibly show what they would want to propose here. My thought is you reduce the commercial down to a certain size and provide some transitional zoning, whether office or something else that can cohabitate with the neighborhood. It's not unreasonable to think it would be commercial, in part, but not 40 acres.

MITCHELL in the past, have you discussed with the owners of the land being developed and with the neighbors of Fox Ridge what that zoning ought to be.

ALLISON stated that he has never discussed that with the owners of Fox Ridge or until last week we talked to the Wal-Mart representatives or the Sam's reps. We suggested transitional zoning to help mitigate between a more intense commercial towards the residential.

MITCHELL asked if he could define the transitional zoning a little better.

ALLISON stated the transitional zoning could be office, like if it was medical for example. An example of that can be seen down by Lowes. There's an office complex that transitions from the Lowe's CUP into the neighborhood. So it is not as intense commercial abutting homes. It could be multi-family to some sort, but generally speaking you would like to see the site plan to see what that looks like. It could be senior living, a church, and a school. High intensity limited commercial for right up to residential housing is of concern and would be the reason to transition that zoning.

MARVIN SHELLENBERG, 7409 LAKEWOOD CIRCLE, stated he is the developer of Fox Ridge. Fox Ridge is a beautiful neighborhood, it is unique, and it is probably the biggest land makeover I have ever done. I had zero trees and it had ten feet of drop in the first 200 feet and then it was table-top flat. We have committed about a third of the property to nature preserves and lakes. We have selected native grasses, trees and shrubs. We have put in a tremendous amount of time and money into this project. So it is certainly unique and it is not something that, I am certainly not biased, but I think it's the most beautiful development in all of Wichita. The purpose of me being here today is just to ensure that this community gets protected. I am certainly very familiar with the 50 acres. I had always hope to be able to buy that ground from Mr. Rink some day, but with my feasibly study, there is only so much; I knew what it would take to provide the proper buffering for this area and to develop it. The best use would be for an end user for the price they were asking. So I do know that you can develop this property with the proper buffering to make it compatible, and the key is compatibility. That's what all these homeowners are really looking for. I did the development just south of Menard's and we sat down with the homeowners; they are not opposed to a big box, they are opposed with not having enough buffering and standards and regulations to ensure the longevity of their investment. They are reasonably people. I am not here to say I am against it, I'm just saying we have to make sure we have ample buffering to save their investment. We talk of eight-foot berms. Our roads are six foot above existing grade, top of foundation is five feet above curb. You are talking about around ten feet above existing grade with an eight-foot berm. The eight-foot berm doesn't do a whole lot of good. The elevation of where the building will stand is already ten-foot above existing grade. So now we have about a 20-foot difference. There is a lot of detail that this planning committee needs to give attention to make sure this development isn't going to be hurt. A lot of people have said things like New Market Square, you should have been able to see the stuff coming down the line. We forget that New Market Square was platted in 1998. The commercial was first, and then came the residential. That developer had control of everything. He could put the necessary buffers and when he sold the residential properties, they knew what was happening there. It is not the same. You can't apply the same standards as you do to that for something coming into the neighborhood. Fox Ridge plat was filed on July of 2003. Nine years later we have a new neighbor. If you want to fit into the new neighborhood you have to fit to what else is around and this is a high end highly landscaped community. I just want to make for sure you know that this isn't just an ordinary plat. We just can't go with ordinary zoning regulations. We have to apply something better than that and I think you owe the homeowners that as a planning committee to put those regulations in there. The Lowes site was also another site where they say it is similar, but with the Lowes site, there is nothing to the east of it and north of it is the Cadillac Lake which will never be developed. I developed a small area just to the south of it and its zoned office and neighborhood commercial. It's a decent zoning. It's a down zoning as Greg referred to as a buffer between it. Menards, once again, the surroundings, you've got a school.

MOTION: To approve two additional minutes of presentation time.

SHEETS moved, **MITCHELL** seconded the motion, approved by a vote of (12-0)

SHELLENBERG stated that Menard's, once again, is totally protected. There is no residential up against it. I have the development to the south of that. We met with the homeowners and got their approvals and stuff. So you can't just say you guys should have seen this coming. There are reasons on

how all these things came about; they just don't happen overnight. As the developer of Fox Ridge, I am not here to say we can't do a commercial application, I think it's going to happen. What I am asking is that you can protect these homeowners of the landscaping and integrity of this development. At the end of the day, one of two things are going to happen, either the developer of this proposed site will have to designate more ground to provide bigger buffers or more ground to have a down zoning and will have to make less money on it, or the homeowners are going to have to carry that brunt; because if you don't give the ample buffer in there, their property values will drop. That's what I want you guys to consider when you are looking at this project, to protect the current and existing homeowners we have.

ALDRICH stated that as a developer, what would you recommend as a workable buffer to make this coexist with Fox Ridge.

SHELLENBERG stated that he hadn't had an opportunity to look at their site to see elevations. There are a lot of things to take into place. There are two types. You could do a buffer as far as the berming. The berming we put around Fox Ridge, it ranges around 12 to 18 feet tall. Then we have dense trees planted, things that we have done to make that separation. Something that is significant like that to make sure they do not see the lights or buildings. It was quite enlightening with the noise, where green doesn't block it. There are issues you have to look at, with the elevation of the building, what's the elevation from the back of your deck, what elevation does that have to be. So that would be something. My plans, I had hoped (leaves podium to point at screen) to put in a patio home on the north side and assisted living on the east side of the property. It's all market driven, but those are some ideas you could do, or office, as a zoning buffer.

ALDRICH stated that also with your experience would you be willing, if it came down to it, to sit down with the agent, applicant and homeowners to see what issues can be worked out so this project could go forward.

SHELLENBERG stated certainly.

KREG GREENWOOD, 10520 W. 31st STREET NORTH, stated if you recognize that, you will see that I live on the west side of Maize Road. So I think I am the only speaker who will represent Belle Park, about 36 homes I believe. We are an old school neighborhood that loves their neighborhood as much as Fox Ridge does. They are the new school neighborhood. My street is right across from that tree line along the north side of that property. When I first heard the announcement, I was approaching on 29th Street to the west of Maize Road. I heard it on the radio. I drive all over Wichita for work, in surrounding counties and have been doing that for 27 years. I grew up in Oklahoma City. I'm an Okie and I like to keep things simple. So my gut reaction was, this is not a normal Sam's location, it just isn't. When I have a gut reaction like that, I like to back it up. So what I am going to do is let Sam's provide my proof. One of the things I have learned from the public meetings I have been to is that Sam's is very focused on a national template for their store. They don't like to vary from it unless they are made to, forced to; asked to, or whatever the city requires. So I was wondering what is the template for a Sam' location and I think they will provide the proof. We are going to take a two minute tour, (proceeded to show slides of Sam's Clubs locations in various other cities). I now understand completely what Sam's template is. They have a store template for store design. They have a template for store location. It's beyond my comprehension. I can't wrap my head around expanding and growing a regional draw.

MOTION: To approve one additional minute of presentation time.

D. SHERMAN moved, **FOSTER** seconded the motion, approved by a vote of (11-0)

GREENWOOD stated I think I know their template. I do not see a highway, where's the highway. Why would it be in Wichita's best interest to create a regional draw, that's what they say in the meetings, a

regional draw store. It's a big warehouse, and a big warehouse and a regional draw belong on a highway. Sam's proved it, I didn't. So why would we do that to Wichita on a west side community and we already know the challenges of Maize Road and I have not even mentioned the school district. Richard LeMunyon, my neighbor two doors down, told me I could quote him, his largest concern from 29th to 37th, he says the roadway and right-of-way is all City of Wichita based on an agreement with the City of Maize, so that mile is the City of Wichita's. At a minimum for the safety of the citizens, the school issue with school buses, the massive traffic up and down back to school because of the uniqueness of that skinny funnel up to Maize, a fifth obligated center turn lane is being marked and currently being built in Maize.

ALDRICH stated that on your slides, that was pretty impressive. I have actually been to a lot of those locations, but one thing that those locations are lacking is they don't have a draw like we have over there at New Market Square.

GREENWOOD stated that they talk about a regional draw. Some of those places they are perfectly willing to drop them in places where there is nothing around because they know if they build it, they will come. People decide to go to Sam's because they are going to fill up their car. It's a destination location. Not all of them are next to a Wal-Mart or anything like that. It became obvious to me. Even some of the newest locations are not.

JACK QUEEN, 3230 N. FLATCREEK, stated that he didn't have any PowerPoint's like they do; I am just going to go by my notes here. Mr. **ALDRICH**, your question about meeting with Sam's Club, we did have a meeting with them. Mr. **GASKEY** was there and the guy in the back there, but yeah we met with those guys and Mr. **ALLISON** over here was maybe the smartest guy in the room and he was asking questions to Mr. **GASKEY** on a lot of these things that he brought up today. Finally Mr. **GASKEY** got tired of him and kind of jumped in his face a little bit and asked are you an engineer. **ALLISON** stated yes I am and I developed Fox Ridge. From that point forward, there was absolutely no more communication between Mr. **ALLISON** and Mr. **GASKEY**. He came and sat next to me and was whispering something into my ear and it came to the point where he stopped listening to me to. We talked about the recessed load dock. Yes that's recessed. It's recessed at the back of the trailer, not at the front where the tractor sits, so the 10-foot wall is not high enough to cover the exhaust coming out of the tractors, to eliminate the sound going into the neighborhood. A lot of the time we see the bull haulers, you know the big trucks with the big pipes coming up that bow out instead of going straight up, that's going to be a problem because that's one pipe pointing at her house, and they are loud. I know a lot of bull haulers, those guys like loud and proud. The louder they can be the better off and that's what we don't want. We need to make sure when you guys are look at this, considering this, you need to look at that depth, because they say it's recessed, but it's just recessed at the back, not at the front. They talk about the landscaping, you know doing the berms all the way around, but they don't want to landscape immediately and some people will be just looking at dirt. I am on the board. I am the landscape guy. I deal with our landscaping contractor and I am known as the resident tree guy, but unfortunately in our neighborhood we have had some things that have kept us from planting as many trees as we would have liked to. Definitely the no pass, I agree with that and the corner berm (away from podium) they can see that from there, and that is why we need that a little bit thicker. When we visited Mr. **SHELLENBEG** about his development to the north, we talked about putting part of our land together with part of his land and making a bigger berm. We brought that up to them, which was one of the things that Mr. **BENDER** mentioned in his paper. Yeah, we would like to see that happen. They could make a much bigger and taller berm, with more trees and more grass but they didn't come back and put that in the CUP. The work relation that we have with Mr. **SHELLENBERG** when he was doing his property, we found out about it and asked for a meeting. He talked to the board and a few homeowners with ideas and we presented them and he was very easy to deal with. Partly because he developed the neighborhood, he wanted to maintain the value of our neighborhood. Zero idle policy for their semis, that is only for Wal-Mart and Sam's trucks. (Pointing out to the audience) Her parents run a trucking company all for Wal-Mart and Sam's

and they will sit out in the parking lot and idle all night long. They are not held responsible to the codes that Wal-Mart has. And one thing, the picture of the sight line that Mr. **GASKEY** showed on the east side of the building, backing up to homes there. The elevations from my standpoint didn't look anywhere near close because the elevation differences are so that you can see over our berm as it is, and basically they showed the eaves just barely above the top of the berms and I don't think that is quite right.

ALDRICH stated one of his comments were if all parties were to sit down and try to work anything out, and the reason I keep saying that is because I asked that for a reason. We had a similar development a few years back at 53rd and Meridian and that affected the Harbor Isle area and the Moorings area. Those are also some high end residential neighborhoods and it took a while, but they were actually able to sit down and work things out and the project was built and it appears that everybody is coexisting. That's what my intent has been, is right now what we are looking at is this appropriate land use, zoning issue. A lot of these other issues will be addressed at the time of platting and stuff. My whole thought pattern is to get all parties involved together to work things out and I've seen it done before and I think the same thing could apply here.

QUEEN stated that he is right there with Scott and would love to do that, but if we do that we need to sit down with somebody who makes the decisions. I understand that he is the developer and he is the regional spokesman, but they both said at the beginning of the meeting that they are not the decision makers. We would love to sit down with them and visit with them. We have people in our neighborhood that are smart and respected in our neighborhood and respected in the businesses we do. We just want to visit with them and we can keep a cool head.

ALDRICH stated that his intent was to set the ground work with where that can occur.

QUEEN stated that he would like to see that happen.

BRIAN WHILHITE, 3223 N. FLATCREEK, stated my wife and I moved into that house a little over a year ago and we looked out our back deck and said that's a nice pond. Nobody can build behind us. This is a perfect location for us. We didn't take into consideration a big box store. We were familiar with the 2030 Comprehensive Plan and we thought something like a Bradley Fair or a smaller development would go in there. Something hasn't been addressed yet. Everyone keeps talking about, at these hard corners, 29th and Maize Street, I'm told these are hard corners, there is major development down south and there could be some more up north and this corner has to be developed because it is the intersection of two arterial roads. There are numerous intersections in town, 13th and Maize, 13th and Ridge, of which don't have big commercial development. In fact, at 13th and Maize, other than the Quick Trip on the southeast corner, there is residential development all the way up to the road. Finally the best case I can bring up is at 21st and Rock Road, you have major development north and south there as well and you have residential development at the northwest corner all the way up to the sidewalk. So why does this intersection here have to be developed with big box commercial beside me. Aside from that, I want to go back to, is with the addition of large big box store here, if we can count on 585 additional trip per peak eight hours, that is roughly 5,000 new trips to this intersection. Now to be generous, if you want to go to points south, east or southeast and you can't turn south onto Maize, what the quickest trip is going to be. You are going to jump on to Westlakes Boulevard, which goes from Maize Road to Tyler. This presents the possibility of people using these pass through streets to avoid major intersections. Take a quarter of that 5,000 and a quarter of that comes through Westlakes Boulevard between 12:00 and 8:00, that's an additional 2.5 to 3 cars per minute running along this road. Again, we have documented accidents along this road and people running at a high rate of speeds. There are numerous blind corners here, but most importantly, our kids and our families walk up and down this road. During the summertime the kids are walking to pools and during the school year they are walking to and from school. Like one of my colleagues said earlier, my biggest investment isn't so much my house, although that is second on my list, it is my children and the safety of my family that is most important to me. I hope all you guys can

consider that when you take this for a vote and jump out of your shoes and into ours and look at all these points we brought up here today.

NATHAN STOCKMAN, 10319 W. WESTLAKES COURT, stated I just wanted to address one thing because I don't know if it was clear from earlier. The traffic has been mentioned a lot. Obviously we have a lot of residents and each one has a lot of concerns. Traffic has been one, as well as many others. The traffic that has been talked about, there is a major school to the north of us and there is a crosswalk on 34th Street. When you talk about a lot of traffic coming up from the south, a lot of traffic comes from the south to come to the school just north of us. They have that crossway, so it doesn't make sense to cross through our subdivision because they have their own cross way, right to the north of us if they want to get back south. You can't turn left on Maize; you've got to turn right. What I will do is go all the way across the neighborhood if I want to turn right and that's what everyone else might do. I live all the way over on the west side and I'm pretty much doing the same thing that people from outside the neighborhood would do. Parcel 7 gives us concern. Sam's is nice enough to tell us where they are putting their store, and they didn't have to I guess, but it was nice of them to do that, and it was nice that they met with us for four hours. We appreciated their representatives' time. But Parcel 7, it's going to be zoned when this thing goes through Limited Commercial, which will allow all the things you said it would allow and then we don't have any protection instead of the hedge row that has seen better days, and during the winter it really has seen better days. I'm a little lucky because I am across the street, but I feel for the people to the south that are going to see barren trees and see right in to whatever that is. I think a zoning buffer of some kind makes a lot of sense. General Office or Neighborhood Retail, but I guess it is up to you. I understand a lot of things get decided at platting and that's good, but there is at least a belief or understanding that this might be our last public chance to discuss this, where we as a public can come forward and state our concerns. So I really hope you just listen to us today.

SHANON KALB, 9909 W. WESTLAKES COURT, stated she didn't have anything planned for this, just my emotions. Her house backs up to the development. We lost $150,000 on a house in Garden City and looked two years for a house here that is safe for our kids and a good place to live. We have moved three times. We own a fertilizer company and a trucking company. I can tell you that with the noise, because I own a truck line, I know what trucks are like. We purchased this house and two days later my neighbor was nice enough to tell me that Sam's is coming in. It broke my heart because this was my family's future. We spent years coming into here and now, they say eight-foot berms; walls, noise, whatever. I would invite anyone of you to come to my house, but most of all the safety of my children, because I will suck up all my money and leave because my kids are not going to be safe to walk on that road. I'm an avid runner. My kids and I go biking, and there have been numerous times in the past month that we have almost been hit by cars just because people fly through there. Please come to my house and look out my back deck because my back deck will overlook that whole berm. This is our last chance to speak and I urge you, this is the best neighborhood we could've been blessed with and it totally broke my heart for the quality of our neighborhood that this is what's going to happen. So please, come by and see what we are talking about. If you could sit there and tell us to our faces that this is what you would want for your family, then maybe you are making the right decision. I can tell you from a resident, everybody is going to be affected by this. If this is where you feel a Sam's should be after being in our shoes, then maybe we are all thinking wrong, but I can tell you from living there that this is people's lives, children's safety. Who cares about the noise? I can wake up to noise every day, but please take your time and think about us. This isn't just about noise; it's about quality of life for everyone.

DENNIS stated that I know your recommendation at the beginning was to defer this, Mr. **LONGNECKER**, do you believe if we deferred this for two weeks that the details and some of the things we heard today and the letters and so forth could be worked out whether we could make a decision in two weeks.

LONGNECKER stated that they would prefer a month deferral with all that was heard. If you want two weeks, we can shoot for it, but that will mean an out of town agent will have to sit together with staff and the neighborhood and go over this stuff.

DENNIS stated he is not hard on two weeks. Do you believe in a month then that decisions could be made and we could have a final resolution of the case?

LONGNECKER stated we will have more resolution than we have now. I don't think we will ever be able to make everybody happy, but we can certainly do better than what we have now and hopefully be able to make a presentation where I am not ad-libbing on stuff that was handed in the day before the meeting. If we are going to have meetings, the neighborhood, staff and agent need to be present at these meetings. Everybody has to be hearing the same thing and work at the same solution.

MILLER stated that if you feel like if you heard enough today that you know what you would want to do, then do whatever seems appropriate. If what you heard today left you with more questions than answers, then it is appropriate to defer and let us come up with a staff report that responds to the revised CUP drawing that you were not able to see. That's kind of the bottom line; is where you think you are as a commission on the information you heard today.

DENNIS stated that I hope if we deferred it for a month that the homeowners could sit down with the applicant and the city so we can have the best decision we can make. The only concern that I have is that we have a lot of people here that are anxious for a decision and I would hate to bring them back. With that I turn it to the commission for a recommendation.

G. SHERMAN stated that you all had heard my feelings. Generally, when a neighborhood comes in complaining about something going on at the arterial corner, my first question was what did you think was going to go in there. I've looked at this and I heard in the past the fears of people cutting through their neighborhoods and all that don't come to fruition. This corner is certain appropriate for light commercial zoning, but I don't think it is appropriate for 40 acres of light commercial zoning and not at all appropriate for a Sam's. Especially not in the configuration we got. I'm sure we are working with a developer who wants to make a lot of money by sticking pad sites in here and the pad sites are preventing Sam's from being farther away from the neighbors. Maybe they could reach an agreement with the neighbors regarding distance and other things. There is going to be development here, and a good part of it will be commercial and office. We talk about two arterials here and I know 29th is an arterial street, but if you are familiar with that area at all, it's kind of an oversized collector. If you go either direction, there is not a lot of commercial on that street. I'm usually not in the business of telling businesses where to locate. I mean I'm a developer and spent six years working on New Market Square, but I think this one is just one step too far for something this big. I would move for a deferral, but I think they are too far apart to come together.

MITCHELL stated he agreed with Mr. **SHERMAN.** I don't think there is any operation that could resolve all of the differences with the neighborhood and the developer and what his experts have suggested today and what the applicant is proposing. I would not support the application as it sits, and I don't really see any way for those parties to come together within a reasonable length of time. So I won't support a motion to defer.

ALDRICH stated he understands a lot of the concerns and the issues that are going on, but we are not here to determine whether or not it is Sam's or somebody else approved to go into the site. What we are here for is if this is proper zone change request and I think that it is. I would like to support staff's comments and recommendations as far as looking at a deferral to give not only staff, but the property owners and the applicant adequate time to see what they can work out. We saw this similar situation take place a few years back at 53rd and Meridian and it took a lot of sit downs and a lot of talking and

negotiations going on and I thought at that time Wal-Mart did a fabulous job of working with neighbors and the property owners that surrounded that area. I think they ought to be at least given that same opportunity here. I understand the concerns of the residents, it's a very nice high end area, but so is Harbor Isle and the Moorings, it's a pretty nice area to, and they were able to work things out so I would hope that we could see the same thing here. I would support a motion to defer.

SHEETS stated he thinks we ought to do what Mr. **LONGNECKER** said. We ought to defer also. I think we should give the developer time and I heard that some are not against it and they understand something is going to go there. Maybe the developer will show up in town and will sit down with homeowners and maybe come up with alternate plans. It shows he doesn't need the whole 40 acres, if he can do what he wants to do and take out… (inaudible). I suggest we follow Mr. **LONGNECKER'S** lead and let these gentlemen have 30 days to try to work something out with the homeowners and at that time we make a decision.

KLAUSMEYER stated he would like to commend the speakers, I think they did an excellent job, it was a great presentation by the homeowners. I think they are miles apart, but I am not opposed to a deferral to give them a last chance. I think there is some information that came out her today that hopefully the developers will take to heart and find some common ground and hopefully can make it work.

G. SHERMAN stated he wanted to correct something he said, I used the word Sam's before when I said this wasn't appropriate. What I was referring to was the intensity or the size of the Sam's building. I don't presume to tell a business where it should be, but I don't think this is appropriate for a store of that size at that intersection. Again, if a deferral would help, and I think they understand about what all was spoken, but I saw some heads nodding at things and I think the developer probably understands that he is a long way from making us happy. If some time to talk would work, I wouldn't oppose it.

WARREN stated he also wanted to offer my appreciation to the audience with your well planned articulate arguments. I didn't agree with all of them and I know this is an emotional issue. I heard it in many of your voice. Probably the one that resonates the most is the adequate berming. The fact that the berm would not have any trees put on it for a long period of time. I think that would be an unfair situation. I think Mr. **SHELLENBERG** said it best and the best solution would be to come up with an adequate berming situation. To citizens I would say be careful what you ask for in terms of an alternate type of development. A lot of developments when they go from residential to commercial, they go there with multi-family and I'm not so sure this wouldn't be a much better situation with proper berming and proper landscaping. This might be a better deal than a number of alternate situations that might work out for you. The best bet is to come up with a situation to give you the best berming.

MOTION: To defer for 30 days. To be heard again at the November 1st. MAPC meeting.

WARREN moved, **SHEETS** seconded the motion

FOSTER stated that I'm going to provide a substitute motion. Looking at it carefully, the application as it stands is not consistent with the Comprehensive Plan. There are only two zoning districts that are tied to local commercial, that's Neighborhood Office and Neighborhood Retail. This application is just too extensive for Limited Commercial being proposed for up to 40 acres, so I would make a motion that we disapprove the application as it stands.

SUBSTITUTE MOTION: To deny the application.

FOSTER moved, **MITCHELL** seconded the motion

D. SHERMAN stated he had a question for the applicant. Are you willing to meet with the neighborhood and have some good spirited cooperation, discussion on how to coexist out there?

GASKEY stated yes, and if I could add to that, we met with them last Wednesday evening and the premise of that meeting was to do just that, to talk about different alternatives. When the meeting was set up, my understanding was that is going to be with the affected homeowners, roughly the 14 homes that abut the property. There were approximately 32 people at the meeting so I would ask if we are to have a another meeting it would be to discuss the alternatives we can talk about, but not killing the project because a lot of folks just want to kill the project at that meeting and about moving the store somewhere else and moving the store further west and that was not the original intent of the meeting. So yes, we would be willing to have that meeting, but in the spirit that we be there to talk about buffering and berming and those types of things not about the site going away.

D. SHERMAN stated that a point of contention has been that you are not a decision maker. Is that true or false?

GASKEY stated that is true. I am the engineering consultant. I am not the developer. It has been referenced quite a few times. The developer is Sam's and they are purchasing the entire 40 acres, and they are going to develop their parcel and sell off the excess parcels.

D. SHERMAN asked is it possible to have a decision maker from Sam's at that meeting?

GASKEY stated yes it is possible.

DENNIS asked **GASKEY** if he had received the letter from the Fox Ridge homeowners association.

GASKEY stated that he has not.

DENNIS stated that if this is deferred, he hopes he will be provided the letter ahead of time so you can go through it and make sure you have a decision maker who can comment on each of these items.

SHEETS stated that he understand that he would not like to have all the homeowners show up, but that is not a possibility. They are entitled to show up, it is their neighborhood. You just better be ready to answer all their questions; every and all of them, from berms to traffic. You can't control who can come and who can't come. Maybe if this comes back, have eight or ten people do the presentation so all of you don't have to take off of work and maybe you send your top key guns that have the questions so we can get the answers. I'm not against the development by any means. I think it is too large. I think you should also come with a plan for Parcel 7. I don't think you leave it out to limbo. I don't think I could approve it not knowing what's going to be there.

G. SHERMAN stated that as long as we are talking to the applicant up here, the fact that Sam's is the developer doesn't make me feel better or worse. It makes me feel a little better that they have control of those pads in the front and know to win me over its going to take moving that building farther away from those neighbors. I don't know how that is going to work out, maybe back off the sides of the location of those pads.

SHEETS stated that is a good suggestion because those are 280-foot setbacks and when I quit counting when I was developing, I've built over 1,400 restaurants nationwide, I don't think you need 280-foot setbacks. I think 200 is fine, it will give them another 80 foot and probably not lose much.

FARNEY stated one thing that I will be looking at if it comes back, is traffic. The site plan has five entry points and some are pretty close to the hard corner because of the filling station. I don't agree with that, I

think they need to be off of the corner. We just went through 21st and Maize and right now it is still a problem. Right now we are crossing seven lanes to get to the AT&T store. We can't have that. We need to be proactive now and get those entry points to that location removed, reduced or get a frontage road into the development, get the cars off of the street and into the parcel.

KLAUSMEYER stated we all have something to look at and I think the drainage is a major concern. The west side has had so many problems, granted we don't have 12 inch rains all the time, but we have to prepare for the three and four inch rains that cause problems also.

MITCHELL wanted to clarify that one of my objections to the application is this CUP and if something is brought back to change the zoning application to stay with this plan, that's why I would not support it. It's the plan that's wrong also.

DENNIS called a vote on the Substitute Motion

> **SUBSTITUTE MOTION:** To deny the application.
>
> **FOSTER** moved, **MITCHELL** seconded the motion, motion fails (3-9)

DENNIS called a vote on the Original Motion.

> **MOTION:** To defer for 30 days to be heard again at the November 1, 2012 MAPC meeting.
>
> **WARREN** moved, **SHEETS** seconded the motion, motion passes (9-3)
> **FOSTER, MITCHELL** and **MILLER STEVENS** opposed.
>
> ---

CITY OF WICHITA

INTEROFFICE MEMORANDUM

TO: MAPC Members

FROM: Terri Dozal, Neighborhood Assistant, District VI

SUBJECT: **ZON2012-00024 and CUP2012-00021**
City zone change from SF-5 and SF-20 Single Family Residential to LC Limited Commercial (assoc. with CUP2012-00021), generally located on the northeast corner of 29th Street North and Maize Road.

DATE: September 18, 2012

On Monday September 10, 2012 the District V Advisory Board (DAB) considered City zone change from SF-5 and SF-20 Single Family Residential to LC Limited Commercial (assoc. with CUP2012-00021), generally located on the northeast corner of 29th Street North and Maize Road.

The members were provided the MAPD staff report for review prior to the meeting. *Bill Longnecker, Planner* presented the case background, reviewed the staff recommendation and answered questions of members and the public.

The Board asked/made the following questions/comments:

- Concerning the building-do elevations change from site to site?
- Will garage doors have glass in them
- I have a concern with vehicles coming from Maize road.
- I appreciate the berm design.
- Will the fence be rod iron or masonry?
- What is the highest point of the building?
- Does staff agree with no traffic light being installed?
- Will most truck traffic be heading back into the city?
- Will there be a center turn lane north of 29th and Maize?
- Is the applicant looking at a turn lane from the building?
- What about drainage?
- The property at 29th east of this site can it be zoned LC and CUP?
- What time will truck delivery occur?
- What about outside containers for storage?
- Is there a proposed highway near here in the future?
- How high will the berms be?
- Is this the best location for the building?
- Will this case return to DAB?

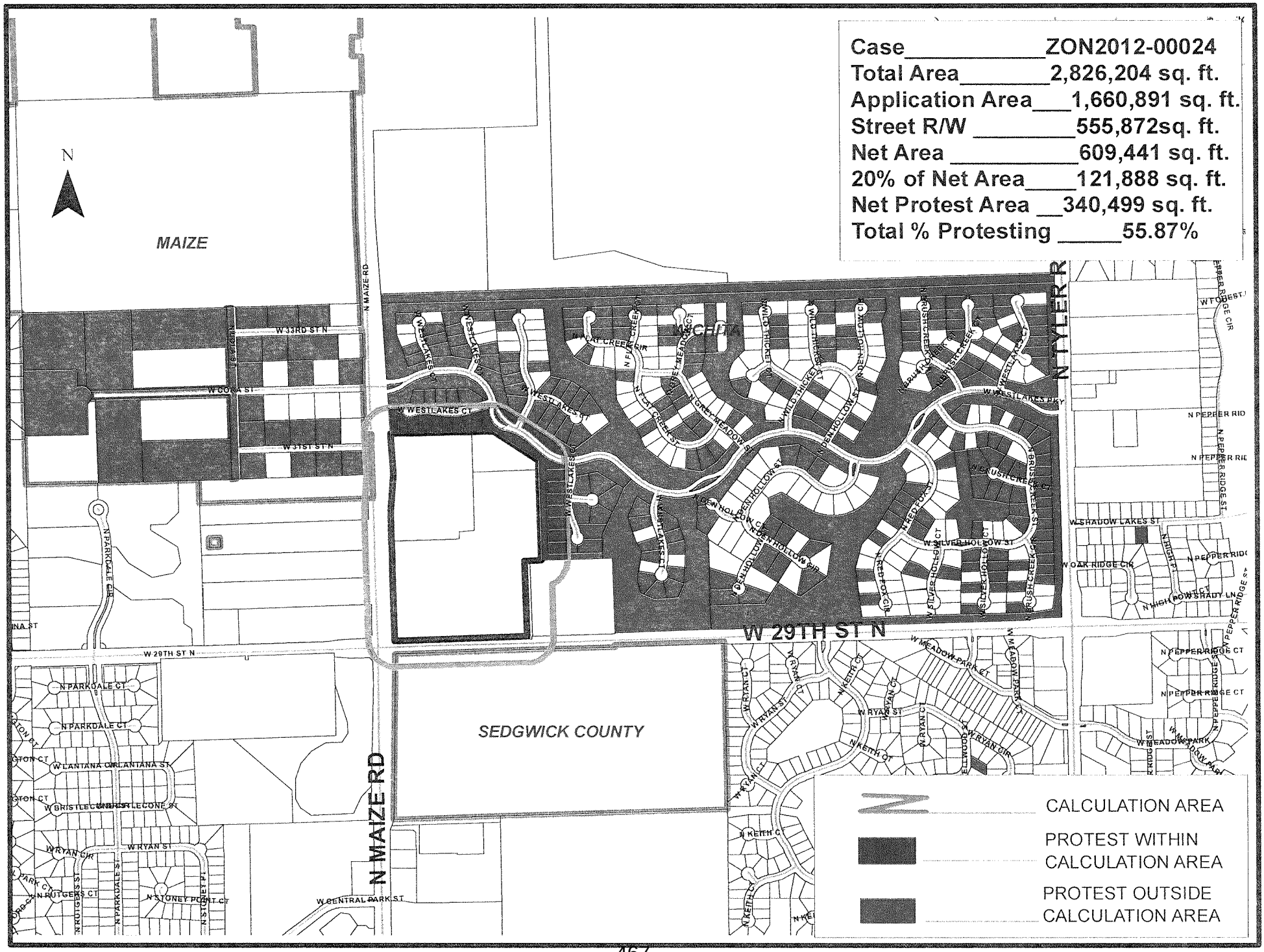
Eleven (11) members of the public spoke in opposition of this request; the following are comments/questions?

- There has been minimal communication between the Fox Ridge residents and the Sam's Company.
- Why is this being zoned all LC? It's difficult to get excited about these plans.
- We thought the site would eventually be for more housing.
- We will be faced with negative impact and increased crime.
- There will be devaluation of our property and where will our wildlife go.
- I can already drive 10 minutes to the closest Sam's Club.
- There is not enough retention now for drainage, so how are we going to get rid of water when we have commercial development that increases water flow during heavy rains.
- I say Sam's should consider different retention ponds.
- This is a negative impact to safety, the school has 2100 students and now with increase of automobiles and trucks, kids won't be safe riding their bike or walking to school.
- This affects my quality of life.
- The 2030 Comprehensive Land Plan said the area would be for light commercial, we bought our homes because we thought this would be upheld.
- This is my last single investment and I have a duty to protect myself from financial loss.
- Where is the highway?
- Strict standards should be applied to Sam's.
- Has any other corner of this area been considered for this request?
- Have they considered moving the store to the SW side and putting the smaller buildings near Fox Ridge?

****Action:** The District V Advisory Board members made a motion to recommend to City Council **Approval** (**5-3**) for the zone change from SF-5 and SF-20 Single Family Residential to LC Limited Commercial (assoc. with CUP2012-00021), based on findings listed in the staff report.

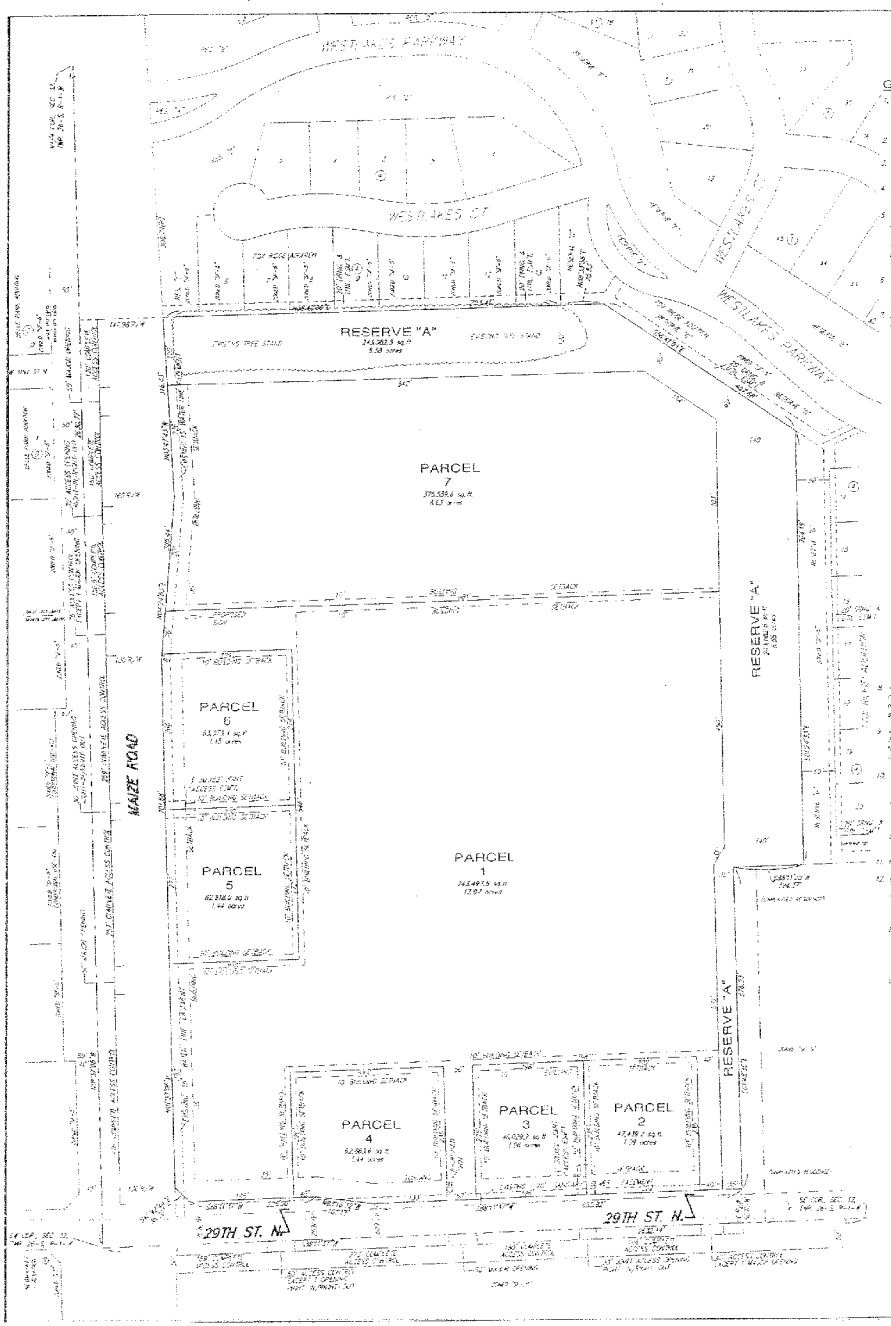
Please review this information when **ZON2012-00024 and CUP2012-0002** is considered.

mtd


Case ZON2012-00024
Total Area 2,826,204 sq. ft.
Application Area 1,660,891 sq. ft.
Street R/W 555,872sq. ft.
Net Area 609,441 sq. ft.
20% of Net Area 121,888 sq. ft.
Net Protest Area 340,499 sq. ft.
Total % Protesting 55.87%
N
MAIZE
N MAIZE RD
W 33RD ST N
W CORA ST
W 31ST ST N
W WESTLAKES CT
N TYLER R
W 29TH ST N
SEDGWICK COUNTY
N PARKDALE CT
W LANTANA CIR
W LANTANA ST
W RYAN CIR
W RYAN ST
W CENTRAL PARK ST
N PEPPER RIDGE CIR
N PEPPER RIDGE ST
W SHADOW LAKES ST
W OAK RIDGE CIR
N HIGH POINT CT
N HIGH POW SHADY LN
W MEADOW PARK CT
N KEITH CT
N RYAN CT
CALCULATION AREA
PROTEST WITHIN CALCULATION AREA
PROTEST OUTSIDE CALCULATION AREA

MAIZE & 29TH COMMERCIAL CUP

COMMUNITY UNIT PLAN DP-327



GENERAL PROVISIONS

1. Total Land Area: 1,650,335.1 ± sq.ft. or 38.00 ± acres
   Net Land Area: 1,544,463.5 ± sq.ft. or 35.45 ± acres
2. Total Gross Floor Area: 580,187.4 sq.ft.
   Total Floor Area Ratio: 35 percent
3. Parking shall be provided in accordance with Section 1-4 of the Unified Zoning Code, unless otherwise specified in the parcel description.
4. Setbacks are as indicated on the "CP" drawing, or as specified in the parcel descriptions.
5. Reserve "A" shall be zoned SF-5 Single-Family Residential ("SF-5"). The CUP-1, SF-5 zoned district reserve, that abut SF-5 zoned single-family residential development and to the CUP-2 setback, the same as the CUP-2 setback that varies the compatibility setback standard for the CUP-2 LC Limited Commercial District zoned development where it faces the CUP-2 SF-5 zoned setback reserves.
6. A Concept Drainage Plan shall be submitted to the City's Public Works Stormwater Manager/Engineer with the CUP. Required guarantees for drainage shall be provided at the time of platting of the plat.
7. Signs will be as allowed by the Sign Code, City Code Title 24-14 as the City of Wichita, with the following additional conditions/exceptions:
   A. Pole pylon is permitted at the sole non-moving monument sign per street frontage with the following area restrictions:
      Parcel 1: 300 sq. ft. of signage along 29th St. N and 250 sq. ft. of signage along Maize Rd.
      Parcel 2: 150 sq. ft. of signage along 29th St. N.
      Parcel 3: 150 sq. ft. of signage along 29th St. N.
      Parcel 4: 140 sq. ft. of signage along 29th St. N.
      Parcel 5: 120 sq. ft. of signage along Maize Rd.
      Parcel 6: 120 sq. ft. of signage along Maize Rd.
      Parcel 7: Three monuments signs with a combined area of 150 sq. ft. of signage along Maize Rd. with a maximum area of 150 sq. ft. for one individual sign.
   B. As the footage increases (sic) the overall combined monument signs shall be spaced a minimum of 400 feet, irrespective of how and if located or sold.
   C. LED/Digital signs, flashing signs (except the signs showing only time, temperature and other public service messages), rotating or moving signs, signs with moving lights or lights which create illusions of movement are not permitted.
   D. Portable, billboards, and pole signs are not permitted.
   E. Window display signs are limited to 25% of the window area.
   F. All building signs shall meet the City of Wichita Sign Code for the "CP" zoning district, shall not exceed 2 total building signs per street frontage per building, and limited to 1/4 of the facade area but no minimum sign exceeding 400 sq. ft. No signs shall be allowed on the east elevation of any buildings on the north elevation of the largest building in the SF-5 zoning in Parcel 7.
   G. All freestanding signs must be monument signs and shall have a maximum height of 30 feet in Parcel 1 and 25 feet in Parcels 2 and 3. Parcel 1 can have two (2) monument signs. All freestanding monument signs shall share a similar material and elements in design, as approved by the Planning Director.
8. Access Controls, deceleration lanes with turn lanes, additional right-of-way and other improvements shall be as shown on the land plan. A traffic study shall be submitted - the City's Traffic Engineer as part of the approval of the CUP.
9. All lighting shall be in accordance with the Wichita Sedgwick County Unified Zoning Code, Sec. IV unless otherwise specified. All lighting shall be shielded to direct light downward in a downward direction and away from residential areas/uses.
10. No services shall share shelter in obstruct parking or lighting elements (i.e. fixtures, poles, etc.) in the same area.
    A. Limited height of light poles, including fixtures, lamps and base, to 27 feet. Lighting within 200 feet of SF-5 zoning will be limited to 15 feet in height including fixtures, lamp and base.
    B. Luminaire use of back hoods and neon or fluorescent tube lighting on buildings is not permitted.
11. Utilities shall be installed underground and not in permits.
12. Landscaping for this site shall be required as follows:
    A. Development of all phases shall meet the CUP shall comply with the Landscape Ordinance of the City of Wichita, except as noted, with a shared parking of landscape islands serving parcels.
    B. A landscape plan shall be prepared by a licensed Landscape Architect for the above development that is incorporated for approval by the Planning Commission and approved by the Governing Body and any subsequent revisions of the plan, to be approved by the Zoning Administrator and the Director of Planning shall constitute a violation of the building permit outlining construction of the proposed development.
    C. A minimum guarantee for all plant material obtained on the landscape plan for that portion of the site being developed shall be required prior to issuance of the occupancy permit. If the required landscape has not been planted, failure to complete the required landscaping shall be considered a violation of the CUP after a joint determination of the Planning Director and the Superintendent of Central Inspection. Any landscaping needed to be replaced will be replaced within 90-days of the original planting season, plant life at the time of the death of the plant.
    D. Landscaping in Reserve A shall meet the City's street frontage requirements/Five Mile Ridge. Along the Site's north and east sides will be enhanced by a minimum of 1.5 trees per each 35 linear feet and height. An landscaping for reserve A is required to be completed prior to the completion of construction on the First Phase, with the remainder of the existing tree on Maize Road to remain in Reserve A along the north side of Parcel 1 along the south side of Parcel 7 in Reserve A. The minimum height for deciduous is 8 to 10 feet, two rows of conifers will be planted with a minimum spacing of 15 feet.
    E. A minimum high maintenance bermed screen shall be constructed on the front of Parcels 2, 3, 4, 5, and 6 at the time the first building is granted a building permit. The berm will be placed along the frontage of those parcels facing Maize Road or 29th Street.
    F. Landscaping, fencing, sculpture, and other improvements are permissible in Reserve A. Shelters will be allowed in accessory uses within Reserve A. Signage and fencing is to be of the same color and material as shown in Reserve A.
    G. The existing tree stand along the northern portion of Parcel 7 will be maintained as a buffer. Limited or no tree trimming, tree pruning and the landscape enhancements to Reserve A and Reserve B are to be the same as the tree trimmer tree is done. All are replaced with a tree 1.5 times the code required size. Only a "Vegetation permit" is required for Parcel 7, the trees will be replaced with 2.5" caliper. Berm of a minimum height of 12 feet is required on the southern side of the berm. The landscaping will be in accordance with 12.5 above. An illustration of the existing trees will be made prior to the issuance of any building permit.
13. Screening:
    A. A landscaped berm (15 feet high maximum earthen berm, as measured on the eastern side) shall be constructed along the west property line where adjacent to Five Ridge Addition Lots 14-20, Block 4. A landscaped berm (8 feet high maximum earthen berm) shall be constructed along the northern property line where adjacent to Five Ridge Reserve "C", with the concurrence of the Five Ridge HOA, the owner of Reserve "C" and the developer of Parcel 1. A landscaped berm (8 feet high earthen berm) shall be constructed along the west property line where adjacent to the unplatted SF-5 zoned single family residence.
    B. A six (6) foot tall metal fence is required to be installed along the eastern or western side to the adjacent northern berm. The design and materials of the metal fence will approved by the Planning Director. The fence will be built from the West 29th Street frontage, along the eastern property line, continuing to meet the existing masonry fence (located on the Five Ridge Addition) on the north side of Parcel 1 as part of the first building permit for the Parcels. There is no gate or pedestrian opening for public use in the fence to access the SF-5 property to the east or north. Locked maintenance gates will be installed into the fence.
    C. Outdoor storage and outdoor display shall be subject to the conditions of Section 1-5 in the Wichita-Sedgwick County Unified Zoning Code, except as noted. All portable storage units and compactors shall have gate screened and gated. No outdoor area or motor vehicles.
    D. Rooftop mechanical equipment and heating and air conditioning shall be screened from ground level view along public street right of way and adjacent residential zoned properties with similar materials to the main building per Wichita-Sedgwick County Unified Zoning Code.
14. Trash receptacles, loading docks, outdoor storage, loading areas, compactors, portable storage units and similar items/uses shall have gated screening, with similar materials to the main building, to reasonably hide them from ground view. The screening wall adjacent to loading dock along the eastern exception on Parcel 1 shall be a minimum of twelve (12) feet in height and ninety (90) feet in length.
15. All buildings in the CUP shall share uniform architectural character, colors, textures. The predominate building material for all buildings shall 100 feet long and/or 100 feet wide will be a mix of architectural precast that will have up the exterior of each of the buildings in the CUP. Architectural embellishments will also be used to break up the facades of these buildings. All to be reviewed and approved by the Planning Director prior to the issuance of any building permits. Building walls and roofs must have predominately earth-tone colors, with vivid colors limited to accents colors, and must include materials similar to surrounding residential areas. Metal as an exterior material shall be limited to industrial accent.
16. Fire lanes shall be in accordance with the appropriate Fire Code. No parking shall be allowed in fire lanes, although they may be used for occasional loading and unloading. The Fire Chief or his designated representative shall review and approve the location and design of all fire lanes. Fire hydrant locations are joined located to all building sites shall be provided for area prior to construction value to the issuance of building permits.
17. Permitted uses: Single-Family Residential, Duplex, Townhouse, Assisted Living, Group Home, Church or Place of Worship, Government Services, Hospital, Library, Nursing Facility, Safety Service, Automated Teller Machine, Bank or Financial Institution (i.e. Bank), Convenience Store, Fitness Center, Hotel or Motel, Medical Service, General Office, Personal Care Service, Personal Improvement Service, Retailing (and Catering, Limited), Restaurant, and General Retail. Restaurants with drive thru windows, or drive in service, convenience stores, car wash services including self vehicle repair, include are allowed if located more than 300 feet from residential uses located on the north and east sides of the site. Parcel 3 is excluded from the 300 foot requirement. Overnight boats associated with vehicle repair, skilled and general, warehouses and kiosk and battery bank and building stocks must not face the abutting single-family residential development. Dumpsters must be located a minimum of 300 feet from residential zoning uses. Uses regularly "conditional" the approval are not allowed unless specifically permitted.
18. Cross-mini circulation agreements shall be required at the time of platting to insure fire/ambulance/emergency personnel access within the CUP.
19. Amendments, adjustments or interpretations to this CUP shall be done in accordance with the Wichita-Sedgwick County Unified Zoning Code.
20. The Transfer of title of all or any portion of land included within the CUP for any amendments (partial) does not constitute a termination of the site or any portion thereof. Set and plan shall run with the land and be binding upon present owners, their successors and assigns.
21. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body and any subsequent revisions of the plan, to be approved by the Zoning Administrator and the Director of Planning shall constitute a violation of the building permit outlining construction of the proposed development.
22. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
23. A plan for a pedestrian walk system shall be submitted and approved by the Director of Planning prior to the issuance of building permits. Said walk system shall link the sidewalk along West 29th Street and Maize Road with the proposed buildings within the subject property. No roaming sidewalks shall be included in residential lot patterns.
24. No development shall occur until such time as municipal water and sewer services are provided to the site.
25. Approval of a site evaluation plan by the Planning Director is required for each phase of construction prior to the issuance of a building permit. An overall site plan shall be required for review and approval by the Planning Director prior to the issuance of any building permits. The site plan shall include internal circulation within the parcels and plan for all ingress/egress drainage and the three phase. Any variances are not implemented/approved by the review of parking stalls or landscaping.
26. Specific street improvements for Maize Road and West 29th Street shall be further reviewed and determined at the time of platting.
27. A notice of a CUP noting the conditions placed on this land shall be filed with the Sedgwick County Register of Deeds.
28. No vehicles more than a period is permitted to park and/or overnight within 400 feet of residential zoned districts.
29. The screening requirements of the Wichita-Sedgwick County Unified Zoning Code, Section 1-5 shall be in effect unless otherwise noted.
30. Trash collections will be limited from 7am to 10pm.

PARCEL 1

A. Total Land Area: 74,494.8 ± sq.ft. or 1.71 ± acres
B. Maximum Building Coverage: 22,348.4 sq.ft. (30%)
C. Maximum Gross Floor Area: 260,224.2 sq.ft.
D. Floor Area Ratio: 35 percent
E. Maximum Number of Buildings: Four (4)
F. Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 35 feet.
G. Setbacks: See Drawing
H. Access Points: See Drawing
I. Permitted Uses:
All permitted uses by right in the "Limited Commercial" zoning district of the Wichita-Sedgwick County Unified Zoning Code, except for those listed under C.P. #17.

PARCEL 2

A. Total Land Area: 47,438.2 ± sq.ft. or 1.09 ± acres
B. Maximum Building Coverage: 14,231.9 sq.ft. (30%)
C. Maximum Gross Floor Area: 16,603.7 sq.ft.
D. Floor Area Ratio: 35 percent
E. Maximum Number of Buildings: Two (2)
F. Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 35 feet.
G. Setbacks: See Drawing
H. Access Points: See Drawing
I. Permitted Uses:
All permitted uses by right in the "Limited Commercial" zoning district of the Wichita-Sedgwick County Unified Zoning Code, except for those listed under C.P. #17.

PARCEL 3

A. Total Land Area: 46,029.2 ± sq.ft. or 1.05 ± acres
B. Maximum Building Coverage: 13,808.8 sq.ft. (30%)
C. Maximum Gross Floor Area: 16,110.2 sq.ft.
D. Floor Area Ratio: 35 percent
E. Maximum Number of Buildings: Two (2)
F. Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 35 feet.
G. Setbacks: See Drawing
H. Access Points: See Drawing
I. Permitted Uses:
All permitted uses by right in the "Limited Commercial" zoning district of the Wichita-Sedgwick County Unified Zoning Code, except for those listed under C.P. #17.

PARCEL 4

A. Total Land Area: 62,983.8 ± sq.ft. or 1.44 ± acres
B. Maximum Building Coverage: 18,894.9 sq.ft. (30%)
C. Maximum Gross Floor Area: 22,042.3 sq.ft.
D. Floor Area Ratio: 35 percent
E. Maximum number of Buildings: Two (2)
F. Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 35 feet.
G. Setbacks: See Drawing
H. Access Points: See Drawing
I. Permitted Uses:
All permitted uses by right in the "Limited Commercial" zoning district of the Wichita-Sedgwick County Unified Zoning Code, except for those listed under C.P. #17.

PARCEL 5

A. Total Land Area: 62,984.6 ± sq.ft. or 1.44 ± acres
B. Maximum Building Coverage: 18,894.9 sq.ft. (30%)
C. Maximum Gross Floor Area: 21,918.3 sq.ft.
D. Floor Area Ratio: 35 percent
E. Maximum Number of Buildings: Two (2)
F. Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 35 feet.
G. Setbacks: See Drawing
H. Access Points: See Drawing
I. Permitted Uses:
All permitted uses by right in the "Limited Commercial" zoning district of the Wichita-Sedgwick County Unified Zoning Code, except for those listed under C.P. #17.

PARCEL 6

A. Total Land Area: 63,073.4 ± sq.ft. or 8.83 ± acres
B. Maximum Building Coverage: 18,922.0 sq.ft. (30%)
C. Maximum Gross Floor Area: 22,075.7 sq.ft.
D. Floor Area Ratio: 35 percent
E. Maximum Number of Buildings: Two (2)
F. Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 35 feet.
G. Setbacks: See Drawing
H. Access Points: See Drawing
I. Permitted Uses:
All permitted uses by right in the "Limited Commercial" zoning district of the Wichita-Sedgwick County Unified Zoning Code, except for those listed under C.P. #17.

PARCEL 7

A. Total Land Area: 378,559.6 ± sq.ft. or 8.69 ± acres
B. Maximum Building Coverage: 131,445.9 sq.ft. (35%)
C. Maximum Gross Floor Area: 131,445.9 sq.ft.
D. Floor Area Ratio: 35 percent
E. Maximum Number of Buildings: Four (4)
F. Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 35 feet.
G. Setbacks: See Drawing
H. Access Points: See Drawing
I. Permitted Uses:
All permitted uses by right in the "Limited Commercial" zoning district of the Wichita-Sedgwick County Unified Zoning Code, except for those listed under C.P. #17 and C.P. #28.

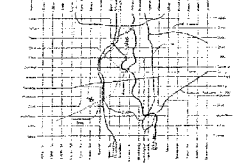
RESERVE "A"

A. Net Area: 243,982.9 sq.ft. or 5.59 acres
B. Permitted Uses:
Landscaping, screening wall, fencing, berms, site lighting, open space, drainage purposes, and utilities as confined to easements. Site lighting shall be installed within the easement and southerly 5 feet of Reserve "A".

LEGAL DESCRIPTION:

The Southwest Quarter of Section 22, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, EXCEPTING a tract described as commencing at the southwest corner of the East Half of the South Half of said Southwest Quarter; thence N00°00'00"W (assumed) along the west line of said Southwest Quarter, 1420.00 feet; thence N89°59'00"E, 826.16 feet; thence S00°00'00"E, 420.00 feet; thence S00°00'00"E, 676.00 feet; thence N89°59'00"E, 60.00 feet; thence S00°00'00"E, 324.00 feet; thence N89°59'00"E, 200.00 feet; thence S00°00'00"E, 200.00 feet to the point of beginning, and EXCEPT that portion of said Southwest Quarter platted in the Village Addition, an addition to Wichita, Sedgwick County, Kansas and the Plat thereof recorded in Plat Book 37, Page 19 and subject to all easements and rights-of-way of record.

LOCATION



REVISIONS

Submitted August 6, 2012
Revised per Applicant October 24, 2012
Revised per Staff Comments October 24, 2012
Revised per MAPC
Approved by City Council

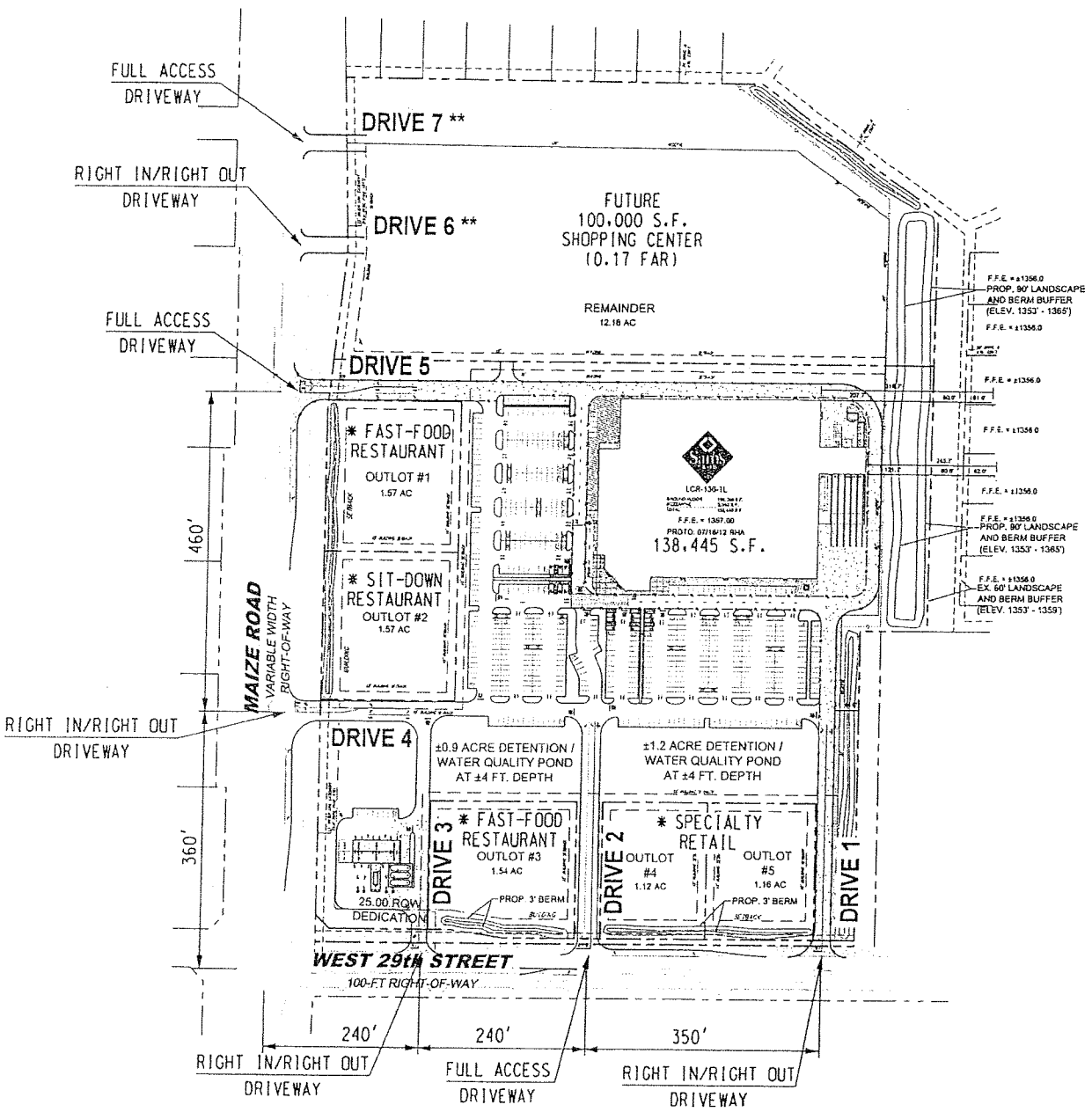
SCALE: 1" = 100'

Kimley-Horn and Associates, Inc.

DP-327

MAIZE AND 29TH COMMERCIAL COMMUNITY UNIT PLAN

Baughman Company, P.A.



** ASSUMED APPROXIMATE LOCATION

*** ASSUMPTIONS FOR TRAFFIC PROJECTIONS**

2 FAST-FOOD @ 3000 S.F. = 6000 S.F.
1 SIT-DOWN REST. = 6000 S.F.

SPECIALTY RETAIL
SHOPPING CENTER = 16,000 S.F.
(0.17 FAR)

FIGURE 2. Proposed Site Plan

TEC
A CLEAR DIRECTION

HOA LETTER

September 20, 2012

Members of the Wichita/Sedgwick County Metropolitan Planning Commission
City of Wichita
455 N. Main - 10th Floor
Wichita, KS 67202

Reference: ZON2012-00024 CUP2012-00021
Proposed General Provisions addressing neighborhood concerns

Dear Commissioner:

This letter requests additional restrictions to be placed on the referenced proposed zoning and CUP request. These additional restrictions are being requested as a means to mitigate the intrusion onto the neighboring residential developments.

As you know, the neighboring residential developments to this proposed district have been established for some time and prior to any applications to change zoning on the referenced property. We request that you seriously consider these restrictions to the CUP because we believe the City and Commission have a compelling obligation to protect the surrounding neighborhoods since they are coming into the neighborhood.

Quite often, residential neighborhoods are developed alongside a previously commercial CUP zoned and platted property and homeowners buying into the development are aware of the type of isssues that come with owning homes in proximity to the commercial development. Examples of these area CUP's that are tied into adjacent neighborhoods are at New Market Square, Regency Lakes, Hawthorne, Reeds Cove. However, this property did not have LC zoning tied to it as the residential development was constructed. The hundreds of Fox Ridge residential owners and owners in other adjacent residential developments who bought their homes had no awareness of the commercial development that is now being proposed. Therefore, the developer, MAPC, and the City Council should help protect the property values and quiet enjoyment associated with the residential property.

The following are a list of items and restrictions that will help mitigate for the new neighbor coming into an established neighborhood:

1. **Provide a Drainage Report within the affected critical Cadillac basin.** The City has recently spent several million dollars to help protect properties

upstream and downstream of the basin. Here is justification as to why a professional drainage report should be required in conjunction with the CUP and not pushed off to the platting stage.

a. Recent Fox Ridge Plaza - Zone/CUP south of Menards provided a similar preliminary drainage report.
b. A full scale Drainage Study was required with the NW YMCA CUP to alleviate neighborhood concerns
c. Drainage affects the site plan concepts presented by Sam's, should the drainage plan change the site plan as proposed, neighboring residents will not be able to comment and input to the effect on adjacent homes.
d. May need larger reserves along the Fox Ridge property line which would require a larger reserve from the subject property and/or even a pumping system to be able to provide the required detention volumes.
e. Protect natural drainage patterns from the subject property that help maintain pond health and pool levels within Fox Ridge.
f. Proper drainage critical to viability and health of landscaping buffers that are to be established on the property

2. **Site Grading/Site Plan** - The contour of the land raises significantly (1362) from the residential. The residential houses finished floor elevations (1360) are equal to the height of the Fox Ridge berm. The finish floor of the commercial buildings should be set as low as possible to ensure maximum screening by the combined berm and tree screening.
   a. The elevation should be 1355.
   b. A site plan should be provided to allow neighbors to understand relationship with their homes.

3. **Provide Traffic Plan or details of Traffic Memo** during the zoning process and not pushed off to the platting stage.
   a. Recent improvements to Maize Rd. and 21st Street should be indication of potential issues that can occur without proper planning and study prior to rezoning.
   b. Traffic Signals at Major entry's to the Development - signals will help mitigate potential cross thru traffic on Westlakes Parkway
   c. Full Left Turn on 29th Street should be moved further east so as to allow a Traffic Signal that will not be too close to Maize Rd and create a traffic problem.

d. Medians should be required at locations of right in/out access points to ensure the access points work properly. (Similar to the new median into Dillon's at 21st and Maize)
e. In recent meetings, Sam's has spoken specifically of Traffic generation by the Sam's Store but have had little to say in regards to 38 ac. of LC development at 30% coverage.
   i. Sam's coverage is approximately 18%. Site coverage should be limited to the need, not the maximum code allowance. This could apply to other parcels within the development if Traffic Study isn't provided.
f. Provide left turn lanes long enough and in coordination with neighboring driveways and streets on the West side of Maize Rd.
g. Internal Access Plan - this ensures to adjacent landowners the site plan will not change because there was not proper internal access provided. (Similar to Office Max, old Bowling Alley, Spangles, Emerson Biggin's etc.)
h. Potential serious life and safety concerns posed to the pedestrian, Fox Ridge families, and nearby school children if the traffic flow, speed, concentration, pattern, volume and so forth are not carefully considered and planned.

4. **Reserve A - Width and Screening**
   a. Berm Height along east, northeast, and north boundary lines:
      - Combine and double heights (min. 15 ft. tall) of Fox Ridge berms along east and northeast property lines
      - Maintain existing hedgerow along the north property line until Parcel 7 is developed at which time the hedgerow is removed and replaced with a minimum 15 ft. berm and trees as described within the CUP.
      - Berm landscaping, including trees, should be completed upon construction of the berm
      - Berms should be shaped and sculpted similar in nature as those in Fox Ridge.
      - Berms along the east and northeast property line should be constructed and landscaped upon construction on Parcel 1.
   b. Landscaping Screening
      - Tree planting should be thick heavy screen similar in nature to berms along similar to Fox Ridge.
      - Minimum tree density - 3-4 rows of tree's at 10 centers alternating tree spacing, minimum 3" caliper, 8-10 ft. tall. (Fox Ridge Plaza provided a plan and quantity of tree's)
      - Native Grasses with seed mix similar to Fox Ridge

- Maintenance agreement and guarantee
- Irrigation System
- Owner should provide a concept layout of berm and landscaping - similar to recent Fox Ridge Plaza and Quik Trip at Hillside and Kellogg. These were provided so adjacent owners could visualize the screening
- Replacement of landscape materials should occur within the growing season

c. Provide Minimum 35 ft. Building Setback from Reserve A interior property lines within Parcel 1 and 7
d. Reserve A minimum width 120 ft. - north, northeast and east

5. **Building Screening**
   a. Loading Dock wall height should at least match height of building and extend minimum 25 ft. past length of typical size truck parked in the dock.
   b. Noise wall extend past semi loading dock to mitigate for noise of idling trucks and building and truck refrigeration units.
   c. Parapet on all sides of building
   d. Trash and mechanical unit Screening - use split face block and gated
   e. No Outside storage - pallets, crushed cardboard etc.

6. **Excluded L.C. Uses** - The following by-right uses should be prohibited. The applicant/developer can request anyone or more be added back in at later public hearing once the use is known and the site plan is completed:
   - Multifamily
   - Drive thru establishments on Parcels 1 and 7
   - Correctional Placement Residence
   - Recycling Collection Station, Private and Public
   - Reverse Vending Machine
   - Utility, Major and minor
   - Animal Care, limited and general
   - Car wash
   - Construction sales and service
   - Convenience store - on certain Parcels i.e. Parcel 1 and 7 - limit this to the smaller pad sites
   - Heliport
   - Kennel, hobby
   - Kennel, boarding/breeding/training
   - Marine facility
   - Nightclub in the city

- Pawn shops
- Recreation and entertainment - outdoor
- Recreational vehicle campground
- Service stations limited to pad sites
- Second hand store
- Vehicle equipment sales outdoors
- Vehicle repair
- Warehouse
- Sexually oriented business
- Tavern and drinking establishment
- Wireless communication facility
- Outdoor sales or storage - i.e. Lowes and Menards.

7. **Hours of operation**
   a. Limit times for trash pickup - after 7am before 7 pm
   b. Restrict times trucks may sit in the loading dock (idling and refrigerator unit) outside 8 pm - 8 am.

8. **Lighting**
   a. All parcels shall use similar or consistent parking lot elements
   b. Building lighting whether wall packs or outdoor sales areas need to be evaluated - Lowe's outdoor sales lighting pushes onto other property and most likely did not get evaluated for effects on neighbors as it was probably more part of the building lighting and not parking lot lighting.
   c. Light pole and building pack lighting heights should be limited to 15 ft. adjacent to the residential lots - all tracts - within 200 ft.
   d. Parking lot lighting - poll height and light pollution
   e. Extensive use of back lite canopies and neon or fluorescent tube light on building is not permitted

9. Signage
   a. Development shall use Monument Style sign - no pole signs allowed
   b. No billboards, flashing signs
   c. Maximum size of sign
   d. Height of signs
   e. Development sign - architecturally compatible with neighboring properties
   f. No Video signs

10. **Site Development Issues**
    a. All landscape materials shall be similar to those planted within the Fox Ridge Development. A list of materials should be provided for review and approval.
    b. Developer provide curvilinear berm along the Maize Rd. and 29th Street, except where driveways to the site are installed. Landscaping similar in nature to Fox Ridge Development.
    c. All walls on all parcels may be masonry in nature and include stone, brick, driveit, and split face block. Architectural components should be included as part of the design of all walls. No plain block wall shall be used as the predominate material .
    d. Outdoor storage is expressly prohibited.

Respectively

Scott Bender
Fox Ridge Homeowners Association President
3109 N. Red Fox

Greg Allison
Fox Ridge Homeowner, Advisor
3302 Den Hollow Circle

cc. Jeff Longwell, City Council District 5
John Schlegel, MAPD
Bill Longnecker, MAPD
Dale Miller, MAPD

SAWS Reply to SEPT 20, 2012 HOA LETTER

Kimley-Horn
and Associates, Inc.

Memorandum

12750 Merit Drive
Suite 1000
Dallas, Texas
75251-1516

To: Metropolitan Area Planning Commissioners

Cc: Mr. Bill Longnecker, Senior Planner, City of Wichita

From: Kevin Gaskey, PE, Kimley-Horn and Associates, Inc.

Date: October 29, 2012

Subject: 38.09 acre rezoning (NEC of Maize Road and 29th Street)
Case numbers: ZON2012-00024 & CUP2012-00021

Dear Commissioner,

In preparation for the scheduled Planning Commission meeting on November, 1st, we would like to provide you the following information to supplement the staff report provided to you by City Staff. It is our hope the below information will help provide further insight into the revisions made to the CUP based on feedback from the Planning Commission, multiple meetings with City Staff and the Fox Ridge homeowners.

Below are responses to the issues raised by the MAPC at the September 20th meeting; responses to the letter date September 20th provided by the Fox Ridge HOA to the MAPC, and a list of the items raised by the homeowners at the September 12th meeting with the homeowners.

MAPC concerns:

1. Traffic - **Submitted per MAPC request.** A traffic study has been submitted to City staff, reviewed, and an email issued by Paul Gunzelman, PE concurring with the findings of the traffic study. A final traffic impact study will be provided at the time of platting.

2. Drainage- **Submitted per MAPC request.** A drainage study has been submitted to City staff, reviewed, and an email is forthcoming from Scott Lindebak, PE concurring with the findings of the drainage study. A final drainage study will be provided at the time of platting.

3. Limited Commercial Zoning – **Revised per MAPC request.** The revised CUP indicates the 24 uses allowed on the parcels while eliminating 39 uses, which are typically allowed in a Limited Commercial Zoning classification.

TEL 972 770 1300
FAX 972 239 3820

4. Reserve Area Widths – **Revised per MAPC request**

   Eastern Reserve increased from 60 feet to 140 feet
   Northern Reserve increased from 70 feet to 120 feet
   Northeastern Reserve increased from 35 feet to 60 feet

5. Limited Commercial Acreage – **Revised per MAPC request**

a.	Gross Acreage	38.09 acres
b.	Right of Way Dedication for 29th Street	0.34 acres
c.	Reserve "A" Area (SF-5 zoned)	5.58 acres
d.	Detention pond areas	2.80 acres
	Net useable Limited Commercial acreage	29.37 acres

HOA September 20th letter to MAPC:

1. Drainage Report – **Submitted per HOA request** A drainage report has been submitted to and reviewed by City Staff for concurrence with the applicable codes. The HOA has received a copy of the drainage report.

2. Site Grading\Site Plan – **Presented at October 10th HOA meeting.** An updated site plan was presented to the neighbors on October 10th. The building elevation is not able to be lowered due to the elevations of the existing storm drainage facilities along Maize Road and 29th Street.

3. Traffic plan or Traffic Memo – **Submitted per HOA request.** A traffic impact study has been submitted to and reviewed by City Staff for concurrence with the applicable codes. The HOA has received a copy of the Traffic Impact Study.

4. Reserve A – Width and Screening – **Revised per HOA request.** Reserve A has been increased in width from 60 feet to 140 feet on the east, 35 feet to 60 feet on the northeast, and 70 feet to 120 feet on the north. The minimum height along the eastern berm is 15 feet, the northeastern berm 8 feet, and the northern berm 12 feet. The landscaping for the berms will be installed with the construction of the first Parcel. An alternating double row of 10 foot high conifers on 20 foot centers has been shown on the landscape plan, which exceeds the code requirement by 200% in

both quantity and size. Native grasses have been indicated with berms having permanent irrigation.

5. Building Screening – **Revised per HOA request.** The truck dock screening wall has been increased to a height of 12 feet from 10 feet and a length of 90 feet shown on the CUP.

6. Excluded LC uses – **Revised per HOA request**. The revised CUP eliminates 39 of the 63 allowed uses in a Limited Commercial zoning district.

7. Hours of Operation – **Revised per HOA request for trash collection.** Trash limit pickups hours have been added to the CUP as 7:00 am to 7:00 pm

8. Lighting - **Complied per City ordinance.** Lighting is consistent with the city codes with a maximum height of 15 feet within 200 feet of residential uses..

9. Signage - **Revised per HOA request.** Monument signs have been noted on the CUP, with the height of the signs on Parcel 1 decreasing from 35 feet to 30 feet in height.

10. Site Development issues - **Revised per HOA request.** Landscape materials will be native grasses, conifers and other similar plant palettes to blend with the Fox Ridge subdivision.

September 12th Homeowners meeting

At the end of a four (4) hour meeting on September 12th, the homeowners prioritized a list of thirteen (13) HOA items they would like to see revised on the site plan. Below are the items, in the prioritized order, and the response to each.

1. Higher Berm on eastside of property – **Revised per HOA request.** The berm has been increased in height from 8 feet to 15 feet, with the reserve area being increased in width from 60 feet to 140 feet.

2. Northern Reserve - **Revised per HOA request**. The northern Reserve has been increased from 70 feet to 120 feet, with language added to the CUP for the preservation of the existing trees until such time as development occurs on Parcel 7.

3. Move Building 30 feet west –**Revised and exceeded HOA request.** The building was moved 80 feet west as part of the 80 foot increase in the eastern reserve.

4. Parcel 7 use exclusions –**Revised per HOA request.** Limited Commercial uses have been reduced from 63 allowed by the LC zoning to 24, as shown on the revised CUP.

5. Higher Screening at the Truck dock - **Revised per HOA request.** Screening height has been increased from 10 feet to 12 feet along with higher berm and larger reserve area.

6. Northeastern buffer (reserve) increase from 35 feet to 60 feet – **Revised per HOA request.** The northeastern buffer has been increased from 35 feet to 60 feet as reflected on the CUP.

7. Finished Floor elevation of building – **Constrained by City infrastructure.** Finish floor elevation cannot be lowered due to existing elevations of city storm drainage facilities.

8. Delivery Hours – **Provided trash pick-up hours per HOA request.** Time restrictions on trash pick-up have been added to the CUP but not for delivery hours.

9. Parapet screening on eastern and northern elevations – **Revised per HOA request.** Screening language has been added to the CUP for the eastern building elevation. City code requires screening of the rooftop mechanical units and language is provided on the revised CUP.

10. Signage – **Revised to monument signs and decreased sign height per HOA request.** Signage has been revised from 40 feet high pole signs on the first CUP submittal to 30 foot high monument signs on the revised CUP.

11. Gates on Northern Enclosure – **Areas screened per the site plan.** The organics area, bale and pallet storage areas are screened. Language has been added to the CUP reflecting this requirement.

12. No Drive Thru uses on Parcels 1 and 7 - **Revised per HOA request.** Drive thru uses are restricted on the overall site by a 300 foot requirement from residential uses, with the exception of Parcel 2.

13. Speed Control – **Traffic plan for site will provide traffic control signage.** Speed control devices will be provided on the construction documents as required by the City and Sam's Club. Raised sidewalks have not been provided on the site.

Additional revisions:

1. Six (6) foot high metal security fence –**Added at the request of the HOA.** A black metal fence has been added to the CUP language due to security concerns raised by the Fox Ridge Homeowners

2. Increased landscape density and size on reserve areas – **Added at the request of the HOA.** Landscaping has been increased by 150% the code requirement for the reserve area landscaping, with the conifers being increase by 200% the code required height and density.

EXCERPT MINUTES OF THE NOVEMBER 1, 2012 WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION HEARING

Case No.: ZON2012-00024/CUP2012-00021 (Deferred from the 9/20/2012 MAPC Meeting) – Curtis W. and Karen S. Rink and Leo M. and Vivian L. Rink (owners) and Kimley-Horn and Associates, Inc., c/o Kevin Gaskey (agent) request a City zone change from SF-5 and SF-20 Single-Family Residential to LC Limited Commercial and Creation of the Maize and 29th Commercial Community Unit Plan CUP DP-327 on property described as:

Tract 1: The Southwest Quarter of Section 32, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas,

EXCEPT A tract described as beginning at the Northwest corner of the South half of the Southwest Quarter; thence East along the North line of the South half of the Southwest Quarter 410.25 feet; thence South parallel with the West line of said South half of the Southwest Quarter 315 feet; thence East parallel to the North line of the South half of the Southwest Quarter 211 feet; thence South parallel with the West line of the South half of the Southwest Quarter 198.75 feet; thence West 621.25 feet to a point in the West line of the Southwest Quarter; thence North 513.75 feet to the point of beginning, in Section 32, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas;

AND EXCEPT Part of the Southwest Quarter of Section 32, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, described as follows: Commencing at the Southwest corner of said Southwest Quarter; thence N 0°00' E along the West line of said Southwest Quarter 1315.39 feet to the Northwest corner of the South half of said Southwest Quarter; thence N 89°47'23" E along the North line of said South half 160 feet to a point of beginning, said point being the Easterly right of way of Maize Road; thence N 2°10'38" W along the Easterly right of way of Maize Road 316.44 feet; thence S 89°40'51" E 617.16 feet; thence S 89°40'51" E 617.16 feet; thence S 0°00' E 647.76 feet; thence S 0°03'54" E 111.85 feet; thence S 84°40'41" W 122.59 feet; thence S 6°37'38" E 54.11 feet; thence S 89°47'23" W 28.19 feet to a point 621.25 feet East of the West line of said Southwest Quarter; thence N 0°00' E parallel with the West line of said Southwest Quarter 198.75 feet; thence S 89°47'23" W 211 feet; thence N 0°00' E 315 feet; thence S 89°47'23" W along the North line of said South half 250.25 feet to the point of beginning;

AND EXCEPT a tract described as commencing at the Southwest corner of the East half of the South half of said Southwest Quarter; thence N 90°00'00" W (assumed) along the South line of said Southwest Quarter 140.00 feet; thence N 00°00'00" E 626.16 feet; thence S 90°00'00" E 626.16 feet; thence S 00°00'00" W 626.16 feet; thence N 90°00'00" W 486.16 feet to the point of beginning;

AND EXCEPT a tract described as commencing at the Southwest corner of the East half of the South half of said Southwest Quarter; thence N 90°00'00" W (assumed) along the South line of said Southwest Quarter 140.00 feet to the point of beginning, being the Southwest corner of a tract of land recorded in the Register of Deeds Office on Warranty Deed in Film 1207 Page 248; thence along the South line of said Section N 90°00'00" W 40 feet; thence N 00°00'00" E 626.16 feet; thence N 90°00'00" E 40 feet to the Northwest corner of said Deed; thence S 00°00'00" W 626.16 feet along the West line of said Deed to the point of beginning;

AND EXCEPT that portion of said Southwest Quarter platted as Fox Ridge Addition and Fox Ridge 2nd Addition

Tract 2: Part of the Southwest Quarter of Section 32, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, described as follows: Commencing at the Southwest corner of said Southwest Quarter; thence N 0°00' E along the West line of said Southwest Quarter 1315.39 feet to the Northwest corner of the South half of said Southwest Quarter; thence N 89°47'23" E along the North line of said South half 160 feet to a point of beginning, said point being the Easterly right of way of Maize Road; thence N 2°10'38" W along the Easterly right of way of Maize Road 316.44 feet; thence S 89°40'51" E 617.16 feet; thence S 89°40'51" E 617.16 feet; thence S 0°00' E 647.76 feet; thence S 0°03'54" E 111.85 feet; thence S 84°40'41" W 122.59 feet; thence S 6°37'38" E 54.11 feet; thence S 89°47'23" W 28.19 feet to a point 621.25 feet East of the West line of said Southwest Quarter; thence N 0°00' E parallel with the West line of said Southwest Quarter 198.75 feet; thence S 89°47'23" W 211 feet; thence N 0°00' E 315 feet; thence S 89°47'23" W along the North line of said South half 250.25 feet to the point of beginning;

AND

Tract 3: A tract described as beginning at the Northwest corner of the South half of the Southwest Quarter; thence East along the North line of the South half of the Southwest Quarter 410.25 feet; thence South parallel with the West line of said South half of the Southwest Quarter 315 feet; thence East parallel to the North line of the South half of the Southwest Quarter 211 feet; thence South parallel with the West line of the South half of the Southwest Quarter 198.75 feet; thence West 621.25 feet to a point in the West line of the Southwest Quarter; thence North 513.75 feet to the point of beginning, in Section 32, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas;

AND

Part of the Southwest Quarter of Section 32, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, described as follows: Commencing at the Southwest corner of said Southwest Quarter; thence N 0°00' E along the West line of said Southwest Quarter 1315.39 feet to the Northwest corner of the South half of said Southwest Quarter; thence N 89°47'23" E along the North line of said South half 160 feet to a point of beginning, said point being the Easterly right of way of Maize Road; thence N 2°10'38" W along the Easterly right of way of Maize Road 316.44 feet; thence S 89°40'51" E 617.16 feet; thence S 89°40'51" E 617.16 feet; thence S 0°00' E 647.76 feet; thence S 0°03'54" E 111.85 feet; thence S 84°40'41" W 122.59 feet; thence S 6°37'38" E 54.11 feet; thence S 89°47'23" W 28.19 feet to a point 621.25 feet East of the West line of said Southwest Quarter; thence N 0°00' E parallel with the West line of said Southwest Quarter 198.75 feet; thence S 89°47'23" W 211 feet; thence N 0°00' E 315 feet; thence S 89°47'23" W along the North line of said South half 250.25 feet to the point of beginning

NOTE: Except for revisiting typos the staff report remains the same as the September 20, 2012, report, except for the comments made in this section of the report and the recommendation (staff requested a deferral) on the request. At their September 20, 2012, meeting the MAPC deferred on making a recommendation on the proposed zone change and CUP. The MAPC directed the applicant, staff and the neighborhood to continue to work on finding resolution to (but not limited to) drainage, traffic, moving the Sam's building further from the abutting Fox Ridge single-family residential neighborhood, landscaping and buffering. The applicant has provided a list of changes (see attached Comments on Changes) to the proposed CUP, with the most significant as follows:

A.

(i) That portion of Reserve A located on the east sides of the CUP's Parcel 1and Parcel 7, that abuts Reserve G, which abuts Lots 14-20, Block, 4, Fox Ridge Addition , has increased from 90 feet wide to 140 feet wide. By adding the existing 60 feet of Fox Ridge's Reserve G to Reserve A's 140 feet, 200 feet of landscaped buffering will be provided.

(ii) That portion of Reserve A located on the north side of the CUP's Parcel 7 that abuts Reserve C (east), Lots 6-13, Blk. 4, and a portion Reserve G (west) went from 90 feet to 120 feet. This provides 120 feet of landscaped buffering.

(iii) That portion of Reserve A located on the northeast side of the CUP's Parcel 7 that abuts only Reserve G, Fox Ridge Addition, went from 35 feet wide to 60 feet wide. Adding Reserve A's 60 feet with the undulating width of this portion of Fox Ridge's Reserve G provides approximately 110- 135 feet of landscaped buffering at the narrowest and widest points.

(iv) That south most portion of Reserve A abutting the unplanted tract remains 35 feet wide, via verbal communication to the agent.

The additional width to the above portions of Reserve A pushes commercial development further way from the existing single-family residential development in Fox Ridge. These changes were made in response to the direction given by the MAPC. (See #5, Comments on Changes). Reserve A shall be zoned SF-5 and will be platted. Any changes to Reserve A's uses (landscaping, berms, utilities confined to easements and the inside, south and west sides, 10 feet allowing 15-foot tall pole lights and a metal security fence) would require a vacation which is a public hearing.

B. A Concept Drainage Plan has been submitted to the City's Public Works Stormwater Manager/Engineer with the CUP. Required guarantees for drainage shall be provided at the time of approval of the plat. The Stormwater Engineer is in agreement with the data provided by the applicant. These changes were made in response to the direction given by the MAPC. (See #6, Comments on Changes).

C. Access Controls, deceleration lanes, left turn lanes, additional right-of-way and other improvements shall be as shown on the final plat. A concept traffic study has been submitted to the City's Traffic Engineer as part of the approval of the CUP. The Traffic Engineer is in agreement with the data provided by the applicant. These changes were made in response to the direction given by the MAPC. (See #8, Comments on Changes).

D. Landscaping in Reserve A where it abuts the SF-5 zoned residential development/Fox Ridge Addition along the CUP's north and east sides will be increased by a minimum of 1.5 times the code's required size, height and quantity. All landscaping for Reserve A is required to be completed prior to the completion of construction on the first Parcel, with the exception of the existing row of mature trees to remain in Reserve A along the north side of Parcel 7, until such time Parcel 7 is developed. The minimum height for conifers will be ten (10') feet. Two rows of conifers will be provided with a staggered spacing of 20 feet. This addresses the concern expressed by the Fox Ridge HOA. (See #12.D, Comments on Changes).

E. The existing tree stand along the northern portion of Parcel 7, in Reserve A, will be maintained and, if needed, replanted on a one tree to one tree basis per the Landscape Ordinance Guidebook and 12 D above. (For example, if a six inch caliper tree is dead, it will be replaced with a tree 1.5 times the code required size.) Once a development permit is requested for Parcel 7, the trees will be removed and replaced with an earthen berm of a minimum height of 12 feet (per UZC, Sec.III-E.1f, substituting berm for wall or fence). The landscaping will be in accordance with 12 D. An inventory

of the existing trees with a minimum 3-inch caliper or if an evergreen/conifer a minimum of 5 feet tall will be made prior to the issuance of any building permit. This addresses the concern expressed by the Fox Ridge HOA. (See #12.G, Comments on Changes).

F.

(i) A landscaped earthen berm, a minimum of 15-foot high (per UZC, Sec.III-E.1f, substituting berm for wall or fence), located within Reserve A shall be constructed along the east property line of Parcels 1 and 7 where it is adjacent to Lots 14-20, Block 4, Fox Ridge Addition.

(ii) A landscaped earthen berm a minimum of 8-foot high (per UZC, Sec.III-E.1f, substituting berm for wall or fence), located within Reserve A, shall be constructed along the northeast property line of Parcel 7, where adjacent to Reserve G, Fox Ridge Addition.

(iii) If the Fox Ridge HOA, the owner of Reserve G, Fox Ridge Addition and the developer of the CUP's Parcel 1all agree to do so, the required CUP's berming may be combined with the abutting Fox Ridge berms to create a single screening berm rather than two separate berms.

(iv) A landscaped earthen berm a minimum of 3-foot high (per UZC, Sec.III-E.1f, substituting berm for wall or fence), located within Reserve A shall be constructed along the east property line where adjacent to the unplatted SF-5 zoned single family residence.

(v) Finished berms will have 'scalloped' top to ensure that the top of the berms will not be a straight plane, but in no case shall the berm height be reduced below the prescribed minimum height.

The proposed berms eliminate the required 6-8 foot tall masonry wall. Previously the tallest proposed berms were 8-foot tall. The possibility of combining the CUP's Reserve A with Fox Ridge's Reserve G, makes the possibility of even taller berms than the above stated heights, plus it would eliminate the 'valley' between the two properties' berms. This addresses the concern expressed by the Fox Ridge HOA. (See #13, Comments on Changes).

G. This reflects more restrictions on uses. This addresses the concern expressed by the MAPC. (See #17, Comments on Changes). Staff is in agreement with the above changes and the other provisions of the CUP.

Two of the remaining (but not limited to) points of contention between the applicant and the Fox Ridge HOA are the design of the proposed Sam's building and traffic lights for this stretch of Maize Road.

BACKGROUND: The applicant is seeking LC Limited Commercial ("LC") zoning subject to the development standards contained in the proposed Maize and 29th Commercial Community Unit Plan ("CUP") DP-327. At the time of the application the 38.09-acre site was zoned SF-5 Single-Family Residential ("SF-5", Wichita zoning) and SF-20 Single-Family Residential ("SF-20", Sedgwick County zoning). On September 11, 2012, the Wichita City Council approved the owner's application for the SF-20 zoned portion of the site to be annexed into the City of Wichita, thus changing its zoning to SF-5. The Unified Zoning Code (UZC) recommends a CUP or a PO Protective Overlay ("PO") for LC and GC General Commercial ("GC") zoned sites of 6-acres or more, that are held under unified control at the time of initial approval. A CUP is intended to provide well planned and well organized residential, commercial and mixed development.

The site is located on the northeast corner of the 29th Street North and Maize Road intersection. The site is currently developed with two farmhouses (built 1948 and 1950) and numerous accessory agricultural buildings. There are extensive mature, mixed tree hedges planted around the farm buildings. There is also another 70-90-foot wide mature mixed tree hedge located along most of the north end of the site, where it abuts SF-5 zoned single-family residences.

The 29th Street North and Maize Road intersection is an area where the City limits of Wichita and Maize abut each other and the SF-20 zoned lands still located in Sedgwick County. West of the site across Maize Road (in Wichita), there are five large tract, SF-5 zoned single-family residences; built 1979-1991. Also located west of Maize Road, there is one large tract single-family residence (1999) and urban scale single-family residences (platted November 16, 1956) located in Maize. Further west there are 38.2-acres of undeveloped GO General Office ("GO") zoned land, more SF-5 zoned single-family residences, and single-family residences and agricultural land located in Maize. The SF-5 zoned Fox Ridge single-family residential subdivision (platted July 8, 2003) abuts all of the north side of the site and most of the east side of the site. The Fox Ridge subdivision has two ways in and out of it, one on Maize Road and another on its east end at Tyler Road; via Westlake Parkway, a residential collector street. A large tract SF-5 zoned single-family residence (1995) abuts the south most portion of the east side of the site.

North of the Fox Ridge subdivision is the approximately 187-acre SF-5 zoned USD 266 Maize School District's educational complex and 35.63-acres of undeveloped SF-5 zoned land that was approved for LC zoning, but has not been replatted to secure the commercial zoning; ZON2011-38/CUP2011-42. A partially developed approximately 36-acre LC and GC zoned site, anchored by the big box retail home improvement Menards store (ZON2006-0007/CUP DP-295) finishes out development north to 37th Street North with another approximately 24-acres of undeveloped LC zoned land located northwest across Maize Road and 37th Street North.

South of the site, across 29th Street North, is a farmstead located on a SF-20 zoned remnant of Cadillac Lake (most of it within a FEMA Flood Zone) and an undeveloped LC zoned land. Between 29th and 21st Streets North, Maize Road is pretty much striped out with LC and GC zoned lands, most of them with CUP or PO overlays. Almost all of these LC and GC zoned lands are developed or are developing, with big box retail such as Wal-Mart, Target, Lowes, Academy Sports and a super Dillon's, or free standing retail and retail strips, many with national and local commercial chains tenants. The exception to this concentration of LC and GC zoned commercial activity on this section of Maize Road between 21st and 29th Streets is the mid-mile located, SF-5 zoned Chadsworth 1st and 2nd Additions (1990 & 1992), which has single-family residences' back yards abutting Maize. The Chadsworth Additions have access to 21st Street North and Maize Road.

CASE HISTORY: The site is not platted and a portion of it is located in the County. On September 11, 2012, the City Council approved the owner's application for annexation of the SF-20 zoned County portion of the site into the City of Wichita. The County does not provide water or sewer, but annexation will allow the site to have Wichita water and sewer services. The SF-5 zoned portions of the site appear to have been annexed around 2003. There have been numerous protest or concerns expressed about the proposed rezoning by residence of the abutting SF-5 zoned Fox Ridge subdivision. Staff has copied these e-mails for the MAPC to review.

Many people attended the September 10, 2012 DAB V meeting. Comments ranged from no zone change to modifying the proposed CUP. DAB V recommended approval of the zone change and the CUP per staff's recommendations, which are pretty much reflected in this report. Staff also told everyone attending the DAB meeting that they expected another (3rd) revised CUP and thus changes to the CUP; staff had not received the 3rd version of the CUP at the time of this mail out.

As previously noted, the MAPC at their September 20, 2012, meeting deferred on making a recommendation on the proposed zone change and CUP. At that meeting the MAPC directed the applicant, staff and the neighborhood to continue to work on finding resolution to multiple considerations. Many people attended the September 20, 2012, MAPC meeting. Comments at that meeting ranged from opposition to the zone change to modifying the proposed CUP. There was one large neighborhood

meeting held at the Maize South Elementary that was attended by approximately 90-100 neighbors, the representatives of the applicant and staff. There have been several smaller meetings held as well.

ADJACENT ZONING AND LAND USE:

NORTH: SF-5, LC	Single-family residential subdivision, undeveloped lands, large public school complex, large box retail
SOUTH: LC, GC, SF-20, SF-5	Undeveloped land, farmstead, multiple large box retail, stand alone commercial, retail strips, and single-family residential subdivision
EAST: SF-5,	Single-family residential subdivision, large tract single-family residence
WEST: SF-5, City of Maize, GO	Large tract single-family residences, single-family residential subdivisions, undeveloped land, agricultural land

PUBLIC SERVICES: Access to the site is provided by the four-lane, minor arterial street 29th Street North and the four-lane, principle arterial street Maize Road; WAMPO Federal Roadway Functional Classification. 29th has center turn lanes, while only the south side of Maize has a center turn lane. This intersection has traffic lights. 29th Street has a full raised median with cuts for access running parallel to the south side of the site. Traffic counts range from 12,000-10,000 trips per day on Maize and 2,700-4,550 trips per day on 29th. Projected traffic volumes for 2035 under the build scenario from the WAMPO travel demand model shows traffic counts ranging from 19,150-18,660 trips per day on Maize and 8,900-9,430 trips per day on 29th. All utilities are available to the site. The southwest corner of the site is located within a FEMA Flood Zone.

CONFORMANCE TO PLANS/POLICIES: The '2030 Land Use Guide of the Comprehensive Plan' (Plan) identifies the site as "local commercial." The local commercial category encompasses areas that contain concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. Typical uses include medical or insurance offices, auto repair, service stations, grocery stores, florist shops, restaurants and personal services. The UZC identifies NR Neighborhood Retail ("NR") and LC zoning as being generally compatible with the Plan's local commercial category. The size of the site, approximately 38.09-acres, and the design of the site's CUP are similar to the existing commercial development patterns located in the Maize Road corridor, which is stand alone retail and strip retail anchored by big box retail such as Wal-Mart, Target, Lowes and Menards. The CUP's two largest parcels, Parcels 1 and 7, are large enough for big box retail. The Plan's local commercial category does not list big box retail as a use, however the Plan's "regional commercial" category does list big box retail as a use. The regional commercial category lists uses that have a regional market draw, can generate high traffic volume and are located in close proximity to major arterials or freeways. The UZC does not list big box retail, strip retail or stand alone retail as use types, but bundles them together in the definition of "retail, general"; UZC SecIII.D, 'Use Regulations' and Sec.II.B.11.l. The LC zoning request conforms to the local commercial category, but the size of the site and the site's CUP's design suggest regional commercial types of development, similar to what is currently lining this portion of Maize Road. The site's location along Maize Road, a principle/major arterial, the minor arterial 29th Street North, and its having no vehicular access through residential streets or neighborhoods meets the locational criteria of the Comprehensive Plan for regional commercial development. Additional right-of-way for road improvements, Ingress and egress onto Maize Road and 29th Street North will be determined at the time of a platting.

The UZC recommends a CUP or a PO for LC and GC zoned sites of 6-acres or more, that are held under unified control at the time of initial approval. A CUP is intended to provide well planned and well organized residential, commercial and mixed development.

RECOMMENDATION: There has been extensive dialogue between the applicant, the neighbors and staff about the design and uses of the proposed CUP. Based on the information available at the time of

the public hearing, staff recommends APPROVAL, per the approved provisions of the CUP and platting within a year of approval of the zone change and CUP by the governing body.

This recommendation is based on the following findings:

1.The zoning, uses and character of the neighborhood: The 29th Street North and Maize Road intersection is an area where the City limits of Wichita and Maize abut each other and the SF-20 zoned lands still located in Sedgwick County. West of the site across Maize Road (in Wichita), there are five large tract, SF-5 zoned single-family residences; built 1979-1991. Also located west of Maize Road, there is one large tract single-family residence (1999) and urban scale single-family residences (platted November 16, 1956) located in Maize. Further west there are 38.2-acres of undeveloped GO General Office ("GO", Wichita) zoned land, more SF-5 zoned single-family residences (Wichita), and single-family residences and agricultural land located in Maize. The SF-5 zoned (Wichita)Fox Ridge single-family residential subdivision (platted July 8, 2003) abuts all of the north side of the site and most of the east side of the site. The Fox Ridge subdivision has two ways in and out of it, one on Maize Road and another on its east end at Tyler Road; via Westlake Parkway, a residential collector street. A large tract SF-5 zoned (Wichita) single-family residence (1995) abuts the south most portion of the east side of the site.

North of the Fox Ridge subdivision is the approximately 187-acre SF-5 zoned (Wichita) USD 266 Maize School District's educational complex and 35.63-acres of undeveloped SF-5 zoned land (Wichita) that was approved for LC zoning, but has not been replatted to secure the commercial zoning; ZON2011-38/CUP2011-42. A partially developed approximately 36-acre LC and GC General Commercial ("GC") zoned site, anchored by the big box retail home improvement Menards store (ZON2006-0007/CUP DP-295) finishes out development north to 37th Street North with another approximately 24-acres of undeveloped LC zoned land located northwest across Maize and 37th.

South of the site, across 29th Street North, is a farmstead located on a SF-20 zoned remnant of Cadillac Lake (most of it within a FEMA Flood Zone) and an undeveloped LC zoned land. Between 29th and 21st Streets North, Maize Road is pretty much striped out with LC and GC zoned lands, most of them with CUP or PO overlays. Almost all of these LC and GC zoned lands are developed or are developing, with big box retail such as Wal-Mart, Target, Lowes, Academy and a super Dillon's, or free standing retail and retail strips, many with national and local commercial chains tenants. The exception to this concentration of LC and GC zoned commercial activity on this section of Maize Road between 21st and 29th Streets is the mid-mile located, SF-5 zoned Chadsworth 1st and 2nd Additions, which has single-family residences' back yards abutting Maize. The Chadsworth Additions have access to 21st Street North and Maize Road

2.The suitability of the subject property for the uses to which it has been restricted: The currently SF-5 and SF-20 zoned site could be developed as single-family residential, upon platting. Platting would require the SF-20 portion of the site to be annexed into the City of Wichita, after which the County SF-20 zoning would become SF-5. Annexation would provide the site with the City of Wichita's water and sewer. A single-family residential subdivision could be designed similar to the abutting Fox Ridge Addition that could feature landscaped buffers and reserves that would minimize the impact of any future adjacent commercial development. However, the site's location at the intersection of a principle/major arterial, Maize Road, and a minor arterial, 29th Street North, coupled with the prevailing commercial zoning and development of Maize Road from 21st Street North to 37th Street North makes the site a potential commercial development, much like the current commercial development along this portion of Maize Road.

3.Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed 38.09-acres of commercial development replacing the existing farmhouses will have unavoidable detrimental impact on the existing single-family development. Traffic will increase no matter what

replaces the farmhouses, with commercial/retail traffic likely to generate the highest volume of traffic. The design of the proposed CUP is critical in providing buffering between the commercial activities on the site and the abutting sing-family residences.

4.Length of time the property has remained vacant: The site has been developed with the two farmhouses and numerous accessory agricultural buildings since at least between 1948 and 1950.

5.Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The '2030 Land Use Guide of the Comprehensive Plan' (Plan) identifies the site as "local commercial." The local commercial category encompasses areas that contain concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. Typical uses include medical or insurance offices, auto repair, service stations, grocery stores, florist shops, restaurants and personal services. The UZC identifies NR and LC zoning as being generally compatible with the Plan's local commercial category. The size of the site, approximately 38.09-acres, and the design of the site's CUP are similar to the existing commercial development patterns located in the Maize Road corridor, which is stand alone retail and strip retail anchored by big box retail such as Wal-Mart, Target, Lowes and Menards. The Plan's local commercial category does not list big box retail as a use, however the Plan's "regional commercial" category does list big box retail as a use. The regional commercial category lists uses that have a regional market draw, can generate high traffic volume and are located in close proximity to major arterials or freeways. The UZC does not list big box retail, strip retail or stand alone retail as use types, but bundles them together in the definition of "retail, general"; UZC SecIII.D, 'Use Regulations' and Sec.II.B.11.l. The LC zoning request conforms to the local commercial category, but the size of the site and the site's CUP's design suggest regional commercial types of development, similar to what is currently lining this portion of Maize Road. The site's location along Maize Road, a principle/major arterial and its having no vehicular access through residential streets or neighborhoods meets the locational criteria of the Comprehensive Plan for regional commercial development. Ingress and egress onto Maize Road and 29th Street North will be determined at the time of a platting.

The UZC recommends a CUP or a PO for LC and GC zoned sites of 6-acres or more, that are held under unified control at the time of initial approval. A CUP is intended to provide well planned and well organized residential, commercial and mixed development. As proposed the CUP's development standards provide little or no buffering for the abutting and adjacent single-family residences. There are examples of existing buffering in the area that can be applied to this site. There has been dialogue between the applicant, the neighbors and staff to improve the design, but at the time of this re

6.Impact of the proposed development on community facilities: The project will generate increased traffic and demand for utilities and City supplied services; however, these demands would occur upon any development of the property and they can be met by existing or planned improvements.

BILL LONGNECKER, Planning Staff presented the Staff Report.

G. SHERMAN asked if staff was satisfied with the Traffic Report.

LONGNECKER said he was.

ALDRICH asked what was the required width for a 4-lane arterial street.

PAUL GUNZELMAN, CITY TRAFFIC ENGINEER said typical widths for through lanes are 11 feet, center left turn lanes are 12 feet, which equals 44 feet, plus 5 feet for curb and gutter for a total of 49 feet. He commented that Maize Road is already 4 lanes and it is scheduled to be restriped to allow for a turn

lane into Maize High School. He briefly reviewed the traffic analysis and patterns provided by the applicant.

FARNEY asked if there would be a traffic signal at Maize Road and drive #5.

GUNZELMAN replied that the Traffic Report does not warrant a signal at this time since it is a private drive; however, he said when that changes, the City would request a petition and the applicant would pay for it at that time.

FARNEY asked who generates that and is there a periodic review by City staff.

GUNZELMAN said the City follows the Uniform Traffic Control Devices Manual. He said they do a traffic count and then get the signal project scheduled for the Capital Improvement Program (CIP) if a signal is warranted, if not, they keep the location on a list and check it periodically.

FARNEY clarified that drive #5 was the only way to go south on Maize Road.

GUNZELMAN replied that drive #5 and drive #7 both had "full movement." He clarified that the traffic analysis provided by the applicant did not warrant the signal at this time, but added that could change in the future.

CHAIRMAN DENNIS announced that most if not all of the Planning Commissioners had received ex-parte communication on the application via e-mails.

KEVIN GASKEY, 1316 GARDEN GROVE COURT, PLAIN OAK, TEXAS, KIMLEY-HORN & ASSOCIATES, ENGINEERING CONSULTANT FOR THE APPLICANT (SAM'S CLUB) referenced additional information submitted to the City since the last hearing. He referred to the Traffic Report which was reviewed and approved by City Staff. He said a final report will be submitted at the time of platting. He said no signalization is required based on the counts and warrants for the parcel. He said a drainage report on the parcel was also submitted and reviewed and approved by City Staff. He said an updated report will be submitted at the time of platting. He commented that they have had 5 meetings with homeowners and the homeowner's association president. He said they have made numerous changes to the site plan and CUP.

GASKEY briefly reviewed a slide presentation and the changes the Planning Commission requested as follows: changing one of the reserves from 70 to 120 feet; one from 35 to 60 feet and one from 60 to 140 feet and increasing the distance from the single-family homes to the east. He said that changed the 1.77 acres of reserves on the original CUP to 5.58 acres. He added that between the increased reserves, right-of-way dedication and retention ponds, the total development has decreased from 38 to 29.73 acres of usable commercial acreage on the overall parcel. Referring to the site plan he mentioned that the distance from the reserve behind residential to the east to the truck docking area increased from 150 to 230 feet. In addition, he said the distance from the rear property line of the single-family homes to the building increased from 235 to 315 feet. He added the height of the truck dock has also been increased from 10 to 12 feet, in addition to providing a 90-foot screening wall. He reviewed traffic patterns referring to the aerial for right-in/right-out and full access locations. He said landscaping had been increased on top of the berm to a double row of 10-foot high conifers spaced at 20 feet on-center, which exceeds the Unified Zoning code (UZC) by two. He said they are also proposing to increase the native grasses on the reserves and the caliper trees by 1½. He said surrounding homeowners had expressed concern regarding security so they have agreed to install a 6-foot metal fence to the east of the property. He said trees located north of the property will remain. He referenced a slide depicting how the 12-foot berm on the north would look when completed. He said once Parcel 7 is developed the existing trees would be removed and a

double row of conifers would be planted on a 12-foot berm with a 120-foot reserve and the metal fence would be tied into the existing 6-foot concrete wall. He referenced several cross sections looking from the east to the west through the truck dock area; existing home elevations from 1,360 to 1,353 and the proposed 15-foot berm with a top elevation of 1,371. He said the building height in the rear will be approximately 1,387. He said the top of the berm will be 1,371 with a 10-foot conifer on top of it for a total of 1,381.

GASKEY said additional information had also been requested on the building design. He referred to a revised building elevation plan. He mentioned the pedestrian canopy, pilaster height and change in color scheme to create a differentiation along the building façade.

MOTION: To allow the agent 5 more minutes of speaking time.

ALDRICH moved, **SHEETS** seconded the motion, and it carried (12-0).

GASKEY mentioned the addition of the canopy at the tire and battery center and pilasters along the Maize Road side of the development. He briefly reviewed the north, west and easterly elevations comparing the current elevations with what was presented on September 20, 2012. He also showed several perspectives of the berm to the northwest, from Maize Road looking back to the east (both showing an increase in the height of the parapets to hide the rooftop units), which was one of the concerns of the homeowners association.

MITCHELL questioned the size of the pond areas which Mr. Gaskey referred to as 2.8 acres, which he indicated is considerably more than shown on the site plan.

GASKEY referred to the site plan which showed the 3 pond areas equaling 2.8 acres.

G. SHERMAN asked about the metal fence and if it was chain link.

GASKEY replied that the fence was a 6-foot wrought iron metal fence with metal bars with 4-inch spreads.

FOSTER asked about the Peachtree, GA and Lincoln, NE Sam's Club architectural development which seemed more in keeping with the neighborhood compared to the elevation views Mr. Gaskey was presenting.

AYSHA MOORE-ARROYO, SHADE O'QUINN ARCHITECTS, 211 N. RECORD STREET, DALLAS, TX said they were not involved with development of the Peachtree, Georgia, Sam's Store. She said with the Lincoln, Nebraska, location they were tied to development standards and design guidelines.

CHAIRMAN DENNIS opened the matter to public comment and reminded those present that the Planning Commission held a public meeting on this item previously on September 20, 2012. He asked speakers to address any new items and not re-hash items from the previous meeting.

SARA LAUFFER, 9901 WESTLAKES COURT she said she was present to represent her neighbors (who she asked to stand) who have a strong opposition to the zoning change proposed at 29th and Maize Roads. She mentioned issues that will adversely affect neighbors if the zoning change is approved including: increased traffic, safety of local residents and children at Maize schools, drainage, noise and air quality, which affect their quality of life and property values. She implored the Planning Commission to remember the presentations made at the last public meeting regarding these issues because they have

the same concerns. She said the Commission gave clear directives on what they wanted addressed during the 30-day deferral period including a drainage study, a plan for Parcel 7, changes to the current entry and exit plans. In addition, she said additional space was requested between the loading docks and residential areas. She said the applicant was also asked if they would be willing to meet with residents and City Staff with a decision maker present. She said the residents have had only 2 meetings with the applicant. She said the Staff Report indicates there has been extensive dialogue with the neighbors, applicant and staff regarding the CUP. She said the neighbors do not believe there has been "extensive" dialogue regarding this issue. She said when the neighbors met with the applicant on October 10, they were expecting a meeting with discussion and negotiation with the decision maker. She said instead they were given a presentation reflecting the changes that had been made since the original proposal. She said there was no discussion and no negotiation because again the applicant did not provide a "decision maker." The company representative present at the meeting indicated that any decision would need to be approved by legal and his superiors. She said it was clear there was no intention of making any decisions or compromises at the meeting; that it was held just for show; and that the applicant is not interested in their concerns or what the neighbors have at stake. She said they understood the deferral was granted to give the applicant time to work with the neighbors. She said this was the only meeting held after the deferral and the neighbors do not believe the applicant met the commitment they made to the Planning Commission at the previous planning hearing. She asked the Planning Commission to consider the petition signed by 281 people (representing 417) and deny the requested zoning change and uphold the guidelines of the Functional Land Use Plan, which indicates that Limited Commercial is not in conformance with the land use map. She said the map indicates local commercial. She said either Sam's will find a different, more suitable site or the nearby homeowners will bear the brunt of considerable decreases in their home values and in the reduced quality of life.

THOMAS LUTHER, 10128 W. WESTLAKES COURT said he wanted to discuss intensity. He said the heart of their problem with the proposed development boiled down to one word "buffer." He said any development at 29th and Maize Road is supposed to be of the type that creates local, commercial business that is compatible with the residential neighborhood. He asked if large trucks unloading at a box store in the middle of the night next to someone's bedroom is a buffer. He asked if a regional anchor store was residential. He said the developer plans do develop and ecosystem of commercial development with another large box store on Parcel 7. He said this area will become another Market Square North. He said once this development is complete, surely there will be other large scale retail development on the 2 other corners of the intersection. He suggested moving this development to the southwest corner of the intersection which would put streets between an established residential neighborhood and this new business. He asked the Planning Commission to be realistic about traffic and commented on the 7-lane intersection with left, right and center turn lanes and stop lights that the neighbors have to use daily. He said access to the businesses should be kept away from 29th and Maize and suggested a frontage road. He said that will eliminate shoppers cutting through the neighborhood to avoid left-hand turns. He said their experience at 21st and Maize taught them that it is easier to build the infrastructure now before all the traffic arrives. He asked why is all this development happening so far away from Kellogg and K-96. He referred to the City's Land Use Plan that called for separation from large scale development and the residential area. He said it seems like placing a big box store at this location is a violation of what was intended for the neighborhood. He asked wasn't this a poor choice.

ROGER NICE, 10105 W. WESTLAKES COURT said he would like to talk about Parcel 7 on the north side of the development, even though the Sam's store would not be located there. He said at the previous meeting it was suggested that the applicant bring a plan as to what they intended to do with Parcel 7 to the Planning Commission for review. He said to date, no plan has been submitted which creates more uncertainty than already exists on whether or not LC development is appropriate for 29th and Maize. He said without knowing the plan, how does the community know how to evaluate the protective overlays that have been proposed at today's meeting. He asked how the City can know how this will

affect the subdivision without the uses being known. He said Sam's own traffic study which states that the analysis indicates that the proposed drive 5 at the Maize Road intersection is expected to operate at an unacceptable rate of service once the Sam's and north parcel has been constructed. He said the Commission will hear a lot from the neighbors today about the intensity and uncertainty of the said. He said until a plan is submitted for Parcel 7, the homeowners would like to see that parcel left as it is currently zoned. He said Fox Ridge and the neighbors have requested that this development include some transitional zoning and they believe Parcel 7 is a place where that can happen.

JACK MOCK, 10215 W. WESTLAKES COURT said he wanted to talk about screening and the uncertainty. He mentioned the view from his deck along the hedgerow which he said consisted of approximately 20 trees, 4 rows deep including conifers, which may be a very good buffer; however, since they do not know what is going to be developed on Parcel 7, how can they judge that. He said as soon as a building permit is issued for Parcel 7, that hedgerow consisting of hundreds of trees will be removed and in its place will be a 12-foot berm with approximately 120 trees. He asked if that was going to be adequate buffering and said the neighbors don't know. He said there could be a loading dock and truck traffic on that side of the development. He mentioned that drive 7 will abut the reserve. He referred to a picture of a sample berm and asked if that would be adequate.

SHEETS asked if the speaker would prefer that the trees be left as is.

MOCK said he wouldn't know because they do not know what is going to go on plat 7. He said the present trees may not provide them with the buffering that they require.

SHEETS referred to item #17 in the Staff Report that indicated what was planned for Parcel 7.

MOCK responded that could include a big box with a loading zone. He requested that the zoning be denied until the neighbors can get answers to these questions.

REBECCA JONES, 9955 W. WESTLAKES COURT said noise is a major concern due to the proximity of the proposed development to the residential homes and elevation of their homes in comparison to the commercial properties. She said a berm and trees will not diffuse the noise from the semi-trucks and trash trucks. She said trash pickup is restricted in the CUP; however, deliveries were not because Sam's staff indicated that was not possible from an operations standpoint. They also indicated that stocking of shelves occurs between 9:00 p.m. and 6:30 a.m. and that is when the trucks are there to be unloaded. She said it is essential that the Noise Ordinance is not violated due to large commercial development. She reference the Wal-Mart located at 53rd and Meridian and said this was a good example of a negotiated resolution between Wal-Mart and the inhabitants of Harbor Island and the Moorings. She said Fox Ridge would be happy with 2,000 feet between their residences and this commercial development. She mentioned alternative locations that already have LC zoning and other nearby locations forecast to be regional commercial in the Wichita-Sedgwick County Comprehensive Plan. She said an alternative location would address other issues such as traffic, noise and overdevelopment of a site so close to residential zoning. She said LC would have an economic gain for the developer but would have a detrimental effect on surrounding residential areas. She said berms and trees will not change the fact that in the Comprehensive Land Use Plan, this area is shown as local commercial. She said they have been asked what did they think would happen to the land and they said they thought when a zoning change was requested; it would comply with the Comprehensive Plan. She said they took the time to research what could happen on the site in the future, using the only resource available to them which was the 2030 Functional Land Use Guide located on the City's WEB Page. She said they purchased their home in January and the price they paid and location was based on the land being used as currently zoned single-family residential or potentially local commercial which was something they thought they could live with as a neighbor. She said the definition of local commercial specifically states commercial that

does not have a significant regional market draw. She said local commercial in the Unified Zoning Code (UZC) consists of neighborhood office and neighborhood retail. She said rezoning this to LC will have a significant impact on their property values and the quality of their lives. She said because the Comprehensive Plan was developed by City staff with significant public input, they did trust that it was reliable and would be upheld. She said if this rezoning is considered a natural progression between 29th and Maize then the Comprehensive Plan should have been updated to reflect that. She said the Plan should be reviewed annually so there are ample opportunities to make changes. They trusted that the proper procedure would be followed as covered by State Law to make appropriate amendments to the Plan. She said allowing a zoning change on this corner risks setting a precedent for the other corners at the intersection to be rezoned LC. She said many of the changes that the HOA Board requested have been met; however, that was not the requests of local residents particularly those who property abuts the property. She said the 417 people represented by the petition previously submitted respectfully request that the Planning Commission disapprove the zoning change because it does not meet the definition of local commercial and does not uphold the Comprehensive Plan.

JIM MORGAN, 9913 W. WESTLAKES COURT said they do not believe the traffic study the Planning Commission asked for and received is very good. He said the neighbors feel that the study grossly underestimated the traffic around the intersection currently and in the future. He mentioned a traffic study conducted a year ago that measured about 2,500 more cars per day than was reflected in the report provided for this project. They said they feel the closure of Maize from 45th to K-96 contributed to the lesser count. He added that although 21st and Maize construction is complete, many people do not know that and avoid the intersection, so 29th and Maize is avoided also. He said the study only gives projections to 2014. He said the study also grossly underestimated the allowable gross floor area of the property. He said the study shows 276,000 square feet, but the CUP shows up to 490,000 square feet. He said the study also did not take into account development on the other 3 corners of the intersection, development to the north, and Academy Sports that just opened today. He said it may not be the applicant's responsibility to do a more comprehensive traffic study. He said he believed it was the City's obligation to perform a much more in-depth, comprehensive study of the traffic to make sure the intersection is prepared before the development goes in to protect the residents of Fox Ridge and the 2,100 students at Maize South School. He said a light at the school road intersection doesn't do the residents of Fox Ridge much good. He requested that the Planning Commission not approve the zoning change request until the major shortcomings have been addressed. He commented on the full access traffic signals onto Maize Road and 29th Streets and how difficult it is to make a left at either location. He said taking the path of least resistance, the first two rights (after taking the right onto Maize Road) would be Westlakes Parkway which cuts through the Fox ridge neighborhood and 34th Street where the school is located.

BRENDA SCRIPSICK, 9821 WESTLAKES COURT said she can see the proposed Sam's location from her front porch. She thanked the Planning Commission and staff for their support in helping the neighbors navigate the process. She said her friends and neighbors have many objections. She said their concerns are the same as the Planning Commission and that is what do they want economic development to be in the City of Wichita. She said the 400 plus neighbors invested in their homes because they wanted to invest in Wichita. She said they saw the 2030 plan which showed local commercial for this area as a cohesive extension to Fox Ridge. She said what is being proposed is against that plan. She said as a resident, she does not feel that the applicant has met the request of the Planning Commission nor worked effectively with the community in good faith. She said they have talked with several realtors that indicated that their property values will significantly decrease. She mentioned traffic and the additional truck traffic associated with a big box will only compound the problem. She mentioned how the neighborhood uses the sidewalks and how safety is a primary concern. She said one of the selling points for her home was the walking and jogging paths. She said now is has extreme concern with the increased traffic that will occur. She also voiced concern that the traffic study provided by the applicant is

inaccurate. She said the neighbors have demonstrated how the big box will not be able to meet the City's own Code for noise and that the noise abatement proposed will not be successful. She said the trucks and forklifts needed to support this project are unacceptable. She said the environmental impact on the residents and City is far too aggressive at this location. She asked what they want the City to become and asked if it was a City to be sold to the highest bidder with little regard of transition from business to homes or is it going to be a balanced community where homes and businesses exist together in a way that is safe and appealing to look at; a city where people want to come and invest or leave. She said over the decades she has seen a great deal of effort by the Planning Commission to transform Wichita from a town of disorganized development into a show place, metropolitan mid-western city. She said they applaud the efforts of the Planning Commission to maintain the character of neighborhoods as development moves in. She said this big box does not belong in this area in any way. She said the people of the community ask the Planning Commission to deny this request.

SCOTT BENDER, 3109 N. RED FOX STREET, PRESIDENT, FOX RIDGE HOMEOWNERS ASSOCIATION said the covenants in their neighborhood set the standard high for the neighborhood. He said they asked if the Planning Commission feels LC zoning is appropriate for this area, that they set covenants on the development to protect the homeowners. He said Fox Ridge is defenseless and can no longer protect itself from new neighbors. He said they felt the covenants should provide as a minimum 1) adequate buffering and screening to protect the quality of life, and 2) provide consistent architectural design so that the current and all future developments match the upscale characteristics of the Fox Ridge neighborhood. He said unlike the Moorings and Harbor Isle, they do not have a 1,800-foot buffer but 200 feet. He said they gave the Planning Commission a list dated September 20, of what they felt were minimum requirements for the development to fit into the neighborhood, which is in the application packet. He said the applicant has moved on some items but have not addressed all the issues in the letter. He said just because all points are not discussed today does not mean issues were perfectly resolved but only important issues were mentioned because of time constraints. He highlighted the following - site and traffic plans including a site plan for all parcels. He said they feel the applicant should provide a more robust site plan for the CUP. He said they understand that is not how the process typically works; however, they believe it is warranted in this case. He said the intensity of the development makes planning, negotiation, screening nearly impossible to address at this point. He said since the CUP allows for more intensity than the applicant is currently requesting he said they ask that the Commission limit the intensity or have the zoning approval contingent on providing a fuller site plan assuming maximum intensity allowed by the CUP. He said the Planning Commission is the neighbors' last backstop to this inconsistency. He said if the development were located 1,800 feet from their homes, the inconsistency would be much less important than 200 feet. He said as far as buffering and screening they requested 120-foot reserves along all property lines with 15-foot berms and other requirements needed to buffer sound and other activity adequately. He said that was a significant concern and request. He said the applicant provided the requested reserves with smaller berms along and north and northeast property lines. He mentioned the third row of deciduous trees which was new information to him. He said they believe the berms need to be higher and that 3-4 rows of trees are required to buffer noise and activity. He suggested combining the applicant's berms with the Fox Ridge berms to combine the height and reduce security and other maintenance risks associated with dealing with 2 separate berms. He said the HOA as offered to maintain the berms if the applicant will fund it through a trust or other arrangement because the association already knows how to manage landscaping. He said they want to insure that the berms are maintained to Fox Ridge standards. He said they are currently in the process of drafting a legal agreement that will indemnify the applicant if they deed the property over to the HOA. He said if this happened, they would remove their objection to the smaller 60-foot berm to the north.

MOTION: To allow the speaker 2 more minutes of speaking time.

WARREN moved, **ALDRICH** seconded the motion, and it carried (12-0).

BENDER mentioned hours of operation and limiting the delivery of semi-trailers from 8:00 a.m. to 8:00 p.m. He said they would like to limit deliveries on Parcel 1 and Parcel 7 or anywhere within 300 feet of residential to no more than 20% of the total deliveries. He said although some of the requests may seem significant or overwhelming, it is important to remember that the homeowners were in place first and have no additional mechanism to protect their investments. He said good covenants are the way to insure good neighbors. He said all they ask is that the applicant to be a good neighbor.

ALDRICH asked if the berms are increased in height, would he support the application.

BENDER responded that 18-foot berms will increase protection of the neighborhood as a whole. He said if the berms were raised to 18-foot, the HOA Board would not object to the application.

STEVE WATKINS, 3122 N. RED FOX said he wanted to talk about the architectural design features proposed for the development. He said it was significant that from a Google search none of the Sam's Clubs are located within 300 feet of an upscale covenant-based housing subdivision such as Fox Ridge. He said they are not asking the applicant to do anything more than what they have done at other sites throughout the county. He said the following slides will show examples of what Sam's can do if they have a mind to. He said the "cookie cutter" Sam's proposed is not in keeping with the design of the upscale Fox Ridge development. He said concrete block and stucco, even when painted in earth tones, does not blend with the neighborhood. He said there are many examples where Sam's has gone beyond this and done nice architectural features with brick and natural stone facades on all sides such as Peachtree, GA; Kansas City; Florida; Lincoln, NA; Franklin, TN; Arkansas; Chandler, AZ (with other retail following the standard set by the big box). He mentioned that they were told the loading docks could not be moved; however, he referred to a picture of a Sam's in Tennessee where the docks were located on the corner which would fit in with this location. He also showed a picture of a store with the docks on the side which would avoid the big trucks coming right behind the houses which are only about 200-300 feet away from where those trucks are going to be at this location. He briefly reviewed several slides of the Fox Ridge neighborhood. He said they don't understand why the applicant can't go beyond the minimum architecturally and do what they are doing in other areas of the county. He said if they could at least do a more upscale façade it would be in keeping with Fox Ridge. He said they don't understand why they keep being told that the loading bays cannot be moved from this intrusive location when many examples can be found. He said locating the loading bays and access road where the trucks will come in closest to the existing residential property is just unacceptable. He said they ask that the Planning Commission place these expectations on the applicant.

FOSTER stated that he needed to leave for an out-of-town meeting. He said the applicant has done a good effort to meet some of the concerns of the neighbors; however, he said it appears that the traffic study is incomplete, the issue of transitional zoning is very critical on Parcel 7, the concept of increasing berm size needs to be addressed, and condition #15 related to the architecture is also critical. He said if this is to be a regional commercial center then it needs to be more like development in Hampton Lakes to the north, New Market Square and Bradley Fair in terms of the façade. He particularly mentioned the roof articulation. He said if he were able to stay, he would make a motion to defer the application until the issues are addressed.

FOSTER out @3:30 p.m.

GREG ALLISON, RESIDENT OF FOX RIDGE AND DESIGN ENGINEER FOR THE FOX RIDGE DEVELOPMENT said he has reviewed the drainage report which he believes in headed in the right direction. He said he knows the applicant will meet city guidelines. He said he does not believe they understand the drainage basin in the area and have not fully addressed compensatory storage. He

said they haven't addressed the volume and pipe size and the detention required for the development. He said he knows these issues will be addressed, but he mentioned it because he believes the drainage basins are undersized by 2 to 3 times (volume), depending on how it is handles. He said the traffic report does underestimate the building square footage. He said a CUP is planned as a unit and not subdivide it into other units later; therefore, decisions on Parcel 7 are being made today and not intended to be put off into the future. He asked the Commission to address level F service (which indicates failure) on Parcel 7 at this meeting. He said the traffic report only addresses Parcels 1 through 6 as being developed right now; however, there is no specific order on how the parcels will be developed so the Commission needs to consider that. He said the traffic study also says that in 2014 it will operate at a level D, which is a sub-standard level. He said not planning out for 20 years, which is a typical way to plan for traffic, is inappropriate. He said their driveways will affect traffic in the future along Maize Road and 29th Street. He said the site plan will change if the drainage expands and the traffic changes. He said it adds to the uncertainty of the neighbors if there is a not a realistic site plan.

BRIAN WILHITE, 3233 N. FLAT CREEK said the 18-foot berm is not an acceptable height to the majority of the homeowners. He said the residents have not been involved in the development of ideas to co-exist with the Sam's Store and their representatives have not been interested in working with the residents. He said in addition to maximizing the reserve areas within the CUP, the residents are interested in the idea of moving the building within the CUP. He referred to his residence located outside the northeast quadrant of the CUP and mentioned that when people are in the pool located 300 feet away from his deck, he can hear their conversations. He said these are factors that are not being considered. He said he purchased his home a little over a year ago and like many of the residents present at this meeting, he followed the 2030 Comprehensive Plan and put trust in it that it would be upheld. He said if he had known that 1½ years ago, he and his wife would have continued looking for somewhere else to live, a nice, safe place to raise their family. He closed by requesting that the Planning Commission deny the rezoning request.

ALDRICH asked didn't the HOA president represent the HOA at meetings with the applicant. He said the applicant can't realistically meet individually with each homeowner.

WILHITE said yes; however, he added that residents felt they needed more of a say on the application. He said there was no communication between the applicant and the residents as a whole. He said the homeowners are against the rezoning period.

JACK QUEEN, 3230 N. FLAT CREEK, VICE PRESIDENT, FOX RIDGE HOMEOWNERS ASSOCIATION said he agreed with both points of view on the issue represented by the HOA and the residents. He said there are the homeowners who are adamantly opposed to the proposed developed and want the City to follow the 2030 plan and establish local commercial at the site. He said the HOA took the position that if the neighborhood has to have the rezoning, there are certain items they want included in the development plan. He said this issue is very emotional and added that the majority of the residents present paid over $300,000 for their homes. He said a development such as is being proposed will more than likely reduce the value of their homes, which is their largest investment. He said the HOA Board was trying to get as much separation from the residents as possible to reduce the effect on the residents' lifestyle and devaluation of their properties. He mentioned the loading dock height being reduced; however, he added that a 12-foot block is not going reduce the noise much. He mentioned the total acreage of the development being reduced from 38 to 29 acres, but reminded that Commission that there is still 500,000 square feet of development so close to a residential neighborhood. He referred to a picture of the proposed berm and the wrought iron fence which will connect to the masonry fence owned by the HOA. He mentioned the berm and fence proposed on Parcel 7 said he would like to see a uniform, seamless transition between the 2 berms. He said an 18-foot berm would be preferred over the proposed 15-foot berm.

MOTION: To allow the speaker 1 more minute of speaking time.

SHEETS moved, **G. SHERMAN** seconded the motion, and it carried (11-0).

QUEEN asked staff why the 300-foot restriction for the drive-thru.

LONGNECKER responded to increase the distance between the drive-thru and abutting single-family residential development.

QUEEN said the issue of the noise and the traffic goes back to having the loading dock right next to the residences back doors, patios, and bedrooms. He asked if a drive-thru has to be 300 feet away from residential, why can't the loading dock with the semi trucks and other noise occurring all day be moved further away from the residences. He said he appreciated all the hard work that has been put into reviewing the application. He asked that before the Commission votes to please weigh the operation and ask themselves if their home was backed up to the proposed development, what their vote would be.

ALDRICH commented that he was just trying to ascertain what different groups the agent or applicant had to deal with. He said he assumed the HOA President represented the homeowners.

QUEEN said one group of residents hopes the Commission will deny the rezoning request today and the other group feels if they have to live with the proposal certain standards need to be established.

KENNY KALB, 9909 W. WESTLAKES COURT said his residence is located directly behind the proposed loading dock. He said they purchased their home 6 days before the announcement of this development. He said he was pro-business because he owns his own small business; however, he was not pro on how the applicant wants to develop this site. He mentioned the idea of increasing the berms from 15 to 18 feet, which he said he did not know if that would be enough, and commented that there was still not a "decision maker" representing Sam's at this meeting today who could make a determination on that request. He said there are other ways to do this development and mentioned detention ponds and reserves. He said he believes the Commission needs to carefully consider the restrictions they put on the development and do the right thing.

KREG GREENWOOD, 10520 W. 31ST ST. NORTH said his residence was located on the west side of Maize Road. He said most of the issues brought up at this meeting are the same concerns of the residents located on the west side of Maize Road including traffic and the dedicated turn lane from 29th to 37th Street. He mentioned entrance and exit lanes and said the applicant is going to do the minimum they have to do in order to get the proposal approved. He said there is only one way in and out for residents onto Maize Road. He said the traffic counts are inaccurate, especially during the time when school starts and lets out. He mentioned the tour of 20 Sam's locations in 3 states (Missouri, Oklahoma and Kansas) he took the Commission on at the September meeting. He said they have a "template" they follow for store development; however, they will change the template if they are asked to do so. He said part of the template is locating the sites on or within a quarter mile of highways. He said he was told a highway will be coming in to the north of the site; however, he said that could be another 10 -12 years; is 1 ½ miles away; and will run past 3 schools. He said it is 3 miles north to get to K-96 and 5 miles south to get to Kellogg. He said none of the regional traffic goes by any schools at the other 20 locations and asked if that was what Wichita really wanted to do. He asked why the City would want to create a regional draw that was 3 miles form a highway. He said what frustrates him the most is the untended consequences resulting from not "looking down the road" to the future. He said he knows there is no way to stop the development on Maize Road, but added that buffers need to be created such as churches and local commercial development. He said the depth, breadth and intensity of the opposition to this proposal has

created all of this. He said if this proposal was being located at Ridge Road and K-96, none of this conversation would be happening.

KEVIN GASKEY, 1316 GARDEN GROVE COURT, PLAIN OAK, TEXAS, KIMLEY-HORN & ASSOCIATES, ENGINEERING CONSULTANT FOR THE APPLICANT (SAM'S CLUB) said he would also like to thank staff and the homeowners for working with them on the proposal. He commented that there will be a transition from an 8-foot buffer to a 12-foot buffer between Parcel 7 and Parcel 9. He said after meeting with the homeowners on September 12, they developed a list of 13 priorities the homeowners requested including higher 15-foot berms, and moving the building 30 feet to the west (they have moved the building 80 feet to the west). He referred to the 10 items included in the letter from the HOA dated September 20 and said they believe they have accomplished the majority of those requests. However, he added, several of those requests they were not able to accommodate one of which was hours of delivery. He said they have eliminated the possibility of establishing multi-family residences on Parcel 7, which was another of the concerns expressed at the homeowners meeting. He said although the site contains 38.09 gross acres, usable acres on the site are approximately 29.4. He concluded by asking the Commission for approval of the proposed CUP.

ALDRICH asked if the applicant would be interested in consolidating the berms, raising the height of the berms to 18-foot, and changing the architectural design of the building to be compatible with the houses located in Fox Ridge.

GASKEY said the CUP contains language regarding combining the berms, but that will need to be worked out with the HOA and Sam's legal department. He referred to an aerial map of the site and mentioned storm water, irrigation and landscaping that will need to be relocated. He said if they can get those issues worked out and Sam's agrees to it, they could do that. He said the berms were originally 6 feet high, but are now 15 feet. He said they do not know how tall the berms need to be but they are in lieu of the 6 to 8-foot high masonry wall required by City Code. He said City Code requires a 5-foot conifer on top of the berms; they have provided for 10-foot conifers. He said spacing on the conifers required by City Code is 40 feet; they have spaced the trees 20 feet. He said 15 feet is the minimum height of the the berms, but added that they will be scalloped on the top so some areas may be 16-17 feet. He said 8 feet is the minimum height on the northeast and 12 feet is the minimum on Reserve A.

AYSHA MOORE-ARROYO, SHADE O'QUINN ARCHITECTS, 211 N. RECORD STREET, DALLAS, TX said the CUP states that the final design of the building will need to be approved by the Planning Director. She said they have responded to the comments they have received and provided additional articulation and breaking of the walls. She said they would have to have additional discussion with Planning Staff and Sam's on the redesign issue. She said they would have to find out exactly what "compatible with Fox Ridge" means in terms of materials, etc., along with approval of Planning Staff and Sam's.

SHEETS clarified that there can be no idling trucks within 400 feet of residential areas.

GASKEY said yes, and added that Sam's has a "no idling" policy.

SHEETS also asked about raising the loading dock wall to 14 feet.

GASKEY said it was discussed; however, there was a structural issue.

MOOR-ARROYO said they would need to work that out with the structural engineer as to the implifications of adding an additional 2 feet to the wall. She said the wall may have to be thicker which may jut into the fire lane.

SHEETS mentioned the architecture and referred to the stone used at the Fayetteville, Arkansas, location being a solution. He also mentioned as far as the drainage was concerned, the site was still subject to platting where drainage issues would be addressed.

MCKAY mentioned concerns about traffic and said he would be more comfortable if there was a stop light at 29th and Maize and between Parcel 7 and Parcel 1. He asked if the applicant would consider installing those 2 traffic lights.

GASKEY said the location at 29th and Maize was not on Sam's property so he believed the City would have to respond to that request. He said they could not even petition for the other traffic signal without warrants.

PAUL GUNZELMAN, CITY TRAFFIC ENGINEER stated that there currently was an existing traffic signal at 29th and Maize. He said as far as the location at Parcel 7 and Parcel 1, since they are private drives, it is up to the developer to pay for the signals.

G. SHERMAN asked Mr. Gunzelman to clarify the traffic report.

GUNZELMAN said the report accounted for traffic for the Sam's Club, proposed gasoline station, high turnover restaurant, 2 fast food restaurants, the specialty retail center and a 100,000 square-foot shopping center on Parcel 7.

DENNIS mentioned development of New Market Square at 21st and Maize and how the roads needed to be restructured and asked if this development would create the same type of traffic bottleneck.

GUNZELMAN said the traffic report at 21st and Maize indicated 400 vehicles southbound turning left and 500 westbound vehicles turning right. He said there were no heavy left turn indications in that report. He said this report indicates 155 southbound left turns at 29th and Maize during peak hours, which is within the single-left turn lane.

DENNIS clarified then in 2 years after the store is open, they City won't be in the same position as with 21st and Maize.

GUNZELMAN responded with the traffic projections provided in the traffic study that is correct.

FARNEY clarified that the City cannot compel the applicant to put a signal at Parcel 7 and Parcel 1 until traffic counts warrant it.

GUNZELMAN said the City can get a petition for a future signal when traffic volumes are met. He said level of service impacted is the left turn from the drive.

DENNIS asked Mr. Gaskey if he was a decision maker for the applicant.

GASKEY said that depended on what the question was.

DENNIS said if the Commission votes to approve the application with conditions on berms, wall height, changes in delivery times and trash pickup and further restrictions on Parcel 7 could he say whether or not the applicant would agree to them.

GASKEY said he could not respond to delivery hours, but he could respond to height of the berms.

JEFF RYAN, SAM'S CLUB, 3902 SOUTHWEST RIDGEWAY STREET, BENTONVILLE, AR commented that he represented Sam's interests in the State of Kansas. He said this was a multi-million dollar project. He said if walls or other items are moved, it changes everything on the whole plat which needs to be looked at by Sam's engineers, architects, legal department, construction manager's and home office, etc. He said although they may not be able to provide specific answers they can get back with an answer reasonably soon. He said they have listened to everyone's concerns and they have addressed those concerns.

DENNIS commented that the applicant was requesting that the Planning Commission make a decision today; however, the Commission may want to put stipulations on any decision. He asked how they can make a motion without knowing if the applicant will agree.

RYAN said they have been working with City Planning Staff on the stipulations they thought would be addressed at today's meeting.

MITCHELL commented that a claim has been made that this application is not in compliance with the Comprehensive Plan. He said although the Plan is out of date, he has not been able to differentiate between commercial ventures, retail, normal commercial ventures and regional commercial operations. He said there is a vast differences on the impact those ventures make. He said he believes this is the wrong location for a Sam's. He referenced the information provided on the locations of Sam's in other states. He said he believes there are better locations in this area of Wichita for a regional draw store of this kind. He said he does not know why they need 39 acres to develop the store and feels they are developing something to "patch in" to pay for their investment in the land at this location. He said he cannot support the application.

G. SHERMAN commented that this is one of the toughest cases he has every heard as a Planning Commissioner. He said it is made tougher by the fact that he believes representatives from Sam's have done a good job of listening to the neighbors' concerns. He mentioned the expression that was brought up at the last meeting "trying to fit a square peg into a round hole" and said he thinks a regional draw does not belong at this intersection. He said he applauds the applicant's efforts and said maybe they can get the proposal where it needs to be.

WARREN said sometimes people make things more complicated than they need to be. He said a store is a store whether it is called regional, local or mom and pop depending on how big it is and how much traffic it has. He said he believes the plan the applicant has come up with addresses concerns such as safety and traffic and they have listened to the neighborhood and gone way beyond what the Commission would expect with berms and separations. He mentioned that while on the Derby City Council he voted to approve the water park, even though his home backed up to the property. He said the noise from the park is not as bad as traffic on the interstate and a train track that is 1½ miles away. He said when you live in a City, City's have noise. He said he would like to see an upscale façade at the location.

MOTION: To approve subject to staff recommendation.

WARREN moved, **SHEETS** seconded the motion.

MILLER commented that regarding the architectural compatibility, staff provided the standard language about sharing uniform architectural character, color and texture so if the Commission is looking for something else such as brick or masonry or referencing the facades from one of the other Sam's stores staff would appreciate any direction.

DENNIS said he would prefer that the motion included reference to a more upscale façade and a 14-foot wall by the loading dock if the motion maker is interested in amending his motion.

WARREN said he would be open to amendments and additions to the motion.

JOHNSON said he agreed with including the condition of the upscale façade; however, he said he would prefer a taller berm (18 feet) rather than a taller wall at the loading dock.

SHEETS requested that there be some type of stone on the front façade that would tie into the design of the residential area such as was used at the Fayetteville, Arkansas, Sam's.

LONGNECKER mentioned that that there are pictures which give clear examples of stone facades at Sam's in Lincoln, Nebraska and Fayetteville, Arkansas.

WATKINS said they would prefer the brick and stone on all sides, not just the front façade.

WARREN said with an 18-foot berm the residents will not see the rear façade.

WATKINS disagreed.

SHEETS referenced the Sam's at Fayetteville, Arkansas, and asked that the front façade be similar.

WARREN agreed to amend the motion to include the comment about the front façade and the addition of 15-foot berm along the east wall.

MILLER STEVENS said there has been a lot of discussion and compromise; however, she feels more could have been done. She said she is not interested in designing a Sam's today.

> **SUBSTITUTE MOTION:** To deny the application.
>
> **MILLER STEVENS** moved, **MITCHELL** seconded the motion and it failed (2-8). **ALDRICH, DENNIS, FARNEY, JOHNSON, MCKAY, SHEETS, G. SHERMAN** and **WARREN.**

DIRECTOR SCHLEGEL asked if there was a condition for a petition when a traffic light was warranted in the Staff Report.

LONGNECKER responded no; however, he said that could be added as a condition. In addition, he mentioned that the petition for the signals can be presented during the plating process.

GASKEY requested clarification that the minimum height of the berm went from 15 feet to 18 feet. He requested that the motion be amended to say a minimum of 15 feet up to 18 feet in height.

There was further discussion regarding the height of the berms.

DENNIS said he agreed with Commissioner Miller Stevens; the Commission should not be designing a Sam's club at today's meeting; that is not their job. He said he is disappointed in the process and thought this would have gone a lot smoother if Sam's had brought a representative who could have made some decisions to the meeting with the home owners in October.

G. SHERMAN asked about the possibility of deferring the application for a few weeks. He commented that the homeowners themselves are in disagreement.

MILLER STEVENS commented that the homeowners do not want this zone change. She said the homeowners association commented "if they have to" as a proviso. She said the neighbors see this as not compatible with the neighborhood that they have developed, built and bought into. She said she feels the Commission has lost sight of what they need to do, which is evaluate if the zoning that has been requested is appropriate for this neighborhood.

DENNIS clarified amendments to the motion as follows: to add a petition that the applicant pay for the traffic signal when it is warranted; the addition of an upscale façade like, Franklin, Tennessee, or Fayetteville, Arkansas; and a minimum of 15-foot undulating berms. He asked if the berms were all the way around the site.

WARREN said he would be willing to amend the motion to require 16-foot berms with 18-foot maximums.

SHEETS agreed with the amendment on the berms.

THE ORIGINAL MOTION, as amended, carried (7-3). **MILLER STEVENS, MITCHELL** and **G. SHERMAN** – No.

City of Wichita
City Council Meeting
December 4, 2012

TO: Mayor and City Council Members

SUBJECT: Procedure for Filling Vacancy in City Council District IV

INITIATED BY: City Council

AGENDA: City Council

Recommendation: Initiate the vacancy procedure.

Background: On November 21, 2012, Michael O'Donnell announced his resignation, effective December 31, 2012, as City Council member for City Council District IV because he was elected to the Kansas Senate. It is now necessary for the City Council to set in motion the procedure for filling the vacant position in City Council District IV.

Analysis: Section 2.04.040 of the City Code provides the following steps for filling the vacancy:

- The City Council announces the Notice of Vacancy in District IV.
- The City Council announces that petitions by candidates to fill the vacancy must be filed with the City Clerk within three weeks unless a time certain is otherwise indicated by the City Council.
- The City Council also designates the District Advisory Board for Council District IV as the appropriate group to conduct a public forum to screen the candidates.
- The District Advisory Board for District IV shall, within seven days following the petition deadline set by the City Council, hold a forum open to the public to screen all candidates who filed a lawful petition for candidacy.
- At the conclusion of the public forum, the District Advisory Board for District IV shall, by majority vote of the members present, nominate not less than four and not more than five candidates for the City Council to consider. If less than four candidates have filed a lawful petition for candidacy, all shall be publicly considered, and all forwarded to the governing body for consideration.
- At the next regular meeting of the City Council following the nomination, at which all of the remaining Council members are present, the remaining Council members shall elect by written ballot from those nominated a new member to fill the vacancy in City Council District IV for a temporary term of office ending on April 9, 2013, and allowing the remaining unexpired two-year term of office to be filled by the voters in the April 2, 2013 election, and such election to the temporary term of office ending on April 9, 2013 shall require a majority vote (four votes).

Financial Considerations: There are no financial considerations.

Legal Considerations: The City Council has the authority to follow the vacancy ordinance procedure or temporarily suspend the vacancy procedure set by City Ordinance, allowing the selection process to be triggered by acceptance of the coming vacancy, rather than waiting for actual vacancy in order to expedite the procedure.

Recommendations/Actions: Initiate the vacancy procedure as set out in the City Code, or temporarily suspend the ordinance in order to expedite the procedure.

1. Consider motion to temporarily suspend the vacancy rules of procedure in Section 2.04.040 of the City Code for the purpose of filling the vacancy in City Council District IV in an expedited manner for a temporary term of office ending on April 9, 2013, and allowing the remaining unexpired two-year term of office to be filled by the voters in the April 2, 2013 general election. ***(Requires unanimous vote)***

   Motions to initiate the procedure ***(Requires 4 votes).*** I move that:

2. The City Council hereby announces the Notice of Vacancy for the position of City Council Member for District IV, because of the resignation of City Council Member Michael O'Donnell that is effective as of December 31, 2012.

3. Set (date) _____, 2012, at noon, as the deadline for candidate petitions to be filed with the City Clerk of the City of Wichita,

4. Designate the District Advisory Board for City Council District Number IV to conduct a public forum after the above candidate petition deadline to screen all candidates who file a lawful petition for candidacy and forward to the City Council in writing the names of the candidates nominated in alphabetical order, and

5. Set (date) December ___, 2012 for interviews of the candidates by City Council members;

6. All other procedures for filing for the vacant position and filling the vacancy will be in accordance with City Code Section 2.04.040, unless otherwise designated by the City Council.

Wichita, Kansas
November 26, 2012
10:00 a.m., Monday
Conference Room, 12th Floor

MINUTES - BOARD OF BIDS AND CONTRACTS*

The Board of Bids and Contracts met with Marty Strayer, Administrative Assistant , Public Works Engineering in the Chair; Fanny Chan, Senior Accountant, Finance, representing the Director of Finance, Troy Tillotson, Budget Analyst, Budget Office, Clarence Rose, Senior Buyer, Purchasing , representing Purchasing, Jason Earl, Management Fellow, representing the City Manager's Office, and Janis Edwards, Deputy City Clerk, present.

Minutes of the regular meeting dated, November 19, 2012, were read and on motion approved.

Bids were opened on November 16, 2012, pursuant to advertisements published on:

INFORMATION TECHNOLOGY/INFORMATION SERVICES: Digital Video Recorder Equipment.

Defer one week

PUBLIC WORKS FLEET AND FACILITIES/STORM WATER: Van with TV Inspection System.

Group 1 – Defer one week

The Purchasing Division recommended that the contracts be deferred as outlined above, same being the lowest and best bid.

On motion the Board recommended that the contracts be deferred as outlined above, same being the lowest and best bid.

On motion the Board of Bids adjourned.

Marty Strayer, Administrative Assistant
Department of Public Works

Janis Edwards, CMC
Deputy City Clerk

Wichita, Kansas
December 3, 2012
10:00 a.m., Monday
Conference Room, 12th Floor

MINUTES - BOARD OF BIDS AND CONTRACTS*

The Board of Bids and Contracts met with Marty Strayer, Administrative Assistant , Public Works Engineering in the Chair; Fanny Chan, Senior Accountant, Finance, representing the Director of Finance, Elizabeth Goltry-Wadle, Budget Analyst, Budget Office, Clarence Rose, Senior Buyer, Purchasing , representing Purchasing, Jason Earl, Management Fellow, representing the City Manager's Office, and Janis Edwards, Deputy City Clerk, present.

Minutes of the regular meeting dated, November 26, 2012, were read and on motion approved.

Bids were opened on November 30, 2012, pursuant to advertisements published on:

2012 Sanitary Sewer Reconstruction Phase 9 (north of Harry, west of Woodlawn) (468-84854/620607/662021) Traffic to be maintained during construction using flagpersons and barricades. (District III)

WB Carter d/b/a Stannard Construction - $59,463.00

127th Street East from the north line of Woodspring, north to the north line of 27th Street North to serve Woods North 3rd Addition (south of 29th Street North, west of 127th Street East) (472-84654/766282/490299) does not affect existing traffic. (District II)

Lafarge North America - $165,499.75

Broadway Bridge replacement (Broadway Street at 34th Street South) 472-84965/715727/636266

Defer one week

The Purchasing Manager recommended that the contracts be awarded/deferred as outlined above, subject to check, same being the lowest and best bids within the Engineer's construction estimate.

On motion the Board recommended that the contracts be awarded/deferred as outlined above, subject to check, same being the lowest and best bids within the Engineer's construction estimate.

PUBLIC WORKS AND UTILITIES DEPARTMENT/FLEET AND FACILITIES: Sedans, Sport Utility, Pickup Trucks.

Don Hattan Chevrolet Inc.* - Group 1, 2, 3, 7, 8, 9 and All Options
Rusty Eck Ford * - Group 5 and 6 and All Options
- Group 4 no bids
*refer to attachments

INFORMATION TECHNOLOGY/INFORMATION SERVICES: Digital Video Recorder Equipment.

Sandifer Engineering and Controls Inc. - $43,398.36

PUBLIC WORKS AND UTILITIES DEPARTMENT/STORMWATER DIVISION: Van with TV Inspection System.

Vac-Con Services, Inc. - $210,000.00 Group 1 Base Bid
< $26,000.00> Group 1 Option 1- Deduct

PUBLIC WORKS AND UTILITIES DEPARTMENT/SEWER MAINTENANCE DIVISION: 25, 000 GVW Truck with/contractor body.

Roberts Truck Center LTD* - $77,838.00 Base Bid
$4,180.00 Option 1
$810.00 Option 2
$863.00 Option 3
Included Option 4
$1,025.00 Option 6

*Award redirected – Refer to attachments

The Purchasing Division recommended that the contracts be awarded as outlined above, same being the lowest and best bid.

On motion the Board recommended that the contracts be awarded as outlined above, same being the lowest and best bid.

On motion the Board of Bids adjourned.

Marty Strayer, Administrative Assistant
Department of Public Works

Janis Edwards, CMC
Deputy City Clerk

EXHIBIT A

FORMAL BID REPORT

TO: Robert Layton, City Manager
DATE: December 3, 2012

ENGINEERING BIDS – GARY JANZEN, CITY ENGINEER

November 30, 2012

2012 Sanitary Sewer Reconstruction Phase 9 (north of Harry, west of Woodlawn) – Public Works & Utilities Department/Engineering Division
W. B. Carter dba Stannard Construction **$59,463.00**

127th Street East (Rebid) (south of 29th Street North, west of 127th Street East) – Public Works & Utilities Department/Engineering Division
Lafarge North America **$165,499.75**

Broadway Bridge Replacement (Broadway Street at 34th Street South) – Public Works & Utilities Department/Engineering Division **(Defer to December 10, 2012)(Pending KDOT Approval)**

PURCHASING BIDS – MELINDA A. WALKER, PURCHASING MANAGER

November 16, 2012

Digital Video Recorder Equipment – Information Technology/Information Services Department
(Defer to December 3, 2012)

Hi-Cube Van with Storm Water TV Inspection System and 12,500 GVW Box Van with TV Inspection System – Public Works & Utilities Department/Stormwater Division
Group 1 (Defer to December 3, 2012)

November 30, 2012

Sedans, Sport Utility, Cargo Vans and Pickup Trucks – Public Works & Utilities Department/Fleet & Facilities Division (See Exhibit B for Itemized Pricing in the Formal Bid Report)

Don Hattan Chevrolet, Inc.	**Groups 1, 2, 3, 7, 8, 9 and All Options**	
	Group 4 (No Bids Received)	
Rusty Eck Ford, Inc.	**Groups 5 & 6 and All Options**	

Digital Video Recorder Equipment – Information Technology/Information Services Department
Sandifer Engineering & Controls, Inc. **(Deferred from November 26, 2012)** **$43,398.36**

Hi-Cube Van with Storm Water TV Inspection System and 12,500 GVW Box Van with TV Inspection System – Public Works & Utilities Department/Stormwater Division (Deferred from November 26, 2012)

Group 1 Base Bid	**$210,000.00**
Group 1 Option 1 (Deduct)(Per Each)	**<$26,000.00>**

25,500 GVW Cab & Chassis with Contractor Body & Bulkhead – Public Works & Utilities Department/Sewer Maintenance Division (Re-Direct Award)

Roberts Truck Center, Ltd.	**Base Bid**	**$77,838.00**
	Option 1 (Add)(Per Each)	**$4,180.00**
	Option 2 (Add) (Per Each)	**$810.00**
	Option 3 (Add)(Per Each)	**$863.00**
	Option 4	**Included**
	Option 6 (Add) (Per Each)	**$1,025.00**

ITEMS TO BE PURCHASED AS ADVERTISED IN THE OFFICIAL CITY NEWSPAPER.

Melinda A Walker

Melinda A. Walker
Purchasing Manager

SANITARY SEWER BID TABULATION SUMMARY

BOARD OF BIDS - November 30, 2012

RQ#241107

FB#240192		Engineer's Construction Estimate	Dondlinger & Sons	Duling Construction	Mies Construction
2012 Sanitary Sewer Reconstruction Phase 9		$109,587.00			
(north of Harry, west of Woodlawn)	BID BOND				
468-84854	ADDENDA	0			
(620607)					
		Engineer's Construction Estimate	McCullough Excavation	Nowak Construction	Utilities Plus
2012 Sanitary Sewer Reconstruction Phase 9		$109,587.00			
(north of Harry, west of Woodlawn)	BID BOND				
468-84854	ADDENDA	0			
(620607)					
		Engineer's Construction Estimate	Wildcat Construction	WB Carter d/b/a Stannard Construction	
2012 Sanitary Sewer Reconstruction Phase 9		$109,587.00	$65,642.30	$59,463.00	
(north of Harry, west of Woodlawn)	BID BOND			X	
468-84854	ADDENDA	0			
(620607)					
		Engineer's Construction Estimate	Danco Enterprises	Wichita Excavation	
2012 Sanitary Sewer Reconstruction Phase 9		$109,587.00	$87,980.00	$59,869.00	
(north of Harry, west of Woodlawn)	BID BOND		X	X	
468-84854	ADDENDA	0			
(620607)					

CHECKED BY: KD

REVIEWED BY: [illegible]

PAVING BID TABULATION SUMMARY

BOARD OF BIDS - November 30, 2012

RQ#240647

FB#240191		Engineer's Construction Estimate	APAC - Kansas Inc	Barkley Construction	Cornejo & Sons, LLC
127th Street East (REBID)		$181,398.00			
(south of 29th Street North, west of 127th Street East)	BID BOND				
	ADDENDA	2			
472-84654 (766282)					
		Engineer's Construction Estimate	Dondlinger & Sons	Kansas Paving Company	Lafarge North America
127th Street East (REBID)		$181,398.00		$176,392.00	$165,499.75
(south of 29th Street North, west of 127th Street East)	BID BOND				
	ADDENDA	2			
472-84654 (766282)					
		Engineer's Construction Estimate			
127th Street East (REBID)		$181,398.00			
(south of 29th Street North, west of 127th Street East)	BID BOND				
	ADDENDA	2			
472-84654 (766282)					
		Engineer's Construction Estimate			
127th Street East (REBID)		$181,398.00			
(south of 29th Street North, west of 127th Street East)	BID BOND				
	ADDENDA	2			
472-84654 (766282)					

CHECKED BY: KD

REVIEWED BY: KM

PAVING BID TABULATION SUMMARY

BOARD OF BIDS - November 16, 2012

RQ#240986/240987

FB#240175		Engineer's Construction Estimate	APAC - Kansas Inc	Cornejo & Sons, LLC	Kansas Paving Company
Broadway Bridge Replacement					
(Broadway Street at 34th Street	BID BOND				
South)	ADDENDA	3			
472-84965 (715727/636266)					
		Engineer's Construction Estimate	Lafarge North America	Central Paving	Dondlinger & Sons
Broadway Bridge Replacement					$12,121,223.93
(Broadway Street at 34th Street	BID BOND				x
South)	ADDENDA	3			x
472-84965 (715727/636266)					
		Engineer's Construction Estimate	Barkley Construction	Wildcat Costruction	United Contractors
Broadway Bridge Replacement				$13,333,333.33	$11,907,078.85
(Broadway Street at 34th Street	BID BOND			X	x
South)	ADDENDA	3			x
472-84965 (715727/636266)					
		Engineer's Construction Estimate			
Broadway Bridge Replacement					
(Broadway Street at 34th Street	BID BOND				
South)	ADDENDA	3			
472-84965 (715727/636266)					
DEFER 1 WEEK PENDING KDOT APPROVAL					

CHECKED BY: _____

REVIEWED BY: _____

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Registration Solicitations Document Inquiry Login Help

Bid Results

This page summarizes vendor responses by the bid total. Awarded vendors will be notified of their respective purchase orders/contracts.

Vendor Group Line

Solicitation: FB240173 Digital Video Recorder Equipment

Close Date/Time: 11/9/2012 10:00 AM CST

Solicitation Type: Formal Bid

Award Method: Aggregate Cost

Department: Information Tech/Info Services

Return to the Bid List

Responses: 12

Vendors	Complete	Bid Total	City Comments
NEW ENGLAND FIRE SERVICE	Complete	$37,613.78	Defer to 12/3/12, Information Technology/Information Services
INTERNATIONAL SYSTEMS OF AMERICA, LLC	Complete	$43,066.32	
SANDIFER ENGINEERING & CONTROLS INC	Complete	$43,398.36	
APRISA TECHNOLOGY LLC.	Complete	$44,878.00	
ANIXTER INC	Complete	$45,261.88	
SIMPLEX GRINNELL LP	Complete	$48,170.00	
C & C SALES INC dba C & C GROUP	Complete	$48,983.05	
MISSION ELECTRONICS OF WICHITA	Complete	$52,750.00	
VOICE PRODUCTS INC	Complete	$53,900.00	
GATEWAY WIRELESS SERVICES LC	Complete	$55,489.71	
MCCLELLAND SOUND INC	Complete	$56,207.40	
ZALMEN REISS & ASSOCIATES	In-Complete	$0.00	

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Bid Results

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This page summarizes vendor responses by the bid total. Awarded vendors will be notified of their respective purchase orders/contracts.

Vendor	Group	Line
Solicitation: FB240174		Van with TV Inspection System

Close Date/Time: 11/9/2012 10:00 AM CST

Solicitation Type: Formal Bid

Award Method: Group

Department: Public Works Fleet & Facilities

Return to the Bid List

Responses: 3

Vendors	Complete	Bid Total	City Comments
MAYER EQUIPMENT & SUPPLY LLC	Complete	$368,787.00	Public Works & Utilities Dept./Stormwater & Sewer Maintenance Division
VAC-CON SERVICES, INC	Complete	$444,000.00	Defer to 12-3-12 Group 1
RAPIDVIEW LLC	Partial	$291,091.00	Reject All Bids 11-20-12 Group 2

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Bid Results

This page summarizes bids by the totals for each group listed on the solicitation.

Vendor Group Line

Solicitation: **FB240174** Van with TV Inspection System

Close Date/Time: 11/9/2012 10:00 AM CST

Solicitation Type: **Formal Bid**

Award Method: **Group**

Department: **Public Works Fleet & Facilities**

Go to: 1

Return to the Bid List

Responses: 3

Group 1

Vendors	Complete	Group Total Net Bid
VAC-CON SERVICES, INC	Complete	$210,000.00
MAYER EQUIPMENT & SUPPLY LLC	Complete	$226,691.00
RAPIDVIEW LLC	In-Complete	$0.00

Group 1: Option 1

Vendors	Complete	Group Total Net Bid
VAC-CON SERVICES, INC	Complete	($26,000.00)
MAYER EQUIPMENT & SUPPLY LLC	Complete	($10,000.00)
RAPIDVIEW LLC	In-Complete	$0.00

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Group 2

Vendors	Complete	Group Total Net Bid
MAYER EQUIPMENT & SUPPLY LLC	Complete	$154,596.00
VAC-CON SERVICES, INC	Complete	$270,000.00
RAPIDVIEW LLC	Complete	$298,591.00

Group 2: Option 1

Vendors	Complete	Group Total Net Bid
VAC-CON SERVICES, INC	Complete	($10,000.00)
RAPIDVIEW LLC	Complete	($7,500.00)
MAYER EQUIPMENT & SUPPLY LLC	Complete	($2,500.00)

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Bid Results

Registration Solicitations Document Inquiry Login Help

This page summarizes vendor responses by the bid total. Awarded vendors will be notified of their respective purchase orders/contracts.

Vendor Group Line

Solicitation: **FB240187** Sedans, Sport Utility, Pickup Trucks

Close Date/Time: 11/30/2012 10:00 AM CST

Solicitation Type: **Formal Bid**

Award Method: **Group**

Department: **Public Works & Utilities**

Return to the Bid List

Responses: 3

Vendors	Complete	Bid Total	City Comments
DAVIS-MOORE LINCOLN/MERCURY	Partial	$255,587.12	Group 4 No Bids
RUSTY ECK FORD INC	Partial	$267,553.00	Award 12/04/12 Group 5 & 6 and all options, PW&U Dept./Fleet & Facilities Division
DON HATTAN CHEVROLET INC	Partial	$822,148.00	Award 12/04/12 Group 1,2,3,7,8,9 and all options, PW&U Dept./Fleet & Facilities Division

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Registration Solicitations Document Inquiry Login Help

Bid Results

This page summarizes vendor bids by the extended cost for each commodity line on the solicitation.

Vendor Group Line

Solicitation: FB240187 Sedans, Sport Utility, Pickup Trucks

Close Date/Time: 11/30/2012 10:00 AM CST

Solicitation Type: Formal Bid

Award Method: Group

Department: Public Works & Utilities

Go to: 001

Return to the Bid List

Responses: 3

Line 001 GROUP 1 New Current Model Full Size Sedan Four (4) door Manufacturer _____ Model

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC	12	Each	$20,800.0000	$249,600.00	Complete	Chevrolet Impala 9C3 Detective
DAVIS-MOORE LINCOLN/MERCURY	12	Each	$21,234.7600	$254,817.12	Complete	Chevrolet, Impala, silver, black, red, gray
RUSTY ECK FORD INC					No Bid.	

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Line 002 GROUP 1 - OPTION #1 Other Factory Standard Colors

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC	1	Each	$1.0000	$1.00	Complete	Red,White,Black,Gray and Silver
RUSTY ECK FORD INC					No Bid.	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 003 GROUP 1 - OPTION #2 Headlamp and Tail Lamp Flashing System

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DAVIS-MOORE LINCOLN/MERCURY	1	Each	$250.8000	$250.80	Complete	
DON HATTAN CHEVROLET INC	1	Each	$400.0000	$400.00	Complete	
RUSTY ECK FORD INC					No Bid.	

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Line 004 GROUP 1 - OPTION #3 Left Side "A" Pillar Spot Lamp

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DAVIS-MOORE LINCOLN/MERCURY	1	Each	$79.2000	$79.20	Complete	
DON HATTAN CHEVROLET INC	1	Each	$325.0000	$325.00	Complete	
RUSTY ECK FORD INC					No Bid.	

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Line 005 GROUP 1 - OPTION #4 Grille Lamps and Siren Speaker Wiring

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DAVIS-MOORE LINCOLN/MERCURY	1	Each	$30.8000	$30.80	Complete	
DON HATTAN CHEVROLET INC	1	Each	$100.0000	$100.00	Complete	

RUSTY ECK FORD INC — No Bid.

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Line 006 GROUP 1 - OPTION #5 Horn/Siren Circuit Wiring

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC	1	Each	$45.0000	$45.00	Complete	
DAVIS-MOORE LINCOLN/MERCURY	1	Each	$79.2000	$79.20	Complete	
RUSTY ECK FORD INC					No Bid.	

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Line 007 GROUP 1 - OPTION #6 Inoperable Inside Rear Door Handles Locks and Window Switches

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC	1	Each	$100.0000	$100.00	Complete	
RUSTY ECK FORD INC					No Bid.	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 008 GROUP 1 - OPTION #7 Fleet Key

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC	1	Each	$25.0000	$25.00	Complete	
RUSTY ECK FORD INC					No Bid.	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 009 GROUP 1 - OPTION #8 Ignition Controlled Trunk Release

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC	1	Each	$25.0000	$25.00	Complete	
RUSTY ECK FORD INC					No Bid.	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 010 GROUP 2 New Current Model 2WD Sport Utility Vehicle GVW 6,700 Manufacturer _____ Model _____

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC	5	Each	$28,400.0000	$142,000.00	Complete	Chevrolet Tahoe
RUSTY ECK FORD INC					No Bid.	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 011 GROUP 2 - OPTION #1 Left Hand Spot Light

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DAVIS-MOORE LINCOLN/MERCURY	1	Each	$330.0000	$330.00	Complete	
DON HATTAN CHEVROLET INC	1	Each	$425.0000	$425.00	Complete	
RUSTY ECK FORD INC					No Bid.	

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Line 012 GROUP 2 - OPTION #2 Four Wheel Drive on Non Police Package Only

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC	1	Each	$4,000.0000	$4,000.00	Complete	

RUSTY ECK FORD INC					No Bid.	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 013 GROUP 2 - OPTION #3 LED Hideway Lights in Headlights and Rear Turn Lights. LED lights shall be amber in color

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC	1	Each	$1,250.0000	$1,250.00	Complete	
RUSTY ECK FORD INC					No Bid.	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 014 GROUP 2 - OPTION #4 Both Front Fenders, Hood, Bumpers and Rear Section Shall be Painted Black, All Four Doors and Roof Shall be Painted White.

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC	1	Each	$4,250.0000	$4,250.00	Complete	
RUSTY ECK FORD INC					No Bid.	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 015 GROUP 2 - OPTION #5 Fleet Key, Vehicles Shall be Keyed Alike

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC	1	Each	$25.0000	$25.00	Complete	
RUSTY ECK FORD INC					No Bid.	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 016 GROUP 2 - OPTION #6 Police Package. If this option is taken, then vehicle must be equipped with power doors locks. rear door lock inoperative (only open from the outside, Front recovery hooks, and be two tone in color, (black and white with front and rear side doors and roof to be paited white)

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC	1	Each	$3,750.0000	$3,750.00	Complete	
RUSTY ECK FORD INC					No Bid.	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 017 GROUP 2 - OPTION #7 Underbody Skid Plate Running From Behind Front Bumper to First Cross Member

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC	1	Each	$145.0000	$145.00	Complete	Std on PPV option on 4WD only
RUSTY ECK FORD INC					No Bid.	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 018 GROUP 2 - OPTION #8 Wiring for Horn/Siren Circuit

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC	1	Each	$35.0000	$35.00	Complete	
RUSTY ECK FORD INC					No Bid.	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 019 GROUP 2 - OPTION #9 Wiring for Grille Lamps and Speaker

EXHIBIT B

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC	1	Each	$95.0000	$95.00	Complete	
RUSTY ECK FORD INC					No Bid.	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 020 GROUP 2 - OPTION #10 Flasher System Headlamp and Tail Lamp

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC	1	Each	$450.0000	$450.00	Complete	
RUSTY ECK FORD INC					No Bid.	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 021 GROUP 3 New Current Model Cargo Van Manufacturer _____ Model _____

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC	2	Each	$25,700.0000	$51,400.00	Complete	Chevrolet Express 3500 Ext Cargo Van
RUSTY ECK FORD INC					No Bid.	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 022 GROUP 3 - OPTION #1 Rear Doors to be Solid, No Windows

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC	1	Each	($100.0000)	($100.00)	Complete	
RUSTY ECK FORD INC					No Bid.	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 023 GROUP 3 - OPTION #2 Two Front and Two Rear Strobe Bulbs Installed in Front Marker Lights and Rear Tailight Lenses Wired to a Single Switch in Cab Within Operators Reach. Amber LED lights

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC	1	Each	$1,250.0000	$1,250.00	Complete	
RUSTY ECK FORD INC					No Bid.	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 024 GROUP 3 - OPTION #3 Running Boards

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC	1	Each	$1,100.0000	$1,100.00	Complete	
RUSTY ECK FORD INC					No Bid.	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 025 GROUP 3 - OPTION #4 Cloth Electrically Operated Driver's Seat

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC	1	Each	$400.0000	$400.00	Complete	
RUSTY ECK FORD INC					No Bid.	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

EXHIBIT B

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Line 026 GROUP 3 - OPTION #5 Rear Step Mounted to Frame Rails

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC	1	Each	$650.0000	$650.00	Complete	
RUSTY ECK FORD INC					No Bid.	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 027 GROUP 3 - OPTION #6 Security Screen Package

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC	1	Each	$750.0000	$750.00	Complete	
RUSTY ECK FORD INC					No Bid.	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 028 GROUP 3 - OPTION #7 Vans to be Equipped with L.E.D. Police Pursuit Style Light Bar Model SL8RRBBKHP-54 with CEN COM Siren 100 Watt Speaker from Whelen Engineering (860)526-0684

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC	1	Each	$4,250.0000	$4,250.00	Complete	
RUSTY ECK FORD INC					No Bid.	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 029 GROUP 3 - OPTION #8 The Installation of the PVT 100 VA6 Modular Prisoner Transport Insert from Mavron Inc. 1-800-551-1498

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC	1	Each	$12,500.0000	$12,500.00	Complete	
RUSTY ECK FORD INC					No Bid.	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 030 GROUP 4 New Current Model Regular Cab 2WD Compact Size Truck Manufacturer _____ Model _____

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC				No Bid.		
RUSTY ECK FORD INC				No Bid.		
DAVIS-MOORE LINCOLN/MERCURY				No Bid.		

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Line 031 GROUP 4 - OPTION #1 Towing Package with Heavy Duty Receiver Hitch (Tow Package to Include 7 Pin Trailer Plug Wired to the Rear of the Vehicle) Includes Trailer Brakes

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC				No Bid.		
RUSTY ECK FORD INC				No Bid.		
DAVIS-MOORE LINCOLN/MERCURY				No Bid.		

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Line 032 GROUP 4 - OPTION #2 Four Wheel Drive with Electronic Touch Control

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC				No Bid.		
RUSTY ECK FORD INC				No Bid.		

EXHIBIT B

DAVIS-MOORE LINCOLN/MERCURY	No Bid.

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Line 033 GROUP 4 - OPTION #3 Extended Cab

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC				No Bid.		
RUSTY ECK FORD INC				No Bid.		
DAVIS-MOORE LINCOLN/MERCURY				No Bid.		

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Line 034 GROUP 4 - OPTION #4 Crew Cab

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC				No Bid.		
RUSTY ECK FORD INC				No Bid.		
DAVIS-MOORE LINCOLN/MERCURY				No Bid.		

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Line 035 GROUP 4 - OPTION #5 Multiple Factory Standard Colors with Clear Coat

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC				No Bid.		
RUSTY ECK FORD INC				No Bid.		
DAVIS-MOORE LINCOLN/MERCURY				No Bid.		

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Line 036 GROUP 4 - OPTION #6 3.7 Liter Engine

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC				No Bid.		
RUSTY ECK FORD INC				No Bid.		
DAVIS-MOORE LINCOLN/MERCURY				No Bid.		

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Line 037 GROUP 4 -OPTION #7 LED Hideway Strobes in Headlight and Tail Light Housings

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC				No Bid.		
RUSTY ECK FORD INC				No Bid.		
DAVIS-MOORE LINCOLN/MERCURY				No Bid.		

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Line 038 GROUP 4 - OPTION #8 Lockable Bed Cap

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC				No Bid.		
RUSTY ECK FORD INC				No Bid.		
DAVIS-MOORE LINCOLN/MERCURY				No Bid.		

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Line 039 GROUP 4 - OPTION #9 Topper with Side and Rear Flip Open Windows

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC				No Bid.		
RUSTY ECK FORD INC				No Bid.		
DAVIS-MOORE LINCOLN/MERCURY				No Bid.		

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Line 040 GROUP 4 - OPTION #10 Bed to be Line X Below the Rails

Extended

EXHIBIT B

Vendors	QTY	UOM	Price	Cost	Complete	Comments
DON HATTAN CHEVROLET INC				No Bid.		
RUSTY ECK FORD INC				No Bid.		
DAVIS-MOORE LINCOLN/MERCURY				No Bid.		

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Line 041 GROUP 5 - FLEET New Current Model Two Wheel Drive, 6400 GVW Regular Cab, Eight Foot Bed Pickup Truck Manufacturer _____ Model _____

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
RUSTY ECK FORD INC	5	Each	$18,677.0000	$93,385.00	Complete	
DON HATTAN CHEVROLET INC	5	Each	$19,800.0000	$99,000.00	Complete	Chevrolet 1500 Reg Cab longbed
DAVIS-MOORE LINCOLN/MERCURY				No Bid.		

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Line 042 GROUP 5 - OPTION #1 Extended Cab with a Standard Six Foot Minimum Bed

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC	1	Each	$1,700.0000	$1,700.00	Complete	
RUSTY ECK FORD INC	1	Each	$2,397.0000	$2,397.00	Complete	
DAVIS-MOORE LINCOLN/MERCURY				No Bid.		

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Line 043 GROUP 5 - OPTION #2 Extended Cab with a Standard Eight Foot Minimum Bed

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
RUSTY ECK FORD INC	1	Each	$1,847.0000	$1,847.00	Complete	
DON HATTAN CHEVROLET INC	1	Each	$2,200.0000	$2,200.00	Complete	
DAVIS-MOORE LINCOLN/MERCURY				No Bid.		

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Line 044 GROUP 5 - OPTION #3 Crew Cab with a Standard 5 1/2 Minimum Foot Bed

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC	1	Each	$3,900.0000	$3,900.00	Complete	
RUSTY ECK FORD INC	1	Each	$4,877.0000	$4,877.00	Complete	
DAVIS-MOORE LINCOLN/MERCURY				No Bid.		

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Line 045 GROUP 5 - OPTION #4 Rhino Lining, Under Rail, Including Tailgate

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
RUSTY ECK FORD INC	1	Each	$560.0000	$560.00	Complete	
DON HATTAN CHEVROLET INC	1	Each	$600.0000	$600.00	Complete	
DAVIS-MOORE LINCOLN/MERCURY				No Bid.		

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Line 046 GROUP 5 - OPTION #5 Directional Arrow Stick Model: Whelen LED Arrow Board Model TACF-85 with 35 FT Cord. (Placement will be determined at time of Build)

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
RUSTY ECK FORD INC	1	Each	$1,341.0000	$1,341.00	Complete	
DON HATTAN CHEVROLET INC	1	Each	$1,450.0000	$1,450.00	Complete	
DAVIS-MOORE LINCOLN/MERCURY				No Bid.		

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Line 047 GROUP 5 - OPTION #6 Headache Rack, RKI Model WG 10 or Approved Equal

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
RUSTY ECK FORD INC	1	Each	$596.0000	$596.00	Complete	
DON HATTAN CHEVROLET INC	1	Each	$750.0000	$750.00	Complete	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 048 GROUP 5 - OPTION #7 (LED) Hideway Strobes in Front Headlights Housing and Rear Tail Light Housing. Color Amber to be Determined at Build. Contact Mike Nordick at 268-4040

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
RUSTY ECK FORD INC	1	Each	$1,141.0000	$1,141.00	Complete	
DON HATTAN CHEVROLET INC	1	Each	$1,250.0000	$1,250.00	Complete	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 049 GROUP 5 - OPTION #8 Four Wheel Drive

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC	1	Each	$2,650.0000	$2,650.00	Complete	
RUSTY ECK FORD INC	1	Each	$3,357.0000	$3,357.00	Complete	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 050 GROUP 5 - OPTION #9 Fiberglass Topper with Lockable Swing Up Side and Rear WIndows Painted to Match Truck (Colors may vary). Windows Shall be Glass.

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
RUSTY ECK FORD INC	1	Each	$1,495.0000	$1,495.00	Complete	
DON HATTAN CHEVROLET INC	1	Each	$1,500.0000	$1,500.00	Complete	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 051 GROUP 5 - OPTION #10 Whelen Model JE2AAAA Light bar, Overall Length to be 56.25". Light Bar Shall Include (4) four CON3 LED Strobes on the Front with (2) two Alley Lights and (2) two Take Down Lights and a TACTACD1 Controller

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
RUSTY ECK FORD INC	1	Each	$2,638.0000	$2,638.00	Complete	
DON HATTAN CHEVROLET INC	1	Each	$2,750.0000	$2,750.00	Complete	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 052 GROUP 5 - OPTION #11 Aluminum Tread Plate Standard Saddle box with Lockable Lid

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
RUSTY ECK FORD INC	1	Each	$679.0000	$679.00	Complete	
DON HATTAN CHEVROLET INC	1	Each	$725.0000	$725.00	Complete	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 053 GROUP 5 - OPTION #12 Full Size Bed Slide Tray with 12" Removable Sides and End

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
RUSTY ECK FORD INC	1	Each	$871.0000	$871.00	Complete	
DON HATTAN CHEVROLET INC	1	Each	$950.0000	$950.00	Complete	

DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 054 GROUP 5 - OPTION #13 Blue and Red Split Hideaway Strobes

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
RUSTY ECK FORD INC	1	Each	$1,266.0000	$1,266.00	Complete	
DON HATTAN CHEVROLET INC	1	Each	$1,500.0000	$1,500.00	Complete	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 055 GROUP 5 - OPTION #14 Whelen SX8BBRR 48.5" LFL Liberty Series Light Bar Installed on Cab of Truck

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
RUSTY ECK FORD INC	1	Each	$4,123.0000	$4,123.00	Complete	
DON HATTAN CHEVROLET INC	1	Each	$4,250.0000	$4,250.00	Complete	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 056 GROUP 5 - OPTION 15 Other Factory Standard Colors

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC	1	Each	$1.0000	$1.00	Complete	Black,White,Gray,Red and Silver
RUSTY ECK FORD INC					No Bid.	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 057 GROUP 5 - OPTION #16 Bucket Seats - Cloth bucket seats (driver's seat shall be electronically adjustable)

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC	1	Each	$5,000.0000	$5,000.00	Complete	
RUSTY ECK FORD INC			$5,387	$5,387.	No Bid.	XLT Supercab, Crew Cab
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 058 GROUP 5 - OPTION 17 Tonneau Cover

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
RUSTY ECK FORD INC	1	Each	$845.0000	$845.00	Complete	
DON HATTAN CHEVROLET INC	1	Each	$900.0000	$900.00	Complete	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 059 GROUP 6 - WATER DISTRIBUTION New Current Model Two Wheel Drive, 6,400 GVWR Regular Cab 8-Foot Bed Manufacturer _____ Model _____

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
RUSTY ECK FORD INC	1	Each	$18,397.0000	$18,397.00	Complete	
DON HATTAN CHEVROLET INC	1	Each	$19,450.0000	$19,450.00	Complete	Chevrolet 1500 Reg Cab longbed without Tow Pkg
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 060 GROUP 6 - OPTION #1 Extended Cab with a Standard Six Foot Minimum Bed

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments

EXHIBIT B

DON HATTAN CHEVROLET INC	1	Each	$1,700.0000	$1,700.00	Complete
RUSTY ECK FORD INC	1	Each	$2,597.0000	$2,597.00	Complete
DAVIS-MOORE LINCOLN/MERCURY					No Bid.

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Line 061 GROUP 6 - OPTION #2 Extended Cab with a Standard Eight Foot Minimum Bed

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC	1	Each	$2,100.0000	$2,100.00	Complete	
RUSTY ECK FORD INC	1	Each	$2,197.0000	$2,197.00	Complete	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 062 GROUP 6 - OPTION #3 Crew Cab with a Standard 5 1/2 Minimum Foot Bed

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC	1	Each	$3,800.0000	$3,800.00	Complete	
RUSTY ECK FORD INC	1	Each	$4,927.0000	$4,927.00	Complete	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 063 GROUP 6 - OPTION #4 Line X, Under Rail, Including Tailgate

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
RUSTY ECK FORD INC	1	Each	$560.0000	$560.00	Complete	
DON HATTAN CHEVROLET INC	1	Each	$600.0000	$600.00	Complete	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 064 GROUP 6 - OPTION #5 Directional Arrow Stick Model: Whelen LED Arrow Board Model TACF-85 with 35 FT Cord. (Placement will be Determined at Time of Build)

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
RUSTY ECK FORD INC	1	Each	$1,331.0000	$1,331.00	Complete	
DON HATTAN CHEVROLET INC	1	Each	$1,500.0000	$1,500.00	Complete	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 065 GROUP 6 - OPTION #6 Headache Rack, RKI Model WG 10 or Approved Equal

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
RUSTY ECK FORD INC	1	Each	$596.0000	$596.00	Complete	
DON HATTAN CHEVROLET INC	1	Each	$650.0000	$650.00	Complete	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 066 GROUP 6 - OPTION #7 (LED) Hideway Strobes in Front Headlights Housing and Rear Tail Light Housing. Amber Color to be Determined at Build. Contact Mike Nordick at 268-4040

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
RUSTY ECK FORD INC	1	Each	$1,141.0000	$1,141.00	Complete	
DON HATTAN CHEVROLET INC	1	Each	$1,350.0000	$1,350.00	Complete	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 067 GROUP 6 - OPTION #8 Four Wheel Drive

EXHIBIT B

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC	1	Each	$2,550.0000	$2,550.00	Complete	
RUSTY ECK FORD INC	1	Each	$3,357.0000	$3,357.00	Complete	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 068 GROUP 6 - OPTION #9 Fiberglass Topper with Lockable Swing Up Side and Rear Windows Painted to Match Truck (Colors May Vary). Windows shall be Glass

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
RUSTY ECK FORD INC	1	Each	$1,495.0000	$1,495.00	Complete	
DON HATTAN CHEVROLET INC	1	Each	$1,525.0000	$1,525.00	Complete	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 069 GROUP 6 - OPTION #10 Whelen Model JE2AAAA Light Bar, Overall Length to be 56.25". Light Bar Shall Include (4) four CON3 LED Strobes on the Front with (2) two Alley Lights and (2) two Take Down Lights and a TACTACD1 Controller.

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
RUSTY ECK FORD INC	1	Each	$2,638.0000	$2,638.00	Complete	
DON HATTAN CHEVROLET INC	1	Each	$2,750.0000	$2,750.00	Complete	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 070 GROUP 6 - OPTION #11 Aluminum Tread Plate Standard Saddle Box with Lockable Lid

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
RUSTY ECK FORD INC	1	Each	$679.0000	$679.00	Complete	
DON HATTAN CHEVROLET INC	1	Each	$825.0000	$825.00	Complete	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 071 GROUP 6 - OPTION #12 Full Size Bed Slide Tray with 12" Removable Sides and End

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
RUSTY ECK FORD INC	1	Each	$871.0000	$871.00	Complete	
DON HATTAN CHEVROLET INC	1	Each	$950.0000	$950.00	Complete	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 072 GROUP 6 - OPTION #13 Trailer Tow Package

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
RUSTY ECK FORD INC	1	Each	$320.0000	$320.00	Complete	
DON HATTAN CHEVROLET INC	1	Each	$650.0000	$650.00	Complete	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 073 GROUP 6 - OPTION #14 Whelen SX8BBRR 48.5" LFL Liberty Series Light Bar Installed on Cab of Truck

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
RUSTY ECK FORD INC	1	Each	$4,123.0000	$4,123.00	Complete	
DON HATTAN CHEVROLET INC	1	Each	$4,300.0000	$4,300.00	Complete	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 074 GROUP 6 - OPTION #15 Other Factory Standard Colors

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC	1	Each	$1.0000	$1.00	Complete	Black,White,Red,Gray and Silver
RUSTY ECK FORD INC					No Bid.	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 075 GROUP 6 - OPTION #16 Bucket Seats

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC	1	Each	$5,000.0000	$5,000.00	Complete	
RUSTY ECK FORD INC			$5,382.	$5,382.	No Bid.	XLT Supercab, Crewcab
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 076 GROUP 6 - OPTION 18 Vehicle to be Equipped with a 10,000 LB. Receiver Hitch and a 7 Pin Trailer Wiring Receptacle and if Needed a Trailer Brake Controller

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC	1	Each	$450.0000	$450.00	Complete	
RUSTY ECK FORD INC					No Bid.	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 077 GROUP 6 - OPTION #19 Power Inverter

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
RUSTY ECK FORD INC	1	Each	$1,745.0000	$1,745.00	Complete	
DON HATTAN CHEVROLET INC	1	Each	$1,900.0000	$1,900.00	Complete	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 078 GROUP 6 - OPTION #20 Undercover Flex Tri-Fold Bed Cover

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
RUSTY ECK FORD INC	1	Each	$845.0000	$845.00	Complete	
DON HATTAN CHEVROLET INC	1	Each	$925.0000	$925.00	Complete	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 079 GROUP 7 - FLEET New Current Model Two Wheel Drive, 9,500 GVW Regular Cab Pickup with Standard 8-Foot Bed
Manufacturer _____ Model _____

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC	1	Each	$23,700.0000	$23,700.00	Complete	Chevrolet 2500 Reg Cab
RUSTY ECK FORD INC					No Bid.	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 080 GROUP 7 - OPTION #1 LED Low Profile Lightbar with Directional Arrows, Flash Warning Lighting and Work Lights, Whelen Model JE2AAAA Special or Approved Equal

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC	1	Each	$2,950.0000	$2,950.00	Complete	

RUSTY ECK FORD INC					No Bid.	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 081 GROUP 7 - OPTION #2 Dual Vision DV231 Secure Recording Device with 32 GB SDHC, for Vehicle Monitoring and Tracking, Mounted to the Vehicle Windshield

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC	1	Each	$1,400.0000	$1,400.00	Complete	
RUSTY ECK FORD INC					No Bid.	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 082 GROUP 8 - WATER DISTRIBUTION New Current Model Two Wheel Drive, 9,500 GVW Regular Cab and Chassis Manufacturer _____ Model _____

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC	3	Each	$27,750.0000	$83,250.00	Complete	Chevrolet 2500 Reg Cab
RUSTY ECK FORD INC	3	Each	$27,849.0000	$83,547.00	Complete	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 083 GROUP 8 - OPTION #1 Bucket Seats

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC	1	Each	$200.0000	$200.00	Complete	Deletes center console from 40-20-40 seat. Under console untrimmed
RUSTY ECK FORD INC	1	Each	$303.0000	$303.00	Complete	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 084 GROUP 8 - OPTION #2 Extended Cab

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
RUSTY ECK FORD INC	1	Each	$1,892.0000	$1,892.00	Complete	
DON HATTAN CHEVROLET INC	1	Each	$2,000.0000	$2,000.00	Complete	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 085 GROUP 8 - OPTION #3 Aluminum Diamond Plate Saddle Tool Box

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
RUSTY ECK FORD INC	1	Each	$748.0000	$748.00	Complete	
DON HATTAN CHEVROLET INC	1	Each	$900.0000	$900.00	Complete	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 086 GROUP 8 - OPTION #4 4 X 4 Four Wheel Drive

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC	1	Each	$2,950.0000	$2,950.00	Complete	
RUSTY ECK FORD INC	1	Each	$2,977.0000	$2,977.00	Complete	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 087 GROUP 8 - OPTION #5 Utility Body

EXHIBIT B

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
RUSTY ECK FORD INC	1	Each	$8,849.0000	$8,849.00	Complete	
DON HATTAN CHEVROLET INC	1	Each	$9,500.0000	$9,500.00	Complete	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 088 GROUP 9 New Current Model 13,200 GVWR Cab & Chassis with 11 Foot Stake Bed

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC	1	Each	$38,550.0000	$38,550.00	Complete	Chevrolet 3500 Reg Cab with flatbed Add $2166.00 for Pwr windows,locks,mirrors and keyless remote
RUSTY ECK FORD INC					No Bid.	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Line 089 GROUP 9 - OPTION #1 5.7L Minimum Gas Engine

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
DON HATTAN CHEVROLET INC	1	Each	($6,550.0000)	($6,550.00)	Complete	
RUSTY ECK FORD INC					No Bid.	
DAVIS-MOORE LINCOLN/MERCURY					No Bid.	

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Bid Results

Registration Solicitations Document Inquiry Login Help

This page summarizes vendor responses by the bid total. Awarded vendors will be notified of their respective purchase orders/contracts.

Vendor Group Line

Solicitation: FB240173 Digital Video Recorder Equipment

Close Date/Time: 11/9/2012 10:00 AM CST

Solicitation Type: **Formal Bid**

Award Method: **Aggregate Cost**

Department: **Information Tech/Info Services**

Return to the Bid List

Responses: 12

Vendors	Complete	Bid Total	City Comments
NEW ENGLAND FIRE SERVICE	Complete	$37,613.78	Does Not Meet Specification
INTERNATIONAL SYSTEMS OF AMERICA, LLC	Complete	$43,066.32	Does Not Meet Specification
SANDIFER ENGINEERING & CONTROLS INC	Complete	$43,398.36	Award 12/4/12 Information Technology/Information Services
APRISA TECHNOLOGY LLC.	Complete	$44,878.00	
ANIXTER INC	Complete	$45,261.88	
SIMPLEX GRINNELL LP	Complete	$48,170.00	
C & C SALES INC dba C & C GROUP	Complete	$48,983.05	
MISSION ELECTRONICS OF WICHITA	Complete	$52,750.00	
VOICE PRODUCTS INC	Complete	$53,900.00	
GATEWAY WIRELESS SERVICES LC	Complete	$55,489.71	
MCCLELLAND SOUND INC	Complete	$56,207.40	
ZALMEN REISS & ASSOCIATES	In-Complete	$0.00	

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Bid Results

Registration Solicitations Document Inquiry Login Help

This page summarizes vendor responses by the bid total. Awarded vendors will be notified of their respective purchase orders/contracts.

Vendor Group Line

Solicitation: **FB240174** Van with TV Inspection System

Close Date/Time: 11/9/2012 10:00 AM CST

Solicitation Type: **Formal Bid**

Return to the Bid List

Award Method: **Group**

Department: **Public Works Fleet & Facilities**

Responses: 3

Vendors	Complete	Bid Total	City Comments
MAYER EQUIPMENT & SUPPLY LLC	Complete	$368,787.00	Public Works & Utilities Dept./Stormwater & Sewer Maintenance Division
VAC-CON SERVICES, INC	Complete	$444,000.00	Award 12-4-12 Group 1 Base Bid with Option 1
RAPIDVIEW LLC	Partial	$291,091.00	Reject All Bids 11-20-12 Group 2

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Bid Results

Registration Solicitations Document Inquiry Login Help

This page summarizes vendor bids by the extended cost for each commodity line on the solicitation.

Vendor Group Line

Solicitation: FB240174 Van with TV Inspection System

Close Date/Time: 11/9/2012 10:00 AM CST

Solicitation Type: Formal Bid

Return to the Bid List

Award Method: Group

Department: Public Works Fleet & Facilities

Responses: 3

Go to: 001

Line 001 Group 1- Base Bid: New Current Model Hi-Cube Van with New Current Model Storm Water Television Inspection System.
Vehicle Manufacturer:_____ Model:_____ Year:_____ TV Inspection System:_____
Model:_____ Year:_____

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
VAC-CON SERVICES, INC	1	Each	$210,000.0000	$210,000.00	Complete	Ford E450, 2012, Cues, 2012
MAYER EQUIPMENT & SUPPLY LLC	1	Each	$226,691.0000	$226,691.00	Complete	GMC Savana, 2012, Aries Pathfinder, 2012
RAPIDVIEW LLC					No Bid.	

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Line 002 Group 1- Option 1: Trade-In Allowance for One (1) 2006 Camper Top GMC Savanna 3500 Duramax Diesel, VIN #1GTHG392261215158 with Aries Equipment. Deduct Amount.

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
VAC-CON SERVICES, INC	1	Each	($26,000.0000)	($26,000.00)	Complete	
MAYER EQUIPMENT & SUPPLY LLC	1	Each	($10,000.0000)	($10,000.00)	Complete	
RAPIDVIEW LLC					No Bid.	

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Line 003 Group 2- Base Bid: New Current Model 12,500 GVW Box Van Mounted with New Current Model Color TV Inspection System.
Vehicle Manufacturer:_____ Model:_____ Year:_____ TV Inspection System:_____
Model:_____ Year:_____

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
MAYER EQUIPMENT & SUPPLY LLC	1	Each	$154,596.0000	$154,596.00	Complete	GMC Savana, 2012, Aries Mini Badger, 2012
VAC-CON SERVICES, INC	1	Each	$270,000.0000	$270,000.00	Complete	Ford E450, 2012, Cues, 2012
RAPIDVIEW LLC	1	Each	$298,591.0000	$298,591.00	Complete	Ford E-350, 2013, RapidView IBAK Panoramo, 2012

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Line 004 Group 2- Option 1: Trade-In Allowance for One (1) 1994 GMC 14,100 GVWR TV Step Van City ID #10-2994. Deduct Amount.
Vendors may bid on Group 1 or Group 2 or Both Groups. Will be awarded by Group with Option as selected.

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
VAC-CON SERVICES, INC	1	Each	($10,000.0000)	($10,000.00)	Complete	
RAPIDVIEW LLC	1	Each	($7,500.0000)	($7,500.00)	Complete	
MAYER EQUIPMENT & SUPPLY LLC	1	Each	($2,500.0000)	($2,500.00)	Complete	.03% Discount if awarded both groups ($11,063.61)

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ep.wichita.gov

Bid Results

Registration Solicitations Document Inquiry Login Help

This page summarizes vendor responses by the bid total. Awarded vendors will be notified of their respective purchase orders/contracts.

Vendor	Group	Line
Solicitation: FB240181		25,500 GVW Truck w/Contractor Body

Close Date/Time: 11/9/2012 10:00 AM CST

Solicitation Type: Formal Bid

Award Method: Aggregate Cost

Department: Public Works Fleet & Facilities

Return to the Bid List

Responses: 3

Vendors	Complete	Bid Total	City Comments
MEL HAMBELTON FORD INC	Partial	$81,456.00	Does Not Meet Specifications
ROBERTS TRUCK CENTER LTD	Partial	$84,716.00	Redirect Award 12-4-12 Base Bid w/Options 1,2,3,4 & 6 Public Works & Utilities Dept/Sewer Maint Div
OMAHA TRUCK CENTER	Partial	$84,965.00	

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Bid Results

Registration Solicitations Document Inquiry Login Help

This page summarizes vendor bids by the extended cost for each commodity line on the solicitation.

Vendor Group Line

Solicitation: **FB240181** 25,500 GVW Truck w/Contractor Body

Close Date/Time: 11/9/2012 10:00 AM CST

Solicitation Type: **Formal Bid**

Return to the Bid List

Award Method: **Aggregate Cost**

Department: **Public Works Fleet & Facilities**

Responses: 3

Go to: 001

Line 001 Base Bid: New Current Model 25,500 GVW Cab & Chassis with New Current Model Contractor Body and Bulkhead Installed Complete (Supplement A) Cab & Chassis Manufacturer:_____ Model:_____ Year:_____

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
MEL HAMBELTON FORD INC	1	Each	$74,578.0000	$74,578.00	Complete	2013 Ford F650 LoPro
ROBERTS TRUCK CENTER LTD	1	Each	$77,838.0000	$77,838.00	Complete	International 4300M7LP.
OMAHA TRUCK CENTER	1	Each	$78,087.0000	$78,087.00	Complete	Freightliner M2 106, 2014

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Line 002 Option 1: Liftmore 206 REL Crane in Lieu of Liftmore L21-7 Crane.

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
MEL HAMBELTON FORD INC	1	Each	$4,180.0000	$4,180.00	Complete	
OMAHA TRUCK CENTER	1	Each	$4,180.0000	$4,180.00	Complete	
ROBERTS TRUCK CENTER LTD	1	Each	$4,180.0000	$4,180.00	Complete	Liftmore 206REL

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Line 003 Option 2: Video Camera System.

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
MEL HAMBELTON FORD INC	1	Each	$810.0000	$810.00	Complete	
OMAHA TRUCK CENTER	1	Each	$810.0000	$810.00	Complete	
ROBERTS TRUCK CENTER LTD	1	Each	$810.0000	$810.00	Complete	

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Line 004 Option 3: Arrowstick.

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
MEL HAMBELTON FORD INC	1	Each	$863.0000	$863.00	Complete	
OMAHA TRUCK CENTER	1	Each	$863.0000	$863.00	Complete	
ROBERTS TRUCK CENTER LTD	1	Each	$863.0000	$863.00	Complete	

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Line 005 Option 4: Circuit Breakers in Lieu of Fuses on Electrical System.

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
OMAHA TRUCK CENTER	1	Each	$0.0000	$0.00	Complete	Included
ROBERTS TRUCK CENTER LTD	1	Each	$0.0000	$0.00	Complete	Included
MEL HAMBELTON FORD INC					No Bid.	

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Line 006 Option 5: Heavy Duty 6-Speed Automatic, Eaton Hybrid Drive Unit with E-PTO Capability.

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
MEL HAMBELTON FORD INC				No Bid.		
OMAHA TRUCK CENTER				No Bid.		
ROBERTS TRUCK CENTER LTD				No Bid.		

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Line 007 Option 6: Dual Vision DV231 Secure Recording Device with 32 GB SDHC, for Vehicle Monitoring and Tracking, Mounted to the Vehicle Windshield.

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
MEL HAMBELTON FORD INC	1	Each	$1,025.0000	$1,025.00	Complete	
OMAHA TRUCK CENTER	1	Each	$1,025.0000	$1,025.00	Complete	
ROBERTS TRUCK CENTER LTD	1	Each	$1,025.0000	$1,025.00	Complete	

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Wichita, Kansas
December 3, 2012
10:00 a.m., Monday
Conference Room, 12th Floor

MINUTES - BOARD OF BIDS AND CONTRACTS*

The Board of Bids and Contracts met with Marty Strayer, Administrative Assistant, Public Works Engineering in the Chair; Fanny Chan, Senior Accountant, Finance, representing the Director of Finance, Elizabeth Goltry-Wadle, Budget Analyst, Budget Office, Clarence Rose, Senior Buyer, Purchasing, representing Purchasing, Jason Earl, Management Fellow, representing the City Manager's Office, and Janis Edwards, Deputy City Clerk, present.

Minutes of the regular meeting dated, November 26, 2012, were read and on motion approved.

Bids were opened on November 30, 2012 pursuant to advertisements published on:

The Purchasing Division recommended that the contracts be awarded as outlined above, same being the lowest and best bid.

WICHITA AIRPORT AUTHORITY/OPERATIONS: Solid Deicer for Runways-Sodium Acetate.

General Atomics International Services Corp.* - $29,675.00 Base Bid

*Estimate – Contract approved on unit cost basis; refer to attachments.

On motion the Board recommended that the contracts be awarded as outlined above, same being the lowest and best bid.

On motion the Board of Bids adjourned.

Marty Strayer, Administrative Assistant
Department of Public Works

Janis Edwards, CMC
Deputy City Clerk

EXHIBIT A

FORMAL BID REPORT

TO: Robert Layton, City Manager
DATE: December 3, 2012

WICHITA AIRPORT AUTHORITY BIDS – VICTOR WHITE, DIRECTOR OF AIRPORTS
November 30, 2012
Solid Deicer for Runways - Sodium Acetate – Wichita Airport Authority/Operations Division

General Atomics Int'l. Services Corp.	**Base Bid Sodium Acetate (Per Bag)**	**$50.2750**
	Base Bid Sodium Acetate (Per Metric Ton)	**$1,962.00**

ITEMS TO BE PURCHASED AS ADVERTISED IN THE OFFICIAL CITY NEWSPAPER.

Melinda A. Walker

Melinda A. Walker
Purchasing Manager

ep.wichita.gov

Bid Results

Registration Solicitations Document Inquiry Login Help

This page summarizes vendor responses by the bid total. Awarded vendors will be notified of their respective purchase orders/contracts.

Vendor Group Line

Solicitation: **FB240190** Solid Deicer for Runways-Sodium Acetate

Close Date/Time: 11/30/2012 10:00 AM CST

Solicitation Type: **Formal Bid**

Award Method: **Aggregate Cost**

Department: **Airport**

Return to the Bid List

Responses: **1**

Vendors	Complete	Bid Total	City Comments
GENERAL ATOMICS INT'L SERVICES CORP	Complete	$83,705.00	Award 12/4/12 Base Bid ($29,675.00) Wichita Airport Authority/Operations Division

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Bid Results

Registration Solicitations Document Inquiry Login Help

This page summarizes vendor bids by the extended cost for each commodity line on the solicitation.

Vendor	Group	Line
Solicitation: **FB240190**	Solid Deicer for Runways-Sodium Acetate	Close Date/Time: 11/30/2012 10:00 AM CST

Solicitation Type: Formal Bid

Award Method: Aggregate Cost

Department: Airport

Go to: 001

Return to the Bid List

Responses: 1

Line 001 Sodium Acetate or Sodium Formate Solid Deicer for Runway Use, NO SUBSTITUTIONS. Delivered in 55 lb bags: Manufacturer: _____ Product Number: _____ Minimum order of 40 bags

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
GENERAL ATOMICS INT'L SERVICES CORP	200	Bag	$50.2750	$10,055.00	Complete	

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Line 002 Sodium Acetate or Sodium Formate Solid Deicer for Runway Use, NO SUBSTITUTIONS. Quote delivered price for metric ton sacks: Manufacturer: _____ Product Number: _____ Minimum order (1) one metric ton or (1) one super sack

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
GENERAL ATOMICS INT'L SERVICES CORP	10	METRIC TON	$1,962.0000	$19,620.00	Complete	*Shipments in truckload* quantities of 20 metric ton would result in a decreased delivered unit price to the Airport. Pricing available upon request.

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Line 003 OPTION # 1: Sodium Acetate or Sodium Formate Solid Deicer for Runway Use, NO SUBSTITUTIONS. Quote delivered price for bulk load. Manufacturer: _____ *Product Number:* _____ Minimum order 10 tons

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
GENERAL ATOMICS INT'L SERVICES CORP	30	Ton	$1,801.0000	$54,030.00	Complete	Shipments in truckload quantities of 20 metric ton would result in a decreased delivered unit price to the Airport. Pricing available upon request.

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THE CITY OF WICHITA
Department of Public Works

Wichita, Kansas

PRELIMINARY ESTIMATES
FOR CITY COUNCIL DECEMBER 4, 2012

a. Planeview Area Sanitary Sewer Improvements, Sewer Reconstruction Phase 1 (north of 31st Street South, east of Hillside) (468-84838/624101/652019) Traffic to be maintained during construction using flagpersons and barricades. (District III) - $956,000.00

b. 2012 Condemned Sidewalk and Wheelchair Ramps Phase II (north of 63rd Street South, east of 151st Street West) (472-85030b/132100/N/A) Traffic to be maintained during construction using flagpersons and barricades. (District I,II,III,IV,V&VI) - $46,312.50

468-84838 (624101) 652019

District III

To be Bid: November 9, 2012

PRELIMINARY ESTIMATE of the cost of:
Planeview Area Sanitary Sewer Improvements, Sewer Reconstruction Phase 1
(north of 31st Street South, east of Hillside)

All work done and all materials furnished to be in accordance with plans and specifications on file in the office of the City Engineer.

	LUMP SUM BID ITEMS		
1	Pipe, SS 8"	938	lf
2	Pipe Removed (6")	938	lf
3	MH, Standard SS (4')	4	ea
4	MH, Shallow SS (4')	1	ea
5	MH, Outside Drop Reconstr (Site 3)	1	ea
6	MH, Outside Drop Modified (Site 4)	1	ea
7	MH Frame & Cover, Replaced	4	ea
8	MH Bench & Invert, Removed & Repl	3	ea
9	Site Clearing	1	LS
10	Site Restoration	1	LS
	MEASURED QUANTITY BID ITEMS		
11	Service Connection Replaced (4")	31	ea
12	Pipe, SS 4"	40	lf
13	BMP, Erosion Control Mat	16	sy
14	BMP, Silt Fence	120	lf

Construction Subtotal _____

Engineering & Inspection
Administration
Publication
Future Phases

Total Estimated Cost $956,000.00

CITY OF WICHITA)
STATE OF KANSAS) SS

I do solemnly swear that the above amount is correct, reasonable and just.

Gary Janzen, P.E., City Engineer

Sworn to and subscribed before me this _____.
(DATE)

City Clerk

652019 (624101) 468-84838
Page _____

EXHIBIT _____

472-85030b (132100) _

Districts I, II, III, IV, V & VI

To be Bid: November 9, 2012

PRELIMINARY ESTIMATE of the cost of:
2012 Condemned Sidewalk and Wheelchair Ramps Phase II
(north of 63rd Street South, east of 151st Street West)

All work done and all materials furnished to be in accordance with plans and specifications on file in the office of the City Engineer.

	MEASURED QUANTITY BID ITEMS		
1	4" Sidewalk Repair	3,600	sf
2	6" Sidewalk Repair	400	sf
3	8" Sidewalk Repair	200	sf
4	4" Colored Concrete Repair	150	sf
5	6" Colored Concrete Repair	200	sf
6	8" Colored Concrete Repair	100	sf
7	Brick Paver Repair	100	sf
8	Brick Removal	51	sf
9	WCR Constr w/ Det. Warn.	10	ea
10	Comb. Curb & Gutter Repair	100	lf
11	Concr Removal & Site Restoration	200	sf
12	Colored Concrete Sidewalk Repair	100	sf
13	Asphalt Repair	5	tn
14	Deeter Curb Drain	2	ea

Construction Subtotal _____

Engineering & Inspection
Advertising
Administration and Publication

Total Estimated Cost $46,312.50

CITY OF WICHITA)
STATE OF KANSAS) SS

I do solemnly swear that the above amount is correct, reasonable and just.

Gary Janzen, P.E., City Engineer

Sworn to and subscribed before me this _____.
(DATE)

_____
City Clerk

_ (132100) 472-85030b

Page _____

EXHIBIT ____

Statements of Cost:

STORM WATER SEWER AND STORM WATER DRAIN

a. Constructing Storm Water Sewer No. 661 system to serve Monarch Landing 3rd Addition (north of 21st Street North, west of 159th Street East). Total Cost - $215,211.51 (plus idle fund interest – $33.21, plus temporary note interest - $455.28). Sewer Main Benefit Fee - $0.00. Financing to be issued at this time - $215,700.00. (751504/468-84771/485-395).

b. Constructing Storm Water Drain #369 to serve Turkey Creek 3rd Addition (north of Pawnee, east of 135th Street West). Total Cost - $521,399.14 (plus idle fund interest - $45.17, plus temporary note interest - $1,645.69). Sewer Main Benefit Fee - $0.00. Financing to be issued at this time - $523,090.00. (751497/468-84689/485-388).

c. Constructing Storm Water Drain No. 378 to serve Ridge Port Addition (north of 29th Street North, east of Ridge Road). Total Cost - $162,006.02 (plus idle fund interest - $15.55, plus temporary note interest - $388.43). Sewer Main Benefit Fee - $0.00. Financing to be issued at this time - $162,410.00. (751501/468-84769/485-392).

d. Constructing SWD 332 Cadillac Lake Pump Station and Pond Erosion Improvements to serve Newmarket V Addition and Pearson Commercial Addition (south of 29th Street North, east and west of Maize Road). Total Cost - $4,556,660.80 (plus idle fund interest – $4,954.32, plus temporary note interest - $47,314.88). Sewer Main Benefit Fee - $0.00. Financing to be issued at this time - $4,608,930.00. (751463/468-84396/485-354).

SEWER

e. Constructing Lateral 9, Northwest Interceptor Sewer to serve Fox Ridge Addition (north of 29th Street North, west of Tyler Road). Total Cost - $108,767.96 (plus idle fund interest – $7.06, plus temporary note interest - $274.98). Sewer Main Benefit Fee - $0.00. Financing to be issued at this time - $109,050.00. (744329/468-83647/480-021).

f. Constructing Lateral 22, Main 7, Northwest Interceptor Sewer to serve Hampton Square 2nd Addition (north of 37th Street North, west of Maize Road). Total Cost - $48,244.84 (plus idle fund interest – $4.99, plus temporary note interest - $110.16). Sewer Main Benefit Fee - $0.00. Financing to be issued at this time - $48,360.00. (744324/468-84772/480-016).

WATER

g. Constructing Water Distribution System to serve Hampton Square 2nd Addition (north of 37th Street North, west of Maize Road). Total Cost - $49,729.57 (plus idle fund interest - $49.15, plus temporary note interest - $11.28). Water Main Benefit Fee - $0.00. Financing to be issued at this time - $49,790.00. (735463/448-90529/470-136).

h. Constructing Water Distribution System to serve Fox Ridge Addition (north of 29th Street North, west of Tyler Road). Total Cost - $76,380.12 (plus idle fund interest - $8.52, plus temporary note interest - $171.36). Water Main Benefit Fee - $0.00. Financing to be issued at this time - $76,560.00. (735468/448-89839/470141).

Approved /Accepted by City Council

This _____

Wichita, Kansas
March 15, 2013
468-84771
OCA# 751504
PPN# 485395

City Clerk
Wichita, Kansas

Dear City Clerk:

Following is the cost of constructing:

Storm Water Sewer No. 661 system to serve Monarch Landing 3rd Addition (north of 21st Street North, west of 159th Street East)

Lump Sum Contract Amount	$166,000.00
Measured Items	$0.00
Change Orders	$0.00
Change Orders Measured Items	$0.00
Administration	$5,249.06
Engineering & Inspection	$43,466.20
Publication	$476.25
Abstract	$20.00
Construction Cost	$215,211.51
Idle Fund Interest Estimated	$33.21
Temporary Financing Estimated	$455.28
Subtotal	$215,700.00
Sewer Main Benefit Fee	$0.00
TOTAL COST	$215,700.00

Respectfully Submitted,

Gary Janzen, P.E., City Engineer

Property	$215,700.00
0	$0.00
Benefit Fee	0.00

July 2013
Chesney 814
15 years

Petition/Resolution Amount: $277,000.00

Increase by 1% per month after: May 1, 2011

Approved /Accepted by City Council

This _____

Wichita, Kansas
March 15, 2013
468-84689
OCA# 751497
PPN# 485388

City Clerk
Wichita, Kansas

Dear City Clerk:

Following is the cost of constructing:

Storm Water Drain # 369 to serve Turkey Creek 3rd Addition (north of Pawnee, east of 135th Street West)

Lump Sum Contract Amount	$435,000.56
Measured Items	$0.00
Change Orders	$1,584.10
Change Orders Measured Items	$0.00
Administration	$12,717.05
Engineering & Inspection	$70,789.33
Publication	$1,288.10
Abstract	$20.00
Construction Cost	$521,399.14
Idle Fund Interest Estimated	$45.17
Temporary Financing Estimated	$1,645.69
Subtotal	$523,090.00
Sewer Main Benefit Fee	$0.00
TOTAL COST	$523,090.00

Respectfully Submitted,

Gary Janzen, P.E., City Engineer

Property	$523,090.00
0	$0.00
Benefit Fee	0.00

July 2013
Chesney 814
15 years

Petition/Resolution Amount: $771,000.00

Increase by 1% per month after: June 1, 2010

Approved /Accepted by City Council

This _____

Wichita, Kansas
March 15, 2013
468-84769

OCA# 751501
PPN# 485392

City Clerk
Wichita, Kansas

Dear City Clerk:

Following is the cost of constructing:

Storm Water Drain No. 378 to serve Ridge Port Addition (north of 29th Street North, east of Ridge Road)

Lump Sum Contract Amount	$126,350.00
Measured Items	$0.00
Change Orders	$0.00
Change Orders Measured Items	$0.00
Administration	$3,951.37
Engineering & Inspection	$29,302.85
Publication	$2,381.80
Abstract	$20.00
Construction Cost	$162,006.02
Idle Fund Interest Estimated	$15.55
Temporary Financing Estimated	$388.43
TOTAL COST	$162,410.00

Respectfully Submitted,

Gary Janzen, P.E., City Engineer

Property	$162,410.00
0	$0.00

July 2013
Chesney 814
15 years

Petition/Resolution Amount: $185,000.00

Increase by 1% per month after: December 1, 2010

Approved /Accepted by City Council

This _____

Wichita, Kansas
March 15, 2013
468-84396

OCA# 751463
PPN# 485354

City Clerk
Wichita, Kansas

Dear City Clerk:

Following is the cost of constructing:
SWD 332 Cadillac Lake Pump Station and Pond Erosion Improvements to serve Newmarket V Addition and Pearson Commercial Addition (south of 29th Street North, east and west of Maize Road)

Lump Sum Contract Amount	$3,695,357.12
Studies and Design	$511,000.00
Administration	$111,138.07
Engineering & Inspection	$236,580.12
Publication	$2,565.49
Abstract	$20.00
Construction Cost	$4,556,660.80
Idle Fund Interest Estimated	$4,954.32
Temporary Financing Estimated	$47,314.88
TOTAL COST	$4,608,930.00

Respectfully Submitted,

Gary Janzen, P.E., City Engineer

Property	$1,520,946.90
Storm Water Utility	$769,691.31
City at Large	$2,318,291.79

July 2013
Chesney 814
15 years

Petition/Resolution Amount: $4,780,000.00

Increase by 1% per month after: May 1, 2007

Approved /Accepted by City Council

This _____

Wichita, Kansas
March 15, 2013
468-83647
OCA# 744329
PPN# 480021

City Clerk
Wichita, Kansas

Dear City Clerk:

Following is the cost of constructing:
Lateral 9, Northwest Interceptor Sewer to serve Fox Ridge Addition (north of 29th Street North, west of Tyler Road)

Lump Sum Contract Amount	$82,293.50
Measured Items	$0.00
Change Orders	$0.00
Change Orders Measured Items	$0.00
Administration	$2,652.88
Engineering & Inspection	$23,413.98
Publication	$387.60
Abstract	$20.00
Construction Cost	$108,767.96
Idle Fund Interest Estimated	$7.06
Temporary Financing Estimated	$274.98
Subtotal	$109,050.00
Sewer Main Benefit Fee	$0.00
TOTAL COST	$109,050.00

Respectfully Submitted,

Gary Janzen, P.E., City Engineer

Property	$109,050.00
0	$0.00
Benefit Fee	0.00

July 2013
Chesney 814
15 years

Petition/Resolution Amount: $145,000.00

Increase by 1% per month after: June 1, 2003

Approved /Accepted by City Council

This _____

Wichita, Kansas
March 15, 2013
468-84772

OCA# 744324
PPN# 480016

City Clerk
Wichita, Kansas

Dear City Clerk:

Following is the cost of constructing:
Lateral 22, Main 7, Northwest Interceptor Sewer to serve Hampton Square 2nd Addition (north of 37th Street North, west of Maize Road)

Lump Sum Contract Amount	$32,885.00
Measured Items	$0.00
Change Orders	$0.00
Change Orders Measured Items	$0.00
Administration	$1,176.70
Engineering & Inspection	$13,909.64
Publication	$253.50
Abstract	$20.00
Construction Cost	$48,244.84
Idle Fund Interest Estimated	$4.99
Temporary Financing Estimated	$110.16
Subtotal	$48,360.00
Sewer Main Benefit Fee	$0.00
TOTAL COST	$48,360.00

Respectfully Submitted,

Gary Janzen, P.E., City Engineer

Property	$48,360.00
0	$0.00
Benefit Fee	0.00

July 2013
Chesney 814
15 years

Petition/Resolution Amount: $69,000.00

Increase by 1% per month after: May 1, 2011

Approved /Accepted by City Council

This _____

Wichita, Kansas
March 15, 2013
448-90529
OCA# 735463
PPN# 470136

City Clerk
Wichita, Kansas

Dear City Clerk:

Following is the cost of constructing:

Water Distribution System to serve Hampton Square 2nd Addition (north of 37th Street North, west of Maize Road)

Lump Sum Contract Amount	$32,607.50
Change Orders	$0.00
Water Department Parts and Installation	$1,753.39
Administration	$1,207.84
Engineering & Inspection	$13,857.94
Publication	$282.90
Abstract	$20.00
Construction Cost	$49,729.57
Idle Fund Interest Estimated	$49.15
Temporary Financing Estimated	$11.28
Subtotal	$49,790.00
Water Main Benefit Fee	$0.00
TOTAL COST	$49,790.00

Respectfully Submitted,

Gary Janzen, P.E., City Engineer

Property	$49,790.00
0	$0.00
Benefit Fee	0.00

July 2013
Chesney 814
15 years

Petition/Resolution Amount: $69,000.00

Increase by 1% per month after: May 1, 2011

Approved /Accepted by City Council

This _____

Wichita, Kansas
March 15, 2013
448-89839
OCA# 735468
PPN# 470141

City Clerk
Wichita, Kansas

Dear City Clerk:

Following is the cost of constructing:

Water Distribution System to serve Fox Ridge Addition (north of 29th Street North, west of Tyler Road)

Lump Sum Contract Amount	$55,165.00
Change Orders	$0.00
Water Department Parts and Installation	$0.00
Administration	$1,862.93
Engineering & Inspection	$18,907.39
Publication	$424.80
Abstract	$20.00
Construction Cost	$76,380.12
Idle Fund Interest Estimated	$8.52
Temporary Financing Estimated	$171.36
Subtotal	$76,560.00
Water Main Benefit Fee	$0.00
TOTAL COST	$76,560.00

Respectfully Submitted,

Gary Janzen, P.E., City Engineer

Property	$76,560.00
0	$0.00
Benefit Fee	0.00

July 2013
Chesney 814
15 years

Petition/Resolution Amount: $94,000.00

Increase by 1% per month after: June 1, 2003

Statements of Cost:

PAVING

a. Pavement of one left turn lane and one right turn lane on 21st Street North, and pavement of one left turn lane and one right turn lane on 127th Street East, to serve Hawthorne Addition (north of 21st Street North, east of 127th Street East). Total Cost - $38,950.13 (less idle fund interest – $13.95, plus temporary note interest - $373.82). Financing to be issued at this time - $39,310.00 (766178/472-83636/490-196).

b. Paving on Boxthorn from the east line of Flutter Lane to the south line of Camden Chase to serve Monarch Landing 3rd Addition (north of 21st Street North, west of 159th Street East). Total Cost - $103,696.39 (plus idle fund interest – $25.53, plus temporary note interest - $208.08). Financing to be issued at this time - $103,930.00. (766273/472-85000/490-291).

c. Paving on Camden Chase and paving on Flutter Court, serving Lots 14 through 22, Block 1 in Monarch Landing 3rd Addition (north of 21st Street North, west of 159th Street East). Total Cost - $207,276.04 (plus idle fund interest - $26.28, plus temporary note interest - $457.68). Financing to be issued at this time - $207,760.00. (766271/472-84999/490-289).

d. Paving on 127th Street Court East, from the east line of 127th Street East, east to and including cul-de-sac to serve Reeds Cove Medical Campus Addition (east of 127th Street East, south of 21st Street North). Total Cost - $150,791.97 (plus idle fund interest – $18.67, plus temporary note interest - $349.36). Financing to be issued at this time - $151,160.00. (766268/472-84998/490-286).

e. Paving on Berkeley Square Parkway from the east edge of Chesterfield to the west edge of Greenwich Road to serve Berkeley Square 1st Addition (north of 13th Street North, west of Greenwich). Total Cost - $178,117.90 (plus idle fund interest – $13.38, plus temporary note interest - $408.72). Financing to be issued at this time - $178,540.00 (766269/472-84975/490-287).

f. Paving on a North-South Alley from 12.5 feet south of the north property line of Lot 126 Ellis Avenue to the north line of Kellogg Drive to serve Burrs Addition (north of Kellogg, west of Hydraulic). Total Cost - $66,666.99 (plus idle fund interest – $18.38, plus temporary note interest - $234.63). Financing to be issued at this time - $66,920.00 (766259/472-84927/490-277).

g. Pavement of a right turn lane on 21st Street North to serve Krug South Commercial Addition (south of 21st Street North, west of 143rd Street East). Total Cost - $41,226.51 (plus idle fund interest - $7.69, plus temporary note interest - $395.80). Financing to be issued at this time - $41,630.00. (766183/472-84635/490-201).

h. Pavement of a right turn lane on 21st Street North at 159th Street East to serve Monarch Landing Addition (north of 21st Street North, west of 159th Street East). Total Cost - $163,453.55 (less idle fund interest – $206.68, plus temporary note interest - $1,253.13). Financing to be issued at this time - $164,500.00. (766232/472-84526/490-250).

i. Paving on Wheatland, Grant, and Limuel to serve Turkey Creek 3rd Addition (north of Pawnee Street, east of 135th Street West). Total Cost - $514,693.53 (plus idle fund interest estimated - $52.89, plus temporary note interest - $1,183.58). Financing to be issued at this time - $515,930.00. (766270/472-84487/490-288).

j. Traffic Signal at 21st Street North and Founders Circle (south of 21st Street North, west of 127th Street East). Total Cost - $66,241.45 (less idle fund interest – $60.34, plus temporary note interest - $638.89). Financing to be issued at this time - $66,820.00. (766177/472-84331/490195).

k. Pavement of right and left turn lanes on 21st Street North to serve Reeds Commercial Addition (south of 21st Street North, east of 127th Street East). Total Cost - $47,610.53 (plus idle fund interest - $16.50, plus temporary note interest - $452.97). Financing to be issued at this time - $48,080.00. (766179/472-83697/490-197).

l. Installation of underground street lighting in the 1400 block of North Willow Lane. Total Cost - $15,640.99 (plus idle fund interest - $19.01, plus temporary note interest - $0.00). Financing to be issued at this time - $15,660.00. (766278/472-85038/490-296).

Approved /Accepted by City Council

This _____

Wichita, Kansas
March 5, 2013
472-83636
OCA# 766178
PPN# 490196

City Clerk
Wichita, Kansas

Dear City Clerk:

Following is the cost of constructing:

Pavement of one left turn lane and one right turn lane on 21st Street North, and pavement of one left turn lane and one right turn lane on 127th Street East, to serve Hawthorne Addition (north of 21st Street North, east of 127th Street East)

Lump Sum Contract Amount	$32,367.00
Measured Items	$0.00
Change Orders	$0.00
Change Orders Measured Items	$0.00
Administration	$950.00
Engineering & Inspection	$5,484.88
Publication	$128.25
Abstract	$20.00
Construction Cost	$38,950.13
Idle Fund Interest Estimated	($13.95)
Temporary Financing Estimated	$373.82
TOTAL COST	$39,310.00

Respectfully Submitted,

Gary Janzen, P.E., City Engineer

Property	$39,310.00
0	$0.00

July 2013
Chesney 814
15 years

Petition/Resolution Amount: $82,000.00

Increase by 1% per month after: September 1, 2002

Approved /Accepted by City Council

This _____

Wichita, Kansas
March 5, 2013
472-85000
OCA# 766273
PPN# 490291

City Clerk
Wichita, Kansas

Dear City Clerk:

Following is the cost of constructing:

Paving on Boxthorn from the east line of Flutter Lane to the south line of Camden Chase to serve Monarch Landing 3rd Addition (north of 21st Street North, west of 159th Street East)

Lump Sum Contract Amount	$84,895.50
Measured Items	$0.00
Change Orders	$0.00
Change Orders Measured Items	$0.00
Administration	$2,529.18
Engineering & Inspection	$15,990.06
Publication	$261.65
Abstract	$20.00
Construction Cost	$103,696.39
Idle Fund Interest Estimated	$25.53
Temporary Financing Estimated	$208.08
TOTAL COST	$103,930.00

Respectfully Submitted,

Gary Janzen, P.E., City Engineer

Property	$103,930.00
0	$0.00

July 2013
Chesney 814
15 years

Petition/Resolution Amount: $136,000.00

Increase by 1% per month after: May 1, 2011

Approved /Accepted by City Council

This _____

Wichita, Kansas
March 5, 2013
472-84999

OCA# 766271
PPN# 490289

City Clerk
Wichita, Kansas

Dear City Clerk:

Following is the cost of constructing:

Paving on Camden Chase and paving on Flutter Court, serving Lots 14 through 22, Block 1 in Monarch Landing 3rd Addition (north of 21st Street North, west of 159th Street East)

Lump Sum Contract Amount	$166,556.33
Measured Items	$0.00
Change Orders	$0.00
Change Orders Measured Items	$0.00
Administration	$5,055.51
Engineering & Inspection	$35,299.80
Publication	$344.40
Abstract	$20.00
Construction Cost	$207,276.04
Idle Fund Interest Estimated	$26.28
Temporary Financing Estimated	$457.68
TOTAL COST	$207,760.00

Respectfully Submitted,

Gary Janzen, P.E., City Engineer

Property	$207,760.00
0	$0.00

July 2013
Chesney 814
15 years

Petition/Resolution Amount: $236,000.00

Increase by 1% per month after May 1, 2011

Approved /Accepted by City Council

This _____

Wichita, Kansas
March 5, 2013
472-84998

OCA# 766268
PPN# 490286

City Clerk
Wichita, Kansas

Dear City Clerk:

Following is the cost of constructing:

Paving on 127th Street Court East, from the east line of 127th Street East, east to and including cul-de-sac to serve Reeds Cove Medical Campus Addition (east of 127th Street East, south of 21st Street North).

Lump Sum Contract Amount	$124,740.48
Measured Items	$0.00
Change Orders	$2,040.00
Change Orders Measured Items	$0.00
Administration	$3,677.85
Engineering & Inspection	$20,077.39
Publication	$236.25
Abstract	$20.00
Construction Cost	$150,791.97
Idle Fund Interest Estimated	$18.67
Temporary Financing Estimated	$349.36
TOTAL COST	$151,160.00

Respectfully Submitted,

Gary Janzen, P.E., City Engineer

Property	$151,160.00
0	$0.00

July 2013
Chesney 814
15 years

Petition/Resolution Amount: $177,000.00

Increase by 1% per month after: May 1, 2011

Approved /Accepted by City Council

This _____

Wichita, Kansas
March 5, 2013
472-84975

OCA# 766269
PPN# 490287

City Clerk
Wichita, Kansas

Dear City Clerk:

Following is the cost of constructing:

Paving on Berkeley Square Parkway from the east edge of Chesterfield to the west edge of Greenwich Road to serve Berkeley Square 1st Addition (north of 13th Street North, west of Greenwich)

Lump Sum Contract Amount	$124,265.07
Measured Items	$0.00
Change Orders	$0.00
Change Orders Measured Items	$0.00
Administration	$4,344.34
Engineering & Inspection	$49,171.59
Publication	$316.90
Abstract	$20.00
Construction Cost	$178,117.90
Idle Fund Interest Estimated	$13.38
Temporary Financing Estimated	$408.72
TOTAL COST	$178,540.00

Respectfully Submitted,

Gary Janzen, P.E., City Engineer

Property	$178,540.00
0	$0.00

July 2013
Chesney 814
15 years

Petition/Resolution Amount: $435,000.00

Increase by 1% per month after February 1, 2011

Approved /Accepted by City Council

This _____

Wichita, Kansas
March 5, 2013
472-84927

OCA# 766259
PPN# 490277

City Clerk
Wichita, Kansas

Dear City Clerk:

Following is the cost of constructing:

Paving on a North-South Alley from 12.5 feet south of the north property line of Lot 126 Ellis Avenue to the north line of Kellogg Drive to serve Burrs Addition (north of Kellogg, west of Hydraulic)

Lump Sum Contract Amount	$53,250.90
Measured Items	$0.00
Change Orders	$0.00
Change Orders Measured Items	$0.00
Administration	$1,626.02
Engineering & Inspection	$11,417.17
Publication	$352.90
Abstract	$20.00
Construction Cost	$66,666.99
Idle Fund Interest Estimated	$18.38
Temporary Financing Estimated	$234.63
TOTAL COST	$66,920.00

Respectfully Submitted,

Gary Janzen, P.E., City Engineer

Property	$59,478.50
City at large	$7,441.50

July 2013
Chesney 814
15 years

Petition/Resolution Amount: $100,000.00

Increase by 1% per month after: June 1, 2010

Approved /Accepted by City Council

This _____

Wichita, Kansas
March 5, 2013
472-84635
OCA# 766183
PPN# 490201

City Clerk
Wichita, Kansas

Dear City Clerk:

Following is the cost of constructing:

Pavement of a right turn lane on 21st Street North to serve Krug South Commercial Addition (south of 21st Street North, west of 143rd Street East)

Lump Sum Contract Amount	$33,077.70
Measured Items	$0.00
Change Orders	$0.00
Change Orders Measured Items	$0.00
Administration	$1,005.52
Engineering & Inspection	$6,961.79
Publication	$161.50
Abstract	$20.00
Construction Cost	$41,226.51
Idle Fund Interest Estimated	$7.69
Temporary Financing Estimated	$395.80
TOTAL COST	$41,630.00

Respectfully Submitted,

Gary Janzen, P.E., City Engineer

Property	$41,630.00
0	$0.00

July 2013
Chesney 814
15 years

Petition/Resolution Amount: $53,000.00

Increase by 1% per month after January 1, 2009

Approved /Accepted by City Council

This _____

Wichita, Kansas
March 5, 2013
472-84526

OCA# 766232
PPN# 490250

City Clerk
Wichita, Kansas

Dear City Clerk:

Following is the cost of constructing:

Pavement of a right turn lane on 21st Street North at 159th Street East to serve Monarch Landing Addition (north of 21st Street North, west of 159th Street East)

Lump Sum Contract Amount	$157,311.88
Measured Items	$0.00
Change Orders	$0.00
Change Orders Measured Items	$0.00
Administration	$3,986.67
Engineering & Inspection	$2,013.40
Publication	$121.60
Abstract	$20.00
Construction Cost	$163,453.55
Idle Fund Interest Estimated	($206.68)
Temporary Financing Estimated	$1,253.13
TOTAL COST	$164,500.00

Respectfully Submitted,

Gary Janzen, P.E., City Engineer

Property	$164,500.00
0	$0.00

July 2013
Chesney 814
15 years

Petition/Resolution Amount: $124,000.00

Increase by 1% per month after: January 1, 2007

Approved /Accepted by City Council

This _____

Wichita, Kansas
March 5, 2013
472-84487
OCA# 766270
PPN# 490288

City Clerk
Wichita, Kansas

Dear City Clerk:

Following is the cost of constructing:

Paving on Wheatland, Grant, and Limuel to serve Turkey Creek 3rd Addition (north of Pawnee Street, east of 135th Street West)

Lump Sum Contract Amount	$443,394.29
Measured Items	$0.00
Change Orders	$4,215.21
Change Orders Measured Items	$0.00
Administration	$12,553.50
Engineering & Inspection	$53,925.58
Publication	$584.95
Abstract	$20.00
Construction Cost	$514,693.53
Idle Fund Interest Estimated	$52.89
Temporary Financing Estimated	$1,183.58
TOTAL COST	$515,930.00

Respectfully Submitted,

Gary Janzen, P.E., City Engineer

Property	$515,930.00
0	$0.00

July 2013
Chesney 814
15 years

Petition/Resolution Amount: $612,000.00

Increase by 1% per month after: December 1, 2006

Approved /Accepted by City Council

This _____

Wichita, Kansas
March 5, 2013
472-84331
OCA# 766177
PPN# 490195

City Clerk
Wichita, Kansas

Dear City Clerk:

Following is the cost of constructing:

Traffic Signal at 21st Street North and Founders Circle (south of 21st Street North, west of 127th Street East)

Lump Sum Contract Amount	$58,050.00
Measured Items	$0.00
Change Orders	$0.00
Changer Orders Measured Items	$0.00
Administration	$1,615.65
Engineering & Inspection	$6,407.60
Publication	$148.20
Abstract	$20.00
Construction Cost	$66,241.45
Idle Fund Interest Estimated	($60.34)
Temporary Financing Estimated	$638.89
TOTAL COST	$66,820.00

Respectfully Submitted,

Gary Janzen, P.E., City Engineer

Property	$33,410.00
General Obligation Bonds	$33,410.00

July 2013
Chesney 814
15 years

Petition/Resolution Amount: $150,000.00

Increase by 1% per month after: October 1, 2005

Approved /Accepted by City Council

This _____

Wichita, Kansas
March 5, 2013
472-83697

OCA# 766179
PPN# 490197

City Clerk
Wichita, Kansas

Dear City Clerk:

Following is the cost of constructing:

Pavement of right and left turn lanes on 21st Street North to serve Reed Commercial Addition (south of 21st Street North, east of 127th Street East)

Lump Sum Contract Amount	$38,746.65
Measured Items	$0.00
Change Orders	$0.00
Change Orders Measured Items	$0.00
Administration	$1,161.23
Engineering & Inspection	$7,554.40
Publication	$128.25
Abstract	$20.00
Construction Cost	$47,610.53
Idle Fund Interest Estimated	$16.50
Temporary Financing Estimated	$452.97
TOTAL COST	$48,080.00

Respectfully Submitted,

Gary Janzen, P.E., City Engineer

Property	$48,080.00
0	$0.00

July 2013
Chesney 814
15 years

Petition/Resolution Amount: $166,000.00

Increase by 1% per month after October 1, 2002

Approved /Accepted by City Council

This _____

Wichita, Kansas
March 5, 2013
472-85038
OCA# 766278
PPN# 490296

City Clerk
Wichita, Kansas

Dear City Clerk:

Following is the cost of constructing:
Installation of underground street lighting in the 1400 block of North Willow Lane.

Lump Sum Contract Amount	$15,000.00
Measured Items	$0.00
Change Orders	$0.00
Change Orders Measured Items	$0.00
Administration	$381.49
Engineering & Inspection	$0.00
Publication	$239.50
Abstract	$20.00
Construction Cost	$15,640.99
Idle Fund Interest Estimated	$19.01
Temporary Financing Estimated	$0.00
TOTAL COST	$15,660.00

Respectfully Submitted,

Gary Janzen, P.E., City Engineer

Property	$15,660.00
0	$0.00

July 2013
Chesney 814
15 years

Petition/Resolution Amount: $15,000.00

Increase by 1% per month after: November 30, 2011

Agenda Item No. II-5a

City of Wichita
City Council Meeting
December 4, 2012

TO: Mayor and City Council

SUBJECT: Laboratory Contractual Services for Brooks Landfill (All Districts)

INITIATED BY: Department of Public Works & Utilities

AGENDA: Consent

Recommendation: Approve the laboratory services contract with iSi Environmental and authorize the funding.

Background: The City is required to have a Kansas certified laboratory perform analysis on environmental samples collected from the groundwater monitoring wells located at Brooks Landfill and analyzed in accordance with the Groundwater Sampling and Analysis Plan as approved by the Kansas Department of Health and Environment (KDHE) Bureau of Waste Management. This groundwater monitoring effort is required at and around the closed municipal solid waste landfill. Samples are collected twice each year and the analytical results are compiled into a groundwater monitoring report for submittal to KDHE.

Analysis: On October 8, 2012, the City received proposals from five contract laboratories to perform analytical services for environmental ground water sampling and analysis that are required. The selection process was conducted in accordance with Administrative Regulation 1.2, Contracting for Professional Services, and a Staff Screening and Selection Committee (SSSC) was convened to shortlist and conduct interviews. The SSSC reviewed the five proposals and determined that four of the proposals met the qualifications. An interview with each vendor was conducted. iSi Environmental was the vendor selected by the SSSC based upon the proposal qualifications, interview process, and technical issues presented.

Financial Consideration: The contractual cost to collect and analyze the various water samples by iSi Environmental for the City is $18,001 per year. This contract will be in force for two years with the possibility of two one-year renewals. Funding is available in the Public Works & Utilities Landfill Post Closure budget for these laboratory services.

Legal Consideration: The contract has been reviewed and approved as to form by the Law Department.

Recommendation/Actions: It is recommended that the City Council approve the contract with iSi Environmental, approve the funding and authorize the necessary signatures.

Attachment: Laboratory Services Contract with iSi Environmental.

CONTRACT
FOR
LABORATORY ANALYSIS OF ENVIRONMENTAL SAMPLES

THIS CONTRACT, made this 20th day of November 2012, by and between **THE CITY OF WICHITA, KANSAS**, a Municipal Corporation, hereinafter called the **"CITY"** and **iSi Environmental**, 215 South Laura, Wichita, Kansas 67211, hereinafter called **"VENDOR"**.

WITNESSETH THAT:

WHEREAS, the VENDOR provided a proposal dated October 8, 2012 in response to the CITY's request for proposal FP240067 Group 2, and the CITY has selected the VENDOR based on their proposal and agrees to pay VENDOR according to the prices quoted within the VENDOR's proposal, attached hereto as Exhibit A and incorporated herein, for laboratory analyses of environmental samples for the Department of Public Works & Utilities – Environmental Health Division – Brooks Landfill Site.

WHEREAS, the VENDOR has available and offers to provide personnel and laboratory services necessary to accomplish the CITY's work within the required time, and will perform such work as specified in the protocols provided in the request for proposal FP240067, Group 2; and

WHEREAS, the CITY is authorized by law to employ VENDORS to assist with the work in order to implement and fulfill the CITY's duties and services.

NOW, THEREFORE, the parties hereto do mutually agree as follows:

A. Under this contract, VENDOR will provide the CITY with groundwater sample collection and analysis services conforming to the requirements of sections 2, 3, and 4 of the Brooks Landfill SAP, approved revisions thereto, and all applicable U.S. Environmental Protection Agency (EPA)/KDHE protocols and procedures. VENDOR will provide all equipment, materials, and labor to perform all specified sample analyses in accordance with all applicable laws and regulations. VENDOR will also provide technical support to the CITY in meeting the groundwater collection and analytical testing requirements of the Safe Drinking Water Act, Clean Water Act, Clean Air Act, Resource Conservation and Recovery Act, and applicable NPDES requirements. We have carefully reviewed and will comply with the requirements of the Request for Proposal.

B. The price schedule presented in the Proposal will be valid for the contract period of two years from the bid date award and two one-year renewals. The VENDOR understands that the terms and conditions of the contract will remain unchanged.

C. If, during the contract period, the CITY requires additional testing, the requirements must be provided to VENDOR in writing. Any additions or changes to this contract must be mutually agreed to in writing by both parties before becoming part of this contract.

D. The VENDOR further warrants fault free performance of the services contracted herein regardless of the existence of hardware, software, or firmware failure experienced by the VENDOR, or any of its agents or suppliers.

E. The VENDOR, in performing the work under this contract, agrees to comply with the provisions of the "Revised Non-Discrimination and Equal Employment Opportunity Statement for Contracts or Agreements" of the CITY of Wichita, a copy of which is attached to this Contract.

F. The VENDOR shall insure that the detection limits for all analytical parameters meet or exceed those required limits; VENDOR shall modify, adjust, and/or sub-contract out analyses to a laboratory approved by the CITY, to assure the CITY remains in compliance with all applicable regulations.

G. The CITY reserves the right to cancel or modify the list of water test parameters used to stay in compliance with all statutes, rules and regulations governing the testing and monitoring of groundwater for Title D landfills. The CITY may accept or reject additional costs presented by Seller caused by a change in testing parameters. If the CITY finds the additional costs acceptable, it will amend the contract accordingly.

H. The VENDOR agrees not to sub-contract or assign this Contract without the written permission of the CITY.

I. The VENDOR shall save and hold the CITY harmless against all suits, claims, damages and losses for injuries to persons or property arising from or caused by errors, omissions, or negligent acts of VENDOR, its officers, agents, servants, or employees, occurring in the performance of its services under this Contract.

J. The VENDOR will carry insurance coverage during the term of this Contract and any extensions thereof in the amounts and manner provided as follows:

1. Comprehensive General Liability Covering premises-operations, (explosion, collapse and underground) hazards when applicable.

Bodily Injury Liability	$500,000 each occurrence $500,000 each aggregate
Property Damage Liability	$500,000 each occurrence $500,000 each aggregate
Or	
Bodily Injury and Property Damage Liability (Combined Single Limit)	$500,000 each occurrence $500,000 each aggregate

2. Automotive Liability-Comprehensive Form including all owned, hired, and non-owned vehicles with minimum limits for:

Bodily Injury Liability	$500,000 each accident
Property Damage Liability	$500,000 each accident

Or

Bodily Injury and Property Damage	$500,000 each accident

3. Workers' Compensation Employers' Liability for minimum limits of:

Employers' Liability	$100,000 each accident

K. If VENDOR abandons, delays unnecessarily in the performance of, or in any manner refuses or fails to comply with any of the terms of this contract, the CITY may notify the seller in writing of such abandonment, unnecessary delay, refusal, or failure to comply with the terms of the Contract. If such abandonment, delay or failure to comply is not thereafter corrected by Seller within twenty-four (24) hours of receiving such written notice, the CITY may declare the contract to be in default. This contract is subject to cancellation by the CITY upon thirty - (30) days written notice.

L. It is specifically agreed between the parties that it is not intended by any of the provisions of any part of the Contract to make the public or any member thereof a third-party beneficiary hereunder, or to authorize anyone not a party to this Contract to maintain a suit for damages pursuant to the terms of the provisions of this Contract.

This contract is to be in effect from _____ through _____, with the CITY having an option to renew the Contract under the same terms and conditions for two (2) additional one-year periods by mutual agreement of the parties.

Executed at Wichita, Kansas this 20th day of November 2012.

CITY OF WICHITA, KANSAS

_____
Carl Brewer, Mayor

ATTEST:

_____
Karen Sublett, CITY Clerk

APPROVED TO FORM:

Gary E. Rebenstorf
Gary E. Rebenstorf, Director of Law

iSi Environmental

Karma Mason
Karma Mason, President

Agenda Item No. II-5b

City of Wichita
City Council Meeting
December 4, 2012

TO: Mayor and City Council

SUBJECT: Laboratory Contractual Services (All Districts)

INITIATED BY: Department of Public Works & Utilities

AGENDA: Consent

Recommendation: Approve the laboratory services contract with Continental Analytical Services (CAS) and authorize the funding.

Background: The City is required to have a Kansas certified laboratory perform analysis on environmental samples for Federal and State permits as well as for investigative activities. These permits include the National Pollution Discharge Elimination System permits at the City's Waste Water Treatment facilities, Gilbert and Mosley Treatment system, and stormwater discharges that are administered by the Kansas Department of Health and Environment. Additionally, as circumstances arise, laboratory services are necessary for water quality investigations.

Analysis: On October 8, 2012, the City received proposals from four contract laboratories to perform analytical services for the City. The selection process was conducted in accordance with Administrative Regulation 1.2, Contracting for Professional Services, and a Staff Screening and Selection Committee (SSSC) was convened to shortlist and conduct interviews. The SSSC reviewed the four proposals and determined that three of the proposals met the qualifications. An interview with each vendor was conducted. CAS was the vendor selected by the SSSC based upon the proposal qualifications, interview process, and technical issues presented.

Financial Consideration: The contractual cost to collect and analyze the various water samples by CAS for the City is $149,689 per year. This contract will be in force for two years with the possibility of two one-year renewals. Funding is available in the Public Works & Utilities budget for these laboratory services.

Legal Consideration: The contract has been reviewed and approved as to form by the Law Department.

Recommendation/Actions: It is recommended that the City Council approve the contract with CAS, approve the funding and authorize the necessary signatures.

Attachment: Laboratory Services Contract with CAS.

CONTRACT
FOR
LABORATORY ANALYSIS OF ENVIRONMENTAL SAMPLES

THIS CONTRACT, made this _____ day of _____2012, by and between **THE CITY OF WICHITA, KANSAS**, a Municipal Corporation, hereinafter called the **"CITY"** and **CONTINENTAL ANALYTICAL SERVICES, INC.**, 525 North Eighth Street, Salina, Kansas 67401, hereinafter called **"VENDOR"**.

WITNESSETH THAT:

WHEREAS, the VENDOR provided a proposal dated _____in response to the CITY's request for proposal FP240068 Group One, and the CITY has selected the VENDOR based on their proposal and agrees to pay VENDOR according to the prices quoted within the VENDOR's proposal, attached hereto as Exhibit A and incorporated herein, for laboratory analyses of environmental samples for the Department of Public Works & Utilities – Environmental Health, Stormwater Utilities, and Sewage Treatment Divisions.

WHEREAS, the VENDOR has available and offers to provide personnel and laboratory services necessary to accomplish the CITY's work within the required time, and will perform such work as specified in the protocols provided in the request for proposal FP240068 Group One; and

WHEREAS, the CITY is authorized by law to employ VENDORS to assist with the work in order to implement and fulfill the CITY's duties and services.

NOW, THEREFORE, the parties hereto do mutually agree as follows:

A. Under this contract, VENDOR will provide the CITY with chemical analysis of groundwater, surface water, storm water, sewage treatment wastewater, industrial wastewater, soil and sediment samples and bio-solids. VENDOR will provide all equipment, materials, and labor to perform all specified sample analyses in accordance with all applicable laws and regulations. VENDOR will also continue to provide technical support to the CITY in meeting the analytical testing requirements of the Safe Drinking Water Act, Clean Water Act, Clean Air Act, Resource Conservation and Recovery Act, 503 Sludge Regulations, NPDES requirements, industrial pretreatment program and sludge monitoring requirements. We have carefully reviewed and will comply with the requirements of the Request for Proposal.

B. The price schedule presented in the Proposal will be valid for the contract period of two years from the bid date award and two one-year renewals. The VENDOR understands that the terms and conditions of the contract will remain unchanged.

C. If, during the contract period, the CITY requires additional testing, the requirements must be provided to VENDOR in writing. Any additions or changes to this contract must be mutually agreed to in writing by both parties before becoming part of this contract.

D. The VENDOR further warrants fault free performance of the services contracted herein regardless of the existence of hardware, software, or firmware failure experienced by the VENDOR, or any of its agents or suppliers.

E. The VENDOR, in performing the work under this contract, agrees to comply with the provisions of the "Revised Non-Discrimination and Equal Employment Opportunity Statement for Contracts or Agreements" of the CITY of Wichita, a copy of which is attached to this Contract.

F. The VENDOR shall insure that the detection limits for all analytical parameters meet or exceed those required limits; VENDOR shall modify, adjust, and/or sub-contract out analyses to a laboratory approved by the CITY, to assure the CITY remains in compliance with all applicable regulations.

G. The CITY reserves the right to cancel or modify the list of water test parameters used to stay in compliance with all statutes, rules and regulations governing the testing and monitoring of groundwater for Title D landfills. The CITY may accept or reject additional costs presented by Seller caused by a change in testing parameters. If the CITY finds the additional costs acceptable, it will amend the contract accordingly.

H. The VENDOR agrees not to sub-contract or assign this Contract without the written permission of the CITY.

I. The VENDOR shall save and hold the CITY harmless against all suits, claims, damages and losses for injuries to persons or property arising from or caused by errors, omissions, or negligent acts of VENDOR, its officers, agents, servants, or employees, occurring in the performance of its services under this Contract.

J. The VENDOR will carry insurance coverage during the term of this Contract and any extensions thereof in the amounts and manner provided as follows:

1. Comprehensive General Liability Covering premises-operations, (explosion, collapse and underground) hazards when applicable.

Bodily Injury Liability	$500,000 each occurrence $500,000 each aggregate
Property Damage Liability	$500,000 each occurrence $500,000 each aggregate
Or	
Bodily Injury and Property Damage Liability (Combined Single Limit)	$500,000 each occurrence $500,000 each aggregate

2. Automotive Liability-Comprehensive Form including all owned, hired, and non-owned vehicles with minimum limits for:

Bodily Injury Liability	$500,000 each accident
Property Damage Liability	$500,000 each accident

Or

Bodily Injury and Property Damage	$500,000 each accident

3. Workers' Compensation Employers' Liability for minimum limits of:

Employers' Liability	$100,000 each accident

K. If VENDOR abandons, delays unnecessarily in the performance of, or in any manner refuses or fails to comply with any of the terms of this contract, the CITY may notify the seller in writing of such abandonment, unnecessary delay, refusal, or failure to comply with the terms of the Contract. If such abandonment, delay or failure to comply is not thereafter corrected by Seller within twenty-four (24) hours of receiving such written notice, the CITY may declare the contract to be in default. This contract is subject to cancellation by the CITY upon thirty - (30) days written notice.

L. It is specifically agreed between the parties that it is not intended by any of the provisions of any part of the Contract to make the public or any member thereof a third-party beneficiary hereunder, or to authorize anyone not a party to this Contract to maintain a suit for damages pursuant to the terms of the provisions of this Contract.

This contract is to be in effect from _____ through _____, with the CITY having an option to renew the Contract under the same terms and conditions for two (2) additional one-year periods by mutual agreement of the parties.

Executed at Wichita, Kansas this _____day of _____ 2012.

CITY OF WICHITA, KANSAS

_____
Carl Brewer, Mayor

ATTEST:

_____
Karen Sublett, CITY Clerk

CONTINENTAL ANALYTICAL SERVICES, INC.

_____
Clifford J. Baker, President

APPROVED TO FORM:

Gary E. Rebenstorf, Director of Law

City of Wichita
City Council Meeting
December 4, 2012

TO: Mayor and City Council

SUBJECT: Change Order No. 1- 3rd Street Water Main Replacement from Wabash to I-135 (District I)

INITIATED BY: Department of Public Works & Utilities

AGENDA: Consent

Recommendation: Approve Change Order No. 1.

Background: On June 12, 2012, the City Council approved a series of water main replacement (WMR) and sanitary sewer rehabilitation and reconstruction (R&R) projects, including a water main replacement on 3rd Street, from Wabash to I-135. Two large deteriorating mains are being replaced with a new 24-inch water main to increase water pressure, decrease the number of shut downs due to water main breaks and leaks, provide improved fire protection, and reduce maintenance costs.

Analysis: Several existing sanitary sewer lines over 90 years old are being crossed in close proximity by the new waterline. These sewer lines are in much worse condition than anticipated, will not hold up through the waterline excavation, and need to be replaced across the width of the work area. Two manholes also require rehabilitation where the lines connect.

Financial Considerations: The cost of the additional work is $21,840. The original contract amount is $1,310,778. This change order represents 1.66% of the original contract amount. Funding is available within the existing project budget.

Legal Considerations: The Law Department has approved the change order as to form. The change order amount is within the 25% of contract cost limit set by City Council policy.

Recommendation/Action: It is recommended that the City Council approve Change Order No. 1 and authorize the necessary signatures.

Attachments: Change Order No. 1.

PUBLIC WORKS-ENGINEERING

November 8, 2012

CHANGE ORDER

To: Wildcat Construction

Project: 3rd St.Water Main, Wabash to I-135

Change Order No.: 1
Purchase Order No.: 240494
CHARGE TO OCA No.: 620605

Project No.: 448-90217/468-84852
OCA No.: 635808/**620605**
PPN: 752030/**662019**

Please perform the following extra work at a cost not to exceed $21,840.00

Additional Work: Replace existing Sanitary Sewers and rehabilitate manholes.

Reason for Additional Work: 24" Waterline installation will go under existing 93 year old sewer lines at BL stations 36+86 & 38+12. These SS lines are in poor shape, won't withstand WL construction and will need to be replaced. Two manholes at these locations require the bench & inverts to be rebuilt, and one ring and lid replaced. One 20' point repair is necessary at BL station 36+90.

Item	Negot'd/Bid	Qty	Unit Price	Extension
MH Frame & Cover, Replaced	Negot'd	1 ea	$1,900.00	$1,900.00
MH Bench & Invert, Constructed	Negot'd	2 ea	$1,300.00	$2,600.00
Pipe, SS 8"	Negot'd	69 lf	$90.00	$6,210.00
Pipe Removed, 8"	Negot'd	89 lf	$15.00	$1,335.00
Point Repair	Negot'd	20 lf	$148.45	$2,969.00
Pavement Removal	Negot'd	58 sy	$15.00	$870.00
Brick Pavers Removed and Reset	Bid	48 sy	$31.00	$1,488.00
Crushed Rock Base 6", Reinforced	Bid	48 sy	$13.00	$624.00
Concrete Base 6"	Bid	48 sy	$28.00	$1,344.00
Concrete Pavement 8"	Negot'd	10 sy	$19.00	$190.00
AC Pavement 6" Temporary	Negot'd	77 sy	$30.00	$2,310.00

TOTAL: $21,840.00

CIP Budget Amount: $1,620,000.00 (635808)
$ 30,000.00 (620605)

Original Contract Amt.: $1,310,778.00

Consultant: MKEC
Exp. & Encum. To Date: $0.00

CO Amount: $21,840.00
Unencum. Bal. After CO: $8,160.00

Current CO Amt.: $21,840.00
Amt. of Previous CO's: $0.00
Total of All CO's: $21,840.00
% of Orig. Contract / 25% Max.: 1.66%
Adjusted Contract Amt.: $1,332,618.00

Recommended By: Jeff Terhune

_____ _____
Greg Baalman, P.E. Date
Construction Engineer

Approved:

_____ _____
Contractor Date

Approved as to Form:

_____ _____
Gary Rebenstorf Date
Director of Law

Approved:

_____ _____
Gary Janzen, P.E. Date
City Engineer

Approved

_____ _____
Alan King Date
Director of Public Works & Utilities

By Order of the City Council:

_____ _____
Carl Brewer Date
Mayor

Attest:_____
City Clerk

City of Wichita
City Council Meeting
December 4, 2012

TO: Mayor and City Council

SUBJECT: Change Order No. 5- Hydraulic Improvement, between Harry and Kellogg (District I)

INITIATED BY: Department of Public Works & Utilities

AGENDA: Consent

Recommendation: Approve Change Order No. 5.

Background: On January 12, 2010, the City Council approved a construction contract with Pavers, Inc. to improve Hydraulic, between Harry and Kellogg. On February 8, 2011, the City Council approved Change Order No. 2 in the amount of $60,160, for realignment of the storm sewer. Previous change orders not requiring City Council approval were issued as follows:

Change Order No. 1, $2,000, June 14, 2010, for relocation of electrical service to traffic signals;
Change Order No. 3, ($21,722), October 30, 2012, to decrease measured quantity bid items for waterline work;
Change Order No. 4, ($1,129), October 30, 2012, for deletion of a four-inch sewer service line.

Analysis: Change Order No. 5 adds measured quantity bid items, which were final measured in the field, for paving and drainage work. Included is a pedestrian push button signal to provide for Americans with Disabilities Act compliance at Harry; additional driveway removal and replacement on the east side of Hydraulic to provide more manageable and safer slopes for users; and additional protection curb in some areas to make existing yards flatter and thus easier to maintain.

Financial Considerations: The cost of the additional work is $28,914. This change order, plus previous change orders totals $68,224, which represents 2.19% of the original contract amount. Funding is available within the existing, approved budget.

Legal Considerations: The Law Department has approved the change order as to form. The change order amount is within the 25% of contract cost limit set by City Council policy.

Recommendation/Action: It is recommended that the City Council approve Change Order No. 5 and authorize the necessary signatures.

Attachments: Change Order No. 5.

PUBLIC WORKS-ENGINEERING

October 30, 2012

CHANGE ORDER

To: Pavers Inc.
Change Order No.: 5
Purchase Order No.: 931207
CHARGE TO OCA No.: 991304

Project: Hydraulic, Harry - Kellogg(ARRA)
Project No.: 87N-0503-01_472-84848
OCA No.: 991304/620546/636220
PPN: NA/669664/779609

Please perform the following extra work at a cost not to exceed $ 28,913.97

Additional Work: Add Pedestrian Push Button Pedestal and Paving/Drainage Measured Quantity Bid Items

Reason for Additional Work: A Pedestrian Push Button Pedestal was required at the southwest corner of Harry & Hydraulic in order to meet the ADA requirements for a landing and access to the push buttons from each traveled direction. The paving/drainage measured bid items were final measured in the field. Existing grades on the East side of the project were steep and required extension of multiple driveways beyond the plan in order to stay under the maximum allowable driveway slope requirement of 8%. Two additional driveways were added for access to property that was not indicated in the plans and was the only access to those properties. The sidewalk was under run in those locations. Additional protection curb was required for several locations due to steep grades behind the sidewalk on the East side of the project. No erosion mat was placed before sod was installed.

Paving Improvements (Participating) (991304)

Item	KDOT#	Negot'd/Bid	Qty	Unit Price	Extension
	Pedestrian Push Button Pedestal	Negot'd	1 Ea	$1,835.00	$1,835.00
62	Sidewalk Conc (4") (AE)	Bid	(727.44) sf	$3.06	($2,225.97)
63	Driveway Conc Pvmt, 8" (Reinf.)(AE)	Bid	5,649.17 sf	$5.96	$33,669.05
66	Crushed Rock Hookup Surface (6")(Drive Hookup)	Bid	(196.00) sf	$1.46	($286.16)
67	Protection Curb	Bid	831.20 lf	$9.61	$7,987.83
73	Sand Fill, Flush & Vib	Bid	(517.00) lf	$6.96	($3,598.32)
75	Large Tree Removal	Bid	1 ea	$334.82	$334.82
76	Portable, Changable Electronic Message Boards	Bid	(71) dy	$22.46	($1,594.66)
77	Erosion Control BMP (Back of Curb Protection)	Bid	(5,800) sy	$0.28	($1,624.00)
79	Erosion Control BMP (Stabilzed Construction Entrance)	Bid	(7) ea	$797.66	($5,583.62)
				Total	**$28,913.97**

CIP Budget Amount: $4,110,519.00 (991304)
$ 166,000.00 (620546)
$ 540,000.00 (636220)

Original Contract Amt.: $3,107,791.00

Consultant: Baughman
Exp. & Encum. To Date: $3,078,963.96

CO Amount: $28,913.97
Unencum. Bal. After CO: $1,002,641.07

Current CO Amt.: $28,913.97
Amt. of Previous CO's: $39,309.65
Total of All CO's: $68,223.62
% of Orig. Contract / 25% Max.: 2.19%
Adjusted Contract Amt.: $3,176,014.62

Approved:

_____ _____
Greg Baalman, P.E. Date
Construction Engineer

Approved:

_____ _____
Contractor Date

Approved as to Form:

_____ _____
Gary Rebenstorf Date
Director of Law

Approved:

_____ _____
Gary Janzen, P.E. Date
City Engineer

Approved

_____ _____
Alan King Date
Director of Public Works & Utilities

By Order of the City Council:

_____ _____
Carl Brewer Date
Mayor

Attest:_____
City Clerk

CITY OF WICHITA
City Council Meeting
December 4, 2012

TO: Mayor and City Council

SUBJECT: Acquisition of an Easement at 2500 North 135th Street West for the 135th Street West Sanitary Sewer Force Main Project (District V)

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Approve the acquisition.

Background: On April 14, 2009, the City Council approved a modification to the 2009 Capital Improvement Program (CIP) fund to allow for a Water Utilities project titled 20-Inch Parallel Force Main from Pump Station Number 56 to Plant 3. The existing pump station at the southeast corner of 135th and 21st St North is connected to Treatment Plant Number 3 with a 14" force main. Due to the population growth in Northwest Wichita, the existing 14" line has reached capacity. The installation of the 20-inch parallel force main will eliminate the capacity limitations of the smaller line. The project will require partial acquisitions from nine tracts. The tracts of land within this corridor consist of agricultural and residential uses. The tract at 2500 North 135th Street West is rural residential. There are no improvements within the acquisition area.

Analysis: A twenty foot wide temporary easement during construction is required from 2500 N 135th to facilitate the project. The subject property is rural residential with all improvements removed from the acquisition area. The temporary easement area is comprised of 9,494 square feet. An estimated market value offer of $950, or $0.10 per square foot was rejected by the owner. The owner originally countered at $2,400 but agreed to accept $1,500, or $0.15 per square foot. While this value is higher than market, the additional compensation avoids the risk of the cost if acquired through the eminent domain process.

Financial Considerations: The funding source for the project is Water Utilities revenues and reserves, and/or a future revenue bond issue. A budget of $2,000 is requested. This includes $1,500 for the acquisition and $500 for title work and other administrative fees.

Legal Considerations: The Law Department has approved the agreement as to form.

Recommendation/Action: It is recommended that the City Council 1) Accept the easement; 2) Approve the budget; and 3) Authorize the necessary signatures.

Attachments: Temporary construction easement, tract map and aerial map.

TEMPORARY CONSTRUCTION EASEMENT

THIS EASEMENT made this 8th day of November, 2012 by and between (Owner), herein referred to as "Grantor(s)", and the City of Wichita, Kansas, a municipal corporation, successors and assigns, herein referred to as "Grantee(s)".

WITNESSETH: That the said Grantor, in consideration of the sum of One Thousand, Five Hundred Dollars (**$1,500.00**) and other good and valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant and convey unto the said Grantee a temporary construction easement for the purpose of constructing a sewer force main over, along and under the following described real estate situated in Sedgwick County, Kansas, to wit:

A Temporary Construction Easement in Wichita, Sedgwick County, Kansas, Described as Follows:

The east 20.00 feet of the west 60.00 feet of that part of the Southwest Quarter of Section 1, Township 27 South, Range 2 West of the Sixth Principal Meridian, Sedgwick County, Kansas lying north of and abutting the following described line: Commencing at the southwest corner of said Southwest Quarter; thence N00°00'E (assumed basis of bearings) along the west line of said Southwest Quarter, 2155.00 feet to the intersection with the westerly extension of the north line of a tract of land described and conveyed in the Warranty Deed recorded in Film 1475 at Page 1606, and for a point of beginning; thence N88°50'E along the extended north line of said tract of land, (Film 1475, Page 1606), 358.50 feet to a point of termination.

Containing 9,494 Sq. Ft., more or less.

The Grantee hereby covenants and agrees to indemnify, protect, and save harmless the Grantor, its successors and assigns, of, from, against and in respect of all liabilities, losses, claims, damages, punitive damages, causes of action, lawsuits, demands, judgments, settlement payments and costs and expenses caused by or arising out of the use of the premises by the Grantee, its employees, successors and assigns.

The Grantee is hereby granted the right to enter upon said premises at any time for the purpose of performing the work and associated site work for a period not to exceed two years from the date above written or within three months of the completion of the project, whichever is sooner.

IN WITNESS WHEREOF: Grantor(s) have signed these presents the day and year first written.

Greg Roldan _____ _____

STATE OF KANSAS)
) ss:
SEDGWICK COUNTY)

On 8 day of November, 2012, this easement was acknowledged before me

by Greg Robson

JULINE WALLWEBER
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. Dec. 05, 2012

Notary Public

My Commission expires: 12/05/2012

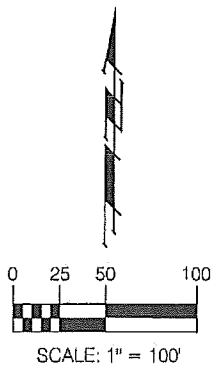
EXHIBIT

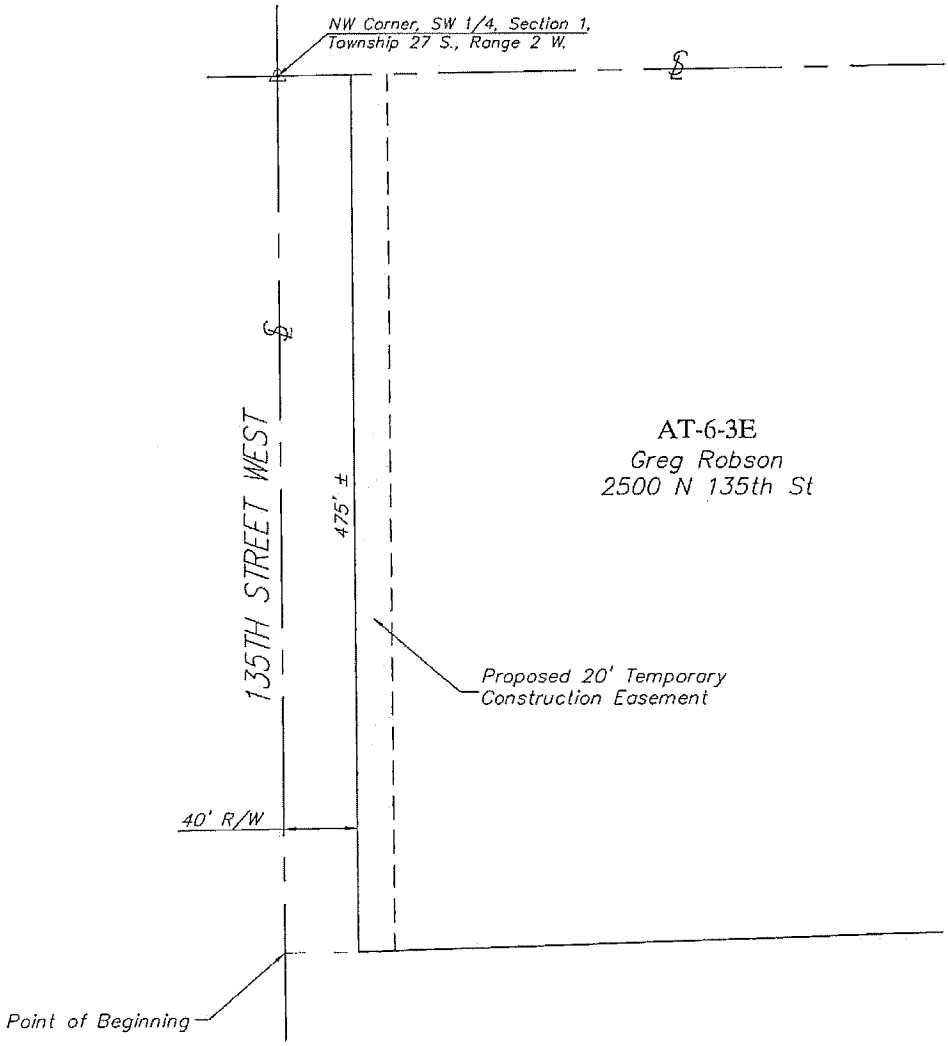
LEGAL DESCRIPTION:

A Temporary Construction Easement in Wichita, Sedgwick County, Kansas, Described as Follows:

The east 20.00 feet of the west 60.00 feet of that part of the Southwest Quarter of Section 1, Township 27 South, Range 2 West of the Sixth Principal Meridian, Sedgwick County, Kansas lying north of and abutting the following described line: Commencing at the southwest corner of said Southwest Quarter; thence N00°00'E (assumed basis of bearings) along the west line of said Southwest Quarter, 2155.00 feet to the intersection with the westerly extension of the north line of a tract of land described and conveyed in the Warranty Deed recorded in Film 1475 at Page 1606, and for a point of beginning; thence N88°50'E along the extended north line of said tract of land, (Film 1475, Page 1606), 358.50 feet to a point of termination.

Containing 9,494 Sq. Ft., more or less.





Project Number 05-10-E397

Exhibits & Legal Descriptions/Robson_Temp.dwg

Baughman Company, P.A.
315 Ellis St. Wichita, KS 67211 P 316-262-7271 F 316-262-0149
Baughman ENGINEERING | SURVEYING | PLANNING | LANDSCAPE ARCHITECTURE

2500 N 135th St W

Agenda Item No. II-7b

CITY OF WICHITA
City Council Meeting
December 4, 2012

TO: Mayor and City Council

SUBJECT: Acquisition of Easements in the 2800 Block of North 135th Street West for the 135th Street West Sanitary Sewer Force Main Project (District V)

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Approve the acquisition.

Background: On April 14, 2009, the City Council approved a modification to the 2009 Capital Improvement Program (CIP) fund to allow for a Water Utilities project titled 20-Inch Parallel Force Main from Pump Station Number 56 to Plant 3. The existing pump station at the southeast corner of 135th and 21st St North is connected to Treatment Plant Number 3 with a 14" force main. Due to the population growth in Northwest Wichita, the existing 14" line has reached capacity. The installation of the 20-inch parallel force main will eliminate the capacity limitations of the smaller line. The project will require partial acquisitions from nine tracts. The tracts of land within this corridor consist of agricultural and residential uses. The site in the 2800 Block of North 135th Street is agricultural in use.

Analysis: The project requires a twenty foot wide sanitary sewer easement and a temporary construction easement is required from the subject property along the east right-of-way line of 135th Street. The subject property is agricultural with some mature trees at a waterway and fencing along 135th, however; there are no other improvements within the proposed easement areas. The sewer line easement consists of 10,000 square feet and the temporary easement is 42,272 square feet. The required acquisitions were valued at $9,194 based on comparable sales in the area. This amount is comprised of $0.50 per square foot for the easement and $0.10 per square foot for the temporary easement. The owner agreed to accept $15,000 consisting of the estimated market value of $9,194 plus additional compensation for the loss of trees at the waterway and compensation for replacement of fencing.

Financial Considerations: The funding source for the project is Water Utilities revenues and reserves, and/or a future revenue bond issue. A budget of $16,000 is requested. This includes $15,000 for the acquisition and $1,000 for title work and other administrative fees.

Legal Considerations: The Law Department has approved the agreement as to form.

Recommendation/Action: It is recommended that the City Council 1) Accept the easements; 2) Approve the budget; and 3) Authorize the necessary signatures.

Attachments: Real estate purchase agreement, tract maps and aerial map.

CITY OF WICHITA, KANSAS
A MUNICIPAL CORPORATION

CONTRACT FOR CONVEYANCE OF REAL ESTATE BY WARRANTY DEED

THIS AGREEMENT made and entered into this 13 day of Nov., 2012, by and between:

Dale K Allen and Mildred J. Allen, husband and wife (Landowner), and the City of Wichita, Kansas, a municipal corporation (City)

WITNESSETH, For consideration as hereinafter set forth, Landowner hereby agree to sell and convey to the Buyer by a good and sufficient PERMANENT EASEMENT for the following described real properties, situated in Sedgwick County, Kansas, to wit:

A Sanitary Sewer Easement in Wichita, Sedgwick County, Kansas, described as follows:

The east 20 feet of the west 60 feet of the north 500 feet of the south 1240 feet of the West Half of the Northwest Quarter of Section 1, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas. Containing ~~42,272~~ 10,000 sq. ft., more or less.

Additionally, the Landowner hereby agrees to convey a TEMPORARY CONSTRUCTION EASEMENT to the City, the following described real properties in Sedgwick County to wit:

And a Temporary Easement in Wichita, Sedgwick County, Kansas, described as follows:

The east 20 feet of the west 60 feet of the West Half of the Northwest Quarter of Section 1, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, EXCEPT the north 30 feet thereof, and EXCEPT the north 500 feet of the south 1240 feet thereof. Containing ~~10,000~~ 42,272 sq. ft, more or less.

The temporary construction easement will expire automatically upon completion of the project, or at two (2) years from the date of the easement, whichever comes first.

The City hereby agrees to purchase, and pay to the Landowner as consideration for the conveyance to the City the above described real property and temporary construction easement the sum of Fifteen Thousand Dollars and No Cents ($15,000) in the manner following, to-wit: cash at closing.

It is understood and agreed that the Landowner(s) is/are responsible for all property taxes on the above described properties accrued prior to the conveyance of fee title, if applicable, to the City.

It is understood and agreed that the above stated consideration for said real estate is in full payment of said tracts of land and all damages arising from the transfer of said properties and its use

for the purposes above set out.

A duly executed copy of this Purchase Agreement shall be delivered to the parties hereto.

It is understood and agreed between the parties hereto that time is of the essence of this contract, and that this transaction shall be consummated on or before November 16, 2012.

The Landowner further agrees to convey the above described premises with all the improvements located thereon and deliver possession of the same in the same condition as they now are, reasonable wear and tear excepted.

Possession to be given to City at closing.

IN WITNESS WHEREOF The parties have hereunto signed this agreement the day and year first above written.

Dale K. Allen

Dale K. Allen

Mildred J. Allen

Mildred J. Allen

City of Wichita, Kansas, a municipal corporation:

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to form:

Gary E. Rebenstorf, Director of Law

Rev. 9-94
Form No. 1716

D. O. T.

EXHIBIT

LEGAL DESCRIPTION:

A Sanitary Sewer Easement in Wichita, Sedgwick County, Kansas, Described as Follows:

The east 20.00 feet of the west 60.00 feet of the north 500.00 feet of the south 1240.00 feet of the West Half of the Northwest Quarter of Section 1, Township 27 South, Range 2 West of the Sixth Principal Meridian, Sedgwick County, Kansas.

Containing ~~42,272~~ 10,000 Sq. Ft., more or less.

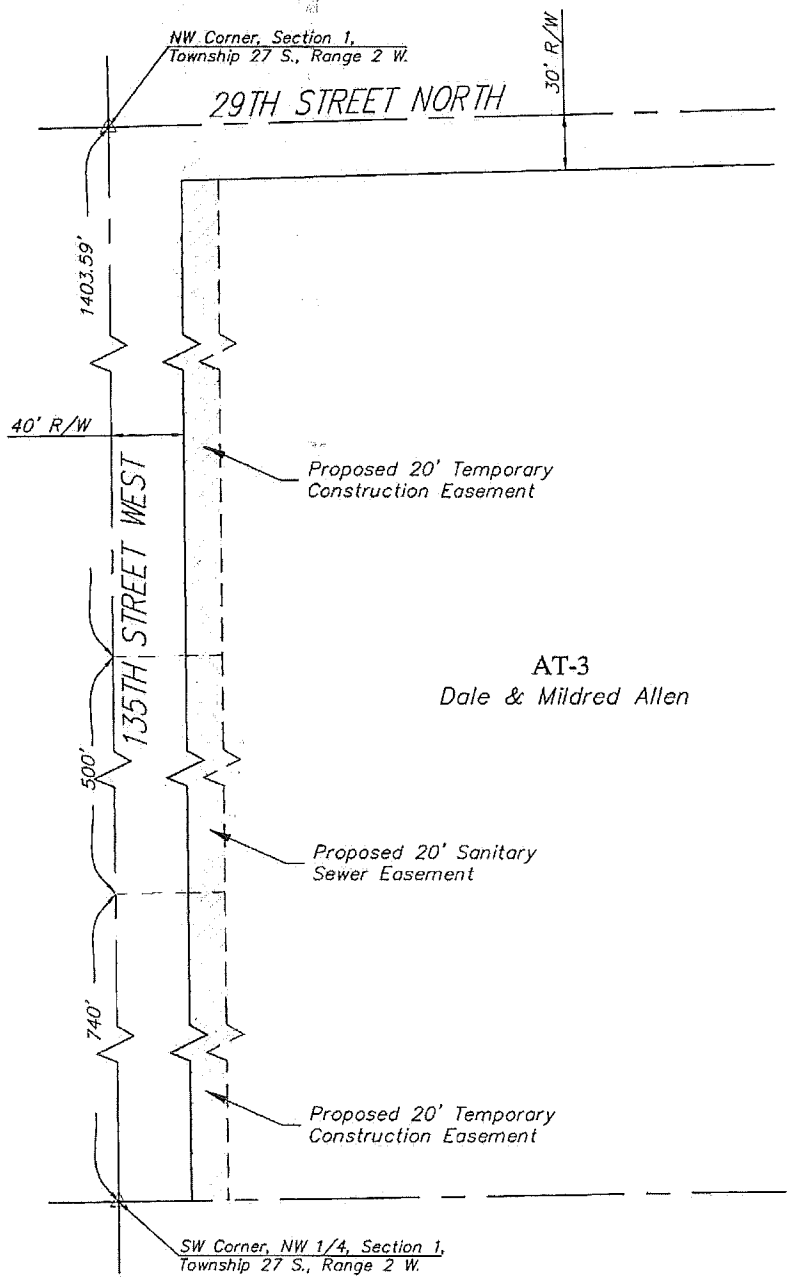
And a Temporary Construction Easement in Wichita, Sedgwick County, Kansas, Described as Follows:

The east 20.00 feet of the west 60.00 feet of the West Half of the Northwest Quarter of Section 1, Township 27 South, Range 2 West of the Sixth Principal Meridian, Sedgwick County, Kansas, EXCEPT the north 30.00 feet thereof, and EXCEPT the north 500.00 feet of the south 1240.00 feet thereof.

Containing ~~10,000~~ 42,272 Sq. Ft., more or less.

0 25 50 100

SCALE: 1" = 100'

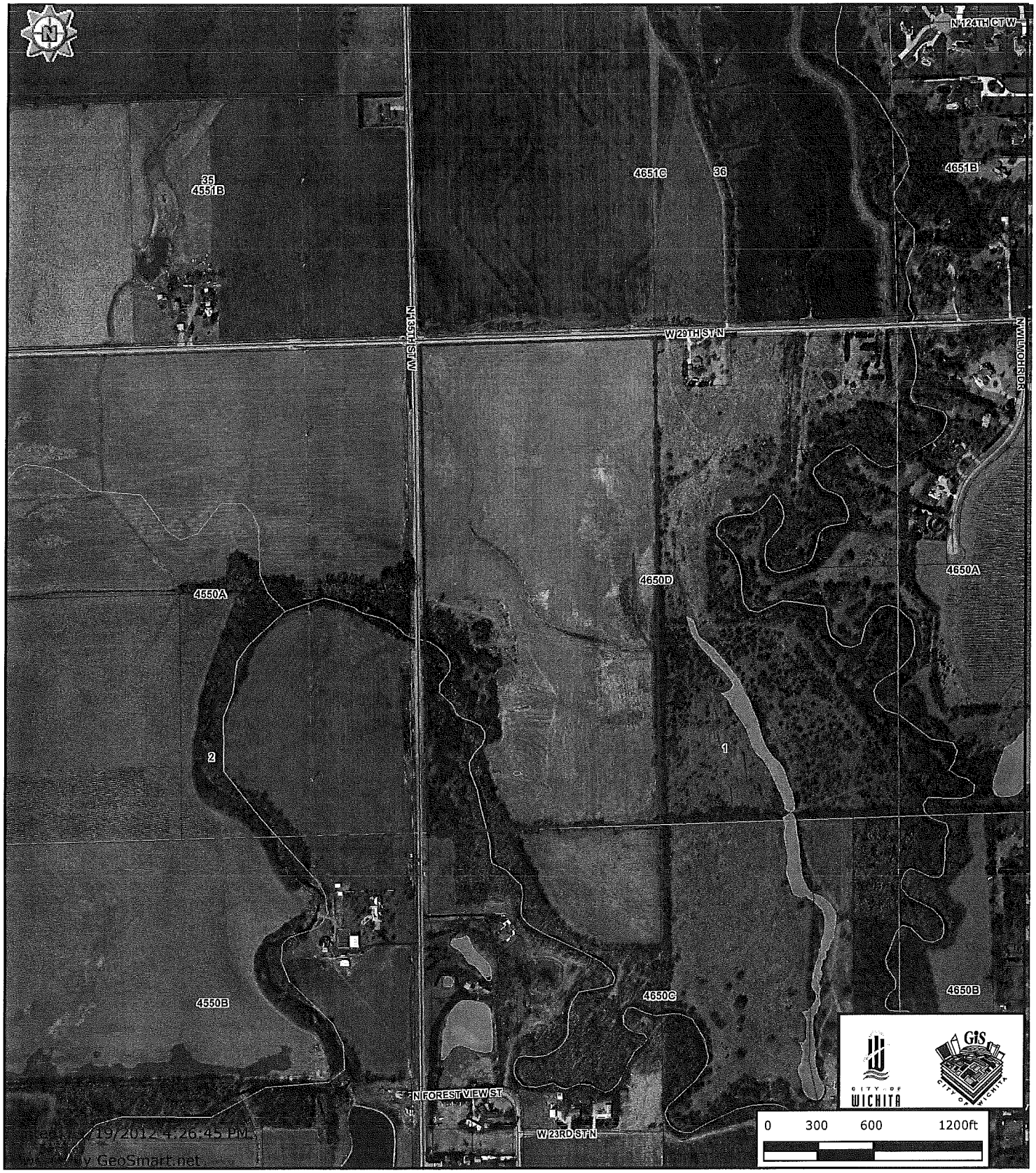


Project Number 05-10-E397

Exhibits & Legal Descriptions/Allen_Temp and SS.dwg

Baughman Company, P.A.
315 Ellis St. Wichita, KS 67211 P 316-262-7271 F 316-262-0149
Baughman ENGINEERING | SURVEYING | PLANNING | LANDSCAPE ARCHITECTURE

2800 Block North 135th St W



Agenda Item No. II-9

City of Wichita
City Council Meeting
December 4, 2012

TO: Mayor and City Council Members

SUBJECT: Repair or Removal of Dangerous & Unsafe Structures (Districts I, III and IV)

INITIATED BY: Office of Central Inspection

AGENDA: Consent

Recommendations: Adopt the attached resolutions to schedule required City Council public hearings to consider condemnation of structures deemed dangerous and unsafe per Kansas State Statutes.

Background: On November 5, 2012, the Board of Code Standards and Appeals conducted hearings on the four (4) properties listed below. The buildings on these properties are considered dangerous and unsafe structures per State Statutes and local ordinances, and are being presented in order to schedule condemnation hearings before the City Council. The Board of Code Standards and Appeals has recommended that the City Council proceed with condemnation, demolition and removal of the dangerous buildings on these properties.

Analysis: Minimum Housing Code violation notices have been issued on these structures; however, compliance has not been achieved. Pre-condemnation and formal condemnation letters have also been issued, and the time granted for repair or removal has expired. No actions have been taken by the property owners and/or other interested parties to complete required building repairs or to remove the dangerous buildings.

Property Address	Council District
a. 2003 North Chautauqua	I
b. 2935 East Maplewood	I
c. 4628 East Gilbert	III
d. 735 West 59th South	IV

Financial Considerations: Structures condemned as dangerous buildings are demolished with funds from the Office of Central Inspection Special Revenue Fund contractual services budget, as approved annually by the City Council. This budget is supplemented by an annual allocation of federal Community Development Block Grant funds for demolition of structures located within the designated Neighborhood Reinvestment Area. Expenditures for dangerous building condemnation and demolition activities are tracked to ensure that City Council Resolution No. R-95-560, which limits OCI expenditures for non-revenue producing condemnation and housing code enforcement activities to 20% of OCI's total annual budgeted Special Revenue Fund expenditures, is followed. Owners of condemned structures demolished by the City are billed for the contractual costs of demolition, plus an additional $500 administrative fee. If the property owner fails to pay, these charges are recorded as a special property tax assessment against the property, which may be collected upon subsequent sale or transfer of the property.

Legal Considerations: The Law Department has reviewed and approved the resolution as to form.

Recommendations/Actions: It is recommended that the City Council adopt the attached resolutions to schedule a public hearing before the City Council on January 15, 2013 at 9:30 a.m. or soon thereafter, to consider condemnation of structures deemed dangerous and unsafe per Kansas State Statutes and local ordinances.

Attachments: Letters to Council, summaries, and resolutions.

GROUP # 2

NOTICE OF DEMOLITION ACTION

This is to certify that the property located at **2003 N CHAUTAUQUA** and legally described as: **LOT 5, BLOCK 18, SHADYBROOK ADDITION TO THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS**, is the subject of a demolition action by the City of Wichita, Kansas, under the provisions of Section 18.16 of the Code of the City of Wichita. Unless certain improvements to the structure(s) located thereon are commenced and completed by **January 15, 2013** such structures are subject to being demolished and the costs associated therewith charged, as a lien, against the above-described real property.

_____
Thomas Stolz, Director, Metropolitan Area Building and Construction Department
City of Wichita

STATE OF KANSAS)
) ss:
SEDGWICK COUNTY)

BE IT REMEMBERED, That on this _____day of _____, 2012, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Thomas Stolz, Director of Metropolitan Area Building and Construction Department, City of Wichita, personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal; the day and year last above written.

_____
Notary Public

My Appointment Expires:
_____

CITY OF WICHITA

TO: The Mayor and City Council
Wichita, Kansas

RE: Statement of Dangerous or Unsafe Structure

The following described structure is in a dangerous or unsafe condition:

(a) Description of Structure: A one-story frame dwelling about 37 x 40 feet in size. Vacant and open, this structure has been damaged by fire. It has a cracking block foundation; fire-damaged brick façade and vinyl siding; fire damaged, sagging composition roof with holes; fire-damaged structural members; and fire-damaged wood trim.

(b) Street Address: 2003 N CHAUTAUQUA

(c) Owners:
Sabrina Richmond
254 N Acadia #4
Wichita KS 67212

(d) Resident Agent: None

(e) Occupant: None

(f) Lienholders of Record:
Kelly Arnold, County Clerk
Sedgwick County Courthouse
525 N Main
Wichita KS 67203

Chris McElgunn, Attorney
301 N Main #1600
Wichita KS 67202

State of Kansas (SRS)
230 E William
Wichita KS 67202

(g) Mortgage Holder(s): None

(h) Interested Parties: None

DATE: November 14, 2012

CDM SUMMARY

COUNCIL DISTRICT # I

ADDRESS: 2003 N CHAUTAUQUA

LEGAL DESCRIPTION: LOT 5, BLOCK 18, SHADYBROOK ADDITION TO THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

DESCRIPTION OF STRUCTURE: A one-story frame dwelling about 37 x 40 feet in size. Vacant and open, this structure has been damaged by fire. It has a cracking block foundation; fire-damaged brick façade and vinyl siding; fire damaged, sagging composition roof with holes; fire-damaged structural members; and fire-damaged wood trim.

Description of dangerous or unsafe condition(s): The property is found to be dangerous and unsafe because of the following conditions:

A. Those, which have been damaged by fire, wind, want of repair, or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city.

B. The structure fails to provide the necessities to decent living, which makes it, unfit for human habitation.

C. Those open to unauthorized persons or those permitted to be attractive to loiterers, vagrants, or children.

D. Those whose use, equipment or want of good housekeeping constitutes a decided fire or safety hazard to the property itself or its occupants or which presents a decided fire or safety hazards to surrounding property or a menace to the public safety and general welfare.

City Ordinance states that any one of the above categories is just cause to declare the building a public nuisance and shall be repaired or demolished.

_____ _____

Director of Metropolitan Area Building and Construction Department Date
Enforcing Officer

OCA: 230200

_____PUBLISHED IN THE WICHITA EAGLE ON_____
RESOLUTION NO. _____

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AT WHICH THE OWNER, HIS AGENT, LIENHOLDERS OF RECORD AND OCCUPANTS OF PROPERTY LEGALLY DESCRIBED AS: **LOT 5, BLOCK 18, SHADYBROOK ADDITION TO THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS** KNOWN AS **2003 N CHAUTAUQUA** MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS A DANGEROUS STRUCTURE.

WHEREAS, the enforcing officer of the City of Wichita, Kansas, did on the **4th day of December 2012**, file with the governing body of said city, a statement in writing that certain structure(s), hereinafter described, is unsafe or dangerous.

NOW THEREFORE, be it Resolved by the Governing Body of the City of Wichita.
That a hearing will be held on the **15th day of January 2013**, before the governing body of the city at **9:30 A.M.,** or thereafter in the council room, City Building at which time the owner, his agent, any lienholders of record or any occupant of property, legally described at LOT 5, BLOCK 18, SHADYBROOK ADDITION TO THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, known as: 2003 N CHAUTAUQUA, may appear and show cause why such structure should not be condemned as an unsafe or dangerous structure ordered repaired or demolished. The structure is a one-story frame dwelling about 37 x 40 feet in size. Vacant and open, this structure has been damaged by fire. It has a cracking block foundation; fire-damaged brick façade and vinyl siding; fire damaged, sagging composition roof with holes; fire-damaged structural members; and fire-damaged wood trim.

Be it further resolved that the City Clerk shall cause this Resolution to be published and shall give notice of the aforesaid hearing in the manner provided by K.S.A. 12-1752.

Adopted this **4th day of December 2012.**

_____
Carl Brewer, Mayor

(SEAL)

ATTEST:_____
Karen Sublett, City Clerk

GROUP # 2

NOTICE OF DEMOLITION ACTION

This is to certify that the property located at **2935 E MAPLEWOOD** and legally described as: **LOT 8, BLOCK 13, SHADYBROOK ADDITION TO THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS**, is the subject of a demolition action by the City of Wichita, Kansas, under the provisions of Section 18.16 of the Code of the City of Wichita. Unless certain improvements to the structure(s) located thereon are commenced and completed by **January 15, 2013** such structures are subject to being demolished and the costs associated therewith charged, as a lien, against the above-described real property.

_____
Thomas Stolz, Director, Metropolitan Area Building and Construction Department
City of Wichita

STATE OF KANSAS)
) ss:
SEDGWICK COUNTY)

BE IT REMEMBERED, That on this _____day of _____, 2012, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Thomas Stolz, Director of Metropolitan Area Building and Construction Department, City of Wichita, personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal; the day and year last above written.

_____
Notary Public

My Appointment Expires:
_____

TO: The Mayor and City Council
Wichita, Kansas

RE: Statement of Dangerous or Unsafe Structure

The following described structure is in a dangerous or unsafe condition:

(a) Description of Structure: A one-story frame dwelling about 30 x 43 feet in size. Vacant and open, this structure has been damaged by fire. It has cracking and shifting block foundation; fire-damaged wood and aluminum siding ; fire-damaged and badly worn composition roof over wood shingle, with holes; deteriorated wood front porch; fire-damaged wood trim and framing members; and the interior has been damaged by fire.

(b) Street Address: 2935 E MAPLEWOOD

(d) Owners:
Willeta M Emerson
2210 Whitecliff
Wichita KS 67207

Wanda J Jacobs
1532 S Hydraulic
Wichita KS 67211

Duane E Jacobs
1922 Lori Lane
Wichita KS 67207

Janet L Agee
2916 W Royal Lane #1061
Irving TX 75063

(d) Resident Agent: None

(e) Occupant: None

(f) Lienholders of Record:
Kelly Arnold, County Clerk
Sedgwick County Courthouse
525 N Main
Wichita KS 67203

Chris McElgunn, Attorney
301 N Main #1600
Wichita KS 67202

State of Kansas
Revenue Dept Tax Liens
915 SW Harrison
Topeka KS 66612

City of Wichita
Neighborhood Improvement Services
332 Riverview
Wichita KS 67203

(i) Mortgage Holder(s): None

(j) Interested Parties: None

DATE: November 14, 2012

CDM SUMMARY

COUNCIL DISTRICT # I

ADDRESS: 2935 E MAPLEWOOD

LEGAL DESCRIPTION: LOT 8, BLOCK 13, SHADYBROOK ADDITION TO THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

DESCRIPTION OF STRUCTURE: A one-story frame dwelling about 30 x 43 feet in size. Vacant and open, this structure has been damaged by fire. It has cracking and shifting block foundation; fire-damaged wood and aluminum siding ; fire-damaged and badly worn composition roof over wood shingle, with holes; deteriorated wood front porch; fire-damaged wood trim and framing members; and the interior has been damaged by fire.

Description of dangerous or unsafe condition(s): The property is found to be dangerous and unsafe because of the following conditions:

A. Those, which have been damaged by fire, wind, want of repair, or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city.

B. The structure fails to provide the necessities to decent living, which makes it, unfit for human habitation.

C. Those open to unauthorized persons or those permitted to be attractive to loiterers, vagrants, or children.

D. Those whose use, equipment or want of good housekeeping constitutes a decided fire or safety hazard to the property itself or its occupants or which presents a decided fire or safety hazards to surrounding property or a menace to the public safety and general welfare.

City Ordinance states that any one of the above categories is just cause to declare the building a public nuisance and shall be repaired or demolished.

_____ _____

Director of Metropolitan Area Building and Construction Department Date
Enforcing Officer

OCA: 230200

_____PUBLISHED IN THE WICHITA EAGLE ON_____
RESOLUTION NO. _____

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AT WHICH THE OWNER, HIS AGENT, LIENHOLDERS OF RECORD AND OCCUPANTS OF PROPERTY LEGALLY DESCRIBED AS: **LOT 8, BLOCK 13, SHADYBROOK ADDITION TO THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS** KNOWN AS **2935 E MAPLEWOOD** MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS A DANGEROUS STRUCTURE.

WHEREAS, the enforcing officer of the City of Wichita, Kansas, did on the **4th day of December 2012**, file with the governing body of said city, a statement in writing that certain structure(s), hereinafter described, is unsafe or dangerous.

NOW THEREFORE, be it Resolved by the Governing Body of the City of Wichita.
That a hearing will be held on the **15th day of January 2013**, before the governing body of the city at **9:30 A.M.,** or thereafter in the council room, City Building at which time the owner, his agent, any lienholders of record or any occupant of property, legally described at LOT 8, BLOCK 13, SHADYBROOK ADDITION TO THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, known as: 2935 E MAPLEWOOD, may appear and show cause why such structure should not be condemned as an unsafe or dangerous structure ordered repaired or demolished. The structure is a one-story frame dwelling about 30 x 43 feet in size. Vacant and open, this structure has been damaged by fire. It has cracking and shifting block foundation; fire-damaged wood and aluminum siding ; fire-damaged and badly worn composition roof over wood shingle, with holes; deteriorated wood front porch; fire-damaged wood trim and framing members; and the interior has been damaged by fire.

Be it further resolved that the City Clerk shall cause this Resolution to be published and shall give notice of the aforesaid hearing in the manner provided by K.S.A. 12-1752.

Adopted this **4th day of December 2012.**

_____
Carl Brewer, Mayor

(SEAL)

ATTEST:_____
Karen Sublett, City Clerk

GROUP # 2

NOTICE OF DEMOLITION ACTION

This is to certify that the property located at **4628 E GILBERT** and legally described as: **THE EAST 75 FEET OF THE SOUTH 120 FEET OF LOT 15, BLOCK D, BROWN'S SUBDIVISION OF THE EAST ONE-HALF OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 27 SOUTH, RANGE 1 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS**, is the subject of a demolition action by the City of Wichita, Kansas, under the provisions of Section 18.16 of the Code of the City of Wichita. Unless certain improvements to the structure(s) located thereon are commenced and completed by **January 15, 2013** such structures are subject to being demolished and the costs associated therewith charged, as a lien, against the above-described real property.

_____
Thomas Stolz, Director, Metropolitan Area Building and Construction Department
City of Wichita

STATE OF KANSAS)
) ss:
SEDGWICK COUNTY)

BE IT REMEMBERED, That on this _____day of _____, 2012, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Thomas Stolz, Director of Metropolitan Area Building and Construction Department, City of Wichita, personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal; the day and year last above written.

_____
Notary Public

My Appointment Expires:
_____

CITY OF WICHITA

TO: The Mayor and City Council
Wichita, Kansas

RE: Statement of Dangerous or Unsafe Structure

The following described structure is in a dangerous or unsafe condition:

(a) Description of Structure: A one and one half-story frame dwelling about 26 x 54 feet in size. Vacant and open, this structure has shifting and cracking block basement walls, with a collasped north wall; cracked and sagging concrete front porch; rotted wood trim, soffits and fascia; and the 20 x 20 foot accessory structure is deteriorating.

(b) Street Address: 4628 E GILBERT

(e) Owners:
James R Gilchrist and Marion E King
3629 E Countryside Plz
Wichita KS 67218

(d) Resident Agent: None

(e) Occupant: None

(f) Lienholders of Record:
Robert E Garrett
1342 Arrowhead
Wichita KS 67203

(k) Mortgage Holder(s): None

(l) Interested Parties: None

DATE: November 14, 2012

CDM SUMMARY

COUNCIL DISTRICT # III

ADDRESS: 4628 E GILBERT

LEGAL DESCRIPTION: THE EAST 75 FEET OF THE SOUTH 120 FEET OF LOT 15, BLOCK D, BROWN'S SUBDIVISION OF THE EAST ONE-HALF OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 27 SOUTH, RANGE 1 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS

DESCRIPTION OF STRUCTURE: A one and one half-story frame dwelling about 26 x 54 feet in size. Vacant and open, this structure has shifting and cracking block basement walls, with a collapsed north wall; cracked and sagging concrete front porch; rotted wood trim, soffits and fascia; and the 20 x 20 foot accessory structure is deteriorating.

Description of dangerous or unsafe condition(s): The property is found to be dangerous and unsafe because of the following conditions:

A. Those, which have been damaged by fire, wind, want of repair, or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city.

B. The structure fails to provide the necessities to decent living, which makes it, unfit for human habitation.

C. Those open to unauthorized persons or those permitted to be attractive to loiterers, vagrants, or children.

D. The building has parts, which are so attached that they may fall and injure other property or the public.

E. Those whose use, equipment or want of good housekeeping constitutes a decided fire or safety hazard to the property itself or its occupants or which presents a decided fire or safety hazards to surrounding property or a menace to the public safety and general welfare.

City Ordinance states that any one of the above categories is just cause to declare the building a public nuisance and shall be repaired or demolished.

_____ _____

Director of Metropolitan Area Building and Construction Department Date
Enforcing Officer

OCA: 230200

_____PUBLISHED IN THE WICHITA EAGLE ON_____
RESOLUTION NO. _____

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AT WHICH THE OWNER, HIS AGENT, LIENHOLDERS OF RECORD AND OCCUPANTS OF PROPERTY LEGALLY DESCRIBED AS: **THE EAST 75 FEET OF THE SOUTH 120 FEET OF LOT 15, BLOCK D, BROWN'S SUBDIVISION OF THE EAST ONE-HALF OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 27 SOUTH, RANGE 1 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS** KNOWN AS **4628 E GILBERT** MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS A DANGEROUS STRUCTURE.

WHEREAS, the enforcing officer of the City of Wichita, Kansas, did on the **4th day of December 2012**, file with the governing body of said city, a statement in writing that certain structure(s), hereinafter described, is unsafe or dangerous.

NOW THEREFORE, be it Resolved by the Governing Body of the City of Wichita.
That a hearing will be held on the **15th day of January 2013**, before the governing body of the city at **9:30 A.M.,** or thereafter in the council room, City Building at which time the owner, his agent, any lienholders of record or any occupant of property, legally described at THE EAST 75 FEET OF THE SOUTH 120 FEET OF LOT 15, BLOCK D, BROWN'S SUBDIVISION OF THE EAST ONE-HALF OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 27 SOUTH, RANGE 1 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS, known as: 4628 E GILBERT, may appear and show cause why such structure should not be condemned as an unsafe or dangerous structure ordered repaired or demolished. The structure is a one and one half-story frame dwelling about 26 x 54 feet in size. Vacant and open, this structure has shifting and cracking block basement walls, with a collasped north wall; cracked and sagging concrete front porch; rotted wood trim, soffits and fascia; and the 20 x 20 foot accessory structure is deteriorating.

Be it further resolved that the City Clerk shall cause this Resolution to be published and shall give notice of the aforesaid hearing in the manner provided by K.S.A. 12-1752.

Adopted this **4th day of December 2012.**

_____
Carl Brewer, Mayor

(SEAL)

ATTEST:_____
Karen Sublett, City Clerk

GROUP # 2

NOTICE OF DEMOLITION ACTION

This is to certify that the property located at **735 W 59TH S** and legally described as: **THE WEST 100 FEET OF THE EAST 166 FEET OF LOT 39, THIRD CLARKDALE SUBDIVISION, SEDGWICK COUNTY, KANSAS**, is the subject of a demolition action by the City of Wichita, Kansas, under the provisions of Section 18.16 of the Code of the City of Wichita. Unless certain improvements to the structure(s) located thereon are commenced and completed by **January 15, 2013** such structures are subject to being demolished and the costs associated therewith charged, as a lien, against the above-described real property.

_____
Thomas Stolz, Director, Metropolitan Area Building and Construction Department
City of Wichita

STATE OF KANSAS)
) ss:
SEDGWICK COUNTY)

BE IT REMEMBERED, That on this _____day of _____, 2012, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Thomas Stolz, Director of Metropolitan Area Building and Construction Department, City of Wichita, personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal; the day and year last above written.

_____
Notary Public

My Appointment Expires:
_____

CITY OF WICHITA

TO: The Mayor and City Council
Wichita, Kansas

RE: Statement of Dangerous or Unsafe Structure

The following described structure is in a dangerous or unsafe condition:

(a) Description of Structure: A mobile home about 14 x 68 feet in size. Vacant for at least 1 1/2 years; this structure has deteriorated siding; deteriorated and missing skirting; deteriorated doors; missing porches and steps; and the 8 x 9, 9 x 9 and 24 x 32 foot accessory structures are dilapidated.

(b) Street Address: 735 W 59TH S

(f) Owners:
Joanne Anderson
POST ON PROPERTY

(d) Resident Agent: None

(e) Occupant: None

(f) Lienholders of Record:
Kelly Arnold, County Clerk
Sedgwick County Courthouse
525 N Main
Wichita KS 67203

Chris McElgunn, Attorney
301 N Main #1600
Wichita KS 67202

(m) Mortgage Holder(s): None

(n) Interested Parties: None

DATE: November 14, 2012

CDM SUMMARY

COUNCIL DISTRICT # IV

ADDRESS: 735 W 59TH S

LEGAL DESCRIPTION: THE WEST 100 FEET OF THE EAST 166 FEET OF LOT 39, THIRD CLARKDALE SUBDIVISION, SEDGWICK COUNTY, KANSAS

DESCRIPTION OF STRUCTURE: A mobile home about 14 x 68 feet in size. Vacant for at least 1 1/2 years; this structure has deteriorated siding; deteriorated and missing skirting; deteriorated doors; missing porches and steps; and the 8 x 9, 9 x 9 and 24 x 32 foot accessory structures are dilapidated.

Description of dangerous or unsafe condition(s): The property is found to be dangerous and unsafe because of the following conditions:

A. Those, which have been damaged by fire, wind, want of repair, or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city.

B. The structure fails to provide the necessities to decent living, which makes it, unfit for human habitation.

C. Those whose use, equipment or want of good housekeeping constitutes a decided fire or safety hazard to the property itself or its occupants or which presents a decided fire or safety hazards to surrounding property or a menace to the public safety and general welfare.

City Ordinance states that any one of the above categories is just cause to declare the building a public nuisance and shall be repaired or demolished.

_____ _____

Director of Metropolitan Area Building and Construction Department Date
Enforcing Officer

OCA: 230200

_____PUBLISHED IN THE WICHITA EAGLE ON_____
RESOLUTION NO. _____

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AT WHICH THE OWNER, HIS AGENT, LIENHOLDERS OF RECORD AND OCCUPANTS OF PROPERTY LEGALLY DESCRIBED AS: **THE WEST 100 FEET OF THE EAST 166 FEET OF LOT 39, THIRD CLARKDALE SUBDIVISION, SEDGWICK COUNTY, KANSAS** KNOWN AS **735 W 59TH S** MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS A DANGEROUS STRUCTURE.

WHEREAS, the enforcing officer of the City of Wichita, Kansas, did on the **4th day of December 2012**, file with the governing body of said city, a statement in writing that certain structure(s), hereinafter described, is unsafe or dangerous.

NOW THEREFORE, be it Resolved by the Governing Body of the City of Wichita.
That a hearing will be held on the **15th day of January 2013**, before the governing body of the city at **9:30 A.M.,** or thereafter in the council room, City Building at which time the owner, his agent, any lienholders of record or any occupant of property, legally described at THE WEST 100 FEET OF THE EAST 166 FEET OF LOT 39, THIRD CLARKDALE SUBDIVISION, SEDGWICK COUNTY, KANSAS, known as: 735 W 59TH S, may appear and show cause why such structure should not be condemned as an unsafe or dangerous structure ordered repaired or demolished. The structure is a mobile home about 14 x 68 feet in size. Vacant for at least 1 1/2 years; this structure has deteriorated siding; deteriorated and missing skirting; deteriorated doors; missing porches and steps; and the 8 x 9, 9 x 9 and 24 x 32 foot accessory structures are dilapidated.

Be it further resolved that the City Clerk shall cause this Resolution to be published and shall give notice of the aforesaid hearing in the manner provided by K.S.A. 12-1752.

Adopted this **4th day of December 2012.**

_____
Carl Brewer, Mayor

(SEAL)

ATTEST:_____
Karen Sublett, City Clerk

OCA: 230200

PUBLISHED IN THE WICHITA EAGLE ON DECEMBER 7 and 14, 2012
RESOLUTION NO. 12-253

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AT WHICH THE OWNER, HIS AGENT, LIENHOLDERS OF RECORD AND OCCUPANTS OF PROPERTY LEGALLY DESCRIBED AS: **LOT 5, BLOCK 18, SHADYBROOK ADDITION TO THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS** KNOWN AS **2003 N CHAUTAUQUA** MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS A DANGEROUS STRUCTURE.

WHEREAS, the enforcing officer of the City of Wichita, Kansas, did on the **4th day of December 2012**, file with the governing body of said city, a statement in writing that certain structure(s), hereinafter described, is unsafe or dangerous.

NOW THEREFORE, be it Resolved by the Governing Body of the City of Wichita.
That a hearing will be held on the **15th day of January 2013**, before the governing body of the city at **9:30 A.M.,** or thereafter in the council room, City Building at which time the owner, his agent, any lienholders of record or any occupant of property, legally described at LOT 5, BLOCK 18, SHADYBROOK ADDITION TO THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, known as: 2003 N CHAUTAUQUA, may appear and show cause why such structure should not be condemned as an unsafe or dangerous structure ordered repaired or demolished. The structure is a one-story frame dwelling about 37 x 40 feet in size. Vacant and open, this structure has been damaged by fire. It has a cracking block foundation; fire-damaged brick façade and vinyl siding; fire damaged, sagging composition roof with holes; fire-damaged structural members; and fire-damaged wood trim.

Be it further resolved that the City Clerk shall cause this Resolution to be published and shall give notice of the aforesaid hearing in the manner provided by K.S.A. 12-1752.

Adopted this **4th day of December 2012.**

_____
Carl Brewer, Mayor

(SEAL)

ATTEST:_____
Karen Sublett, City Clerk

OCA: 230200

PUBLISHED IN THE WICHITA EAGLE ON DECEMBER 7 and 14, 2012
RESOLUTION NO. 12-254

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AT WHICH THE OWNER, HIS AGENT, LIENHOLDERS OF RECORD AND OCCUPANTS OF PROPERTY LEGALLY DESCRIBED AS: **LOT 8, BLOCK 13, SHADYBROOK ADDITION TO THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS** KNOWN AS **2935 E MAPLEWOOD** MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS A DANGEROUS STRUCTURE.

WHEREAS, the enforcing officer of the City of Wichita, Kansas, did on the **4th day of December 2012**, file with the governing body of said city, a statement in writing that certain structure(s), hereinafter described, is unsafe or dangerous.

NOW THEREFORE, be it Resolved by the Governing Body of the City of Wichita.
That a hearing will be held on the **15th day of January 2013**, before the governing body of the city at **9:30 A.M.,** or thereafter in the council room, City Building at which time the owner, his agent, any lienholders of record or any occupant of property, legally described at LOT 8, BLOCK 13, SHADYBROOK ADDITION TO THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, known as: 2935 E MAPLEWOOD, may appear and show cause why such structure should not be condemned as an unsafe or dangerous structure ordered repaired or demolished. The structure is a one-story frame dwelling about 30 x 43 feet in size. Vacant and open, this structure has been damaged by fire. It has cracking and shifting block foundation; fire-damaged wood and aluminum siding ; fire-damaged and badly worn composition roof over wood shingle, with holes; deteriorated wood front porch; fire-damaged wood trim and framing members; and the interior has been damaged by fire.

Be it further resolved that the City Clerk shall cause this Resolution to be published and shall give notice of the aforesaid hearing in the manner provided by K.S.A. 12-1752.

Adopted this **4th day of December 2012.**

_____
Carl Brewer, Mayor

(SEAL)

ATTEST:_____
Karen Sublett, City Clerk

OCA: 230200

PUBLISHED IN THE WICHITA EAGLE ON DECEMBER 7 and 14, 2012
RESOLUTION NO. 12-255

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AT WHICH THE OWNER, HIS AGENT, LIENHOLDERS OF RECORD AND OCCUPANTS OF PROPERTY LEGALLY DESCRIBED AS: **THE EAST 75 FEET OF THE SOUTH 120 FEET OF LOT 15, BLOCK D, BROWN'S SUBDIVISION OF THE EAST ONE-HALF OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 27 SOUTH, RANGE 1 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS** KNOWN AS **4628 E GILBERT** MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS A DANGEROUS STRUCTURE.

WHEREAS, the enforcing officer of the City of Wichita, Kansas, did on the **4th day of December 2012**, file with the governing body of said city, a statement in writing that certain structure(s), hereinafter described, is unsafe or dangerous.

NOW THEREFORE, be it Resolved by the Governing Body of the City of Wichita.
That a hearing will be held on the **15th day of January 2013**, before the governing body of the city at **9:30 A.M.,** or thereafter in the council room, City Building at which time the owner, his agent, any lienholders of record or any occupant of property, legally described at THE EAST 75 FEET OF THE SOUTH 120 FEET OF LOT 15, BLOCK D, BROWN'S SUBDIVISION OF THE EAST ONE-HALF OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 27 SOUTH, RANGE 1 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS, known as: 4628 E GILBERT, may appear and show cause why such structure should not be condemned as an unsafe or dangerous structure ordered repaired or demolished. The structure is a one and one half-story frame dwelling about 26 x 54 feet in size. Vacant and open, this structure has shifting and cracking block basement walls, with a collasped north wall; cracked and sagging concrete front porch; rotted wood trim, soffits and fascia; and the 20 x 20 foot accessory structure is deteriorating.

Be it further resolved that the City Clerk shall cause this Resolution to be published and shall give notice of the aforesaid hearing in the manner provided by K.S.A. 12-1752.

Adopted this **4th day of December 2012.**

_____
Carl Brewer, Mayor

(SEAL)

ATTEST:_____
Karen Sublett, City Clerk

OCA: 230200

PUBLISHED IN THE WICHITA EAGLE ON DECEMBER 7 and 14, 2012
RESOLUTION NO. 12-256

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AT WHICH THE OWNER, HIS AGENT, LIENHOLDERS OF RECORD AND OCCUPANTS OF PROPERTY LEGALLY DESCRIBED AS: **THE WEST 100 FEET OF THE EAST 166 FEET OF LOT 39, THIRD CLARKDALE SUBDIVISION, SEDGWICK COUNTY, KANSAS** KNOWN AS **735 W 59TH S** MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS A DANGEROUS STRUCTURE.

WHEREAS, the enforcing officer of the City of Wichita, Kansas, did on the **4th day of December 2012**, file with the governing body of said city, a statement in writing that certain structure(s), hereinafter described, is unsafe or dangerous.

NOW THEREFORE, be it Resolved by the Governing Body of the City of Wichita.
That a hearing will be held on the **15th day of January 2013**, before the governing body of the city at **9:30 A.M.,** or thereafter in the council room, City Building at which time the owner, his agent, any lienholders of record or any occupant of property, legally described at THE WEST 100 FEET OF THE EAST 166 FEET OF LOT 39, THIRD CLARKDALE SUBDIVISION, SEDGWICK COUNTY, KANSAS, known as: 735 W 59TH S, may appear and show cause why such structure should not be condemned as an unsafe or dangerous structure ordered repaired or demolished. The structure is a mobile home about 14 x 68 feet in size. Vacant for at least 1 1/2 years; this structure has deteriorated siding; deteriorated and missing skirting; deteriorated doors; missing porches and steps; and the 8 x 9, 9 x 9 and 24 x 32 foot accessory structures are dilapidated.

Be it further resolved that the City Clerk shall cause this Resolution to be published and shall give notice of the aforesaid hearing in the manner provided by K.S.A. 12-1752.

Adopted this **4th day of December 2012.**

_____
Carl Brewer, Mayor

(SEAL)

ATTEST:_____
Karen Sublett, City Clerk

City of Wichita
City Council Meeting
December 4, 2012

TO: Mayor and City Council

SUBJECT: Supplemental Agreement No. 1 for Design Services for Mt. Vernon and Oliver Intersection (District III)

INITIATED BY: Department of Public Works & Utilities

AGENDA: Consent

Recommendation: Approve Supplemental Agreement No. 1.

Background: On August 28, 2012, the City entered into an agreement with Baughman Company for the development of design concepts only for the intersection of Mt. Vernon and Oliver. The design concept fee was $23,540. The agreement provided language to hire Baughman Company to complete final design after City Council approval of the design concept.

Analysis: The proposed supplemental agreement between the City and Baughman provides for development of final plans for the intersection including street widening, left turn lanes, traffic signal upgrades, driveway access, and utility relocation. The supplemental agreement also includes design for water main improvements.

State/Federal funding administered through the Kansas Department of Transportation will require standard agreements to be signed throughout the course of the project. Design needs may require the acquisition and/or granting of easements, the signing of utility relocation and railroad agreements and/or compensation for the same, and the signing of required permits and/or compensation for the same.

Financial Considerations: On August 28, 2012, the City Council approved a budget of $250,000 for final design and right-of-way acquisition costs. Payment to Baughman will be on a lump sum basis of $93,500, bringing the total design fee to $117,040, and will be paid by General Obligation funds available in the 2011-2020 CIP.

Legal Considerations: Supplemental Agreement No. 1 has been approved as to form by the Law Department.

Recommendation/Action: It is recommended that the City Council approve Supplemental Agreement No. 1 and authorize the necessary signatures. State/Federal funding administered through the Kansas Department of Transportation will require standard agreements to be signed throughout the course of the project. Design needs may require the acquisition and/or granting of easements, the signing of utility relocation and railroad agreements and/or compensation for the same, and the signing of required permits and/or compensation for the same.

Attachments: Supplemental Agreement No. 1.

SUPPLEMENTAL AGREEMENT

TO THE

AGREEMENT FOR PROFESSIONAL SERVICES DATED AUGUST 28, 2012

BETWEEN

THE CITY OF WICHITA, KANSAS

PARTY OF THE FIRST PART, HEREINAFTER CALLED THE

"CITY"

AND

BAUGHMAN COMPANY, P.A.

PARTY OF THE SECOND PART, HEREINAFTER CALLED THE

"ENGINEER"

WITNESSETH:

WHEREAS, there now exists a Contract (dated August 28, 2012) between the two parties covering engineering services to be provided by the ENGINEER in conjunction with the construction of improvements to **CONCEPT DESIGN FOR MT. VERNON & OLIVER INTERSECTION** (Project No. 472 85042)

WHEREAS, Paragraph IV. B. of the above referenced Contract provides that additional work be performed and additional compensation be paid on the basis of a Supplemental Agreement duly entered into by the parties, and

WHEREAS, it is the desire of both parties that the ENGINEER provide additional services required for the PROJECT and receive additional compensation (as revised herein):

NOW THEREFORE, the parties hereto mutually agree as follows:

A. PROJECT DESCRIPTION

The description of the improvements that the CITY intends to construct and thereafter called the "PROJECT" as stated on page 1 of the above referenced agreement is hereby amended to include the following:

Additional design modifications and water main improvements
(See Attachment A for details)

B. PAYMENT PROVISIONS

The fee in Section IV. A. shall be amended to include the following:

Payment to the ENGINEER for the performance of the professional services as outlined in this supplemental agreement shall be made on the basis of the lump sum fee amount of **$93,500**.

C. COMPLETION

The ENGINEER agrees to complete and deliver the field notes, preliminary and final plans (including final tracings), specifications and estimates to the CITY by _____;

EXCEPT that the ENGINEER shall not be responsible or held liable for delays occasioned by the actions of inactions of the CITY or other agencies, or for other unavoidable delays beyond the control of the ENGINEER.

D. PROVISIONS OF THE ORIGINAL CONTRACT

The parties hereunto mutually agree that all provisions and requirements of the existing Contract, not specifically modified by this Supplemental Agreement, shall remain in force and effect.

IN WITNESS WHEREOF, the CITY and the ENGINEER have executed this Supplemental Agreement as of this _____ day of _____, 2012.

CITY OF WICHITA

_____
Carl Brewer, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

APPROVED AS TO FORM:

_____
Gary Rebenstorf, Director of Law

BAUGHMAN COMPANY

_____
(Name and Title)

ATTEST:

_____

CITY OF WICHITA
City Council Meeting
December 4, 2012

TO: Mayor and City Council

SUBJECT: Acquisition by Eminent Domain of Tracts Required for the Meridian Outfall Project (District IV)

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Adopt and place on first reading the ordinance providing for the acquisition by eminent domain of certain real properties.

Background: On August 19, 2008, the City Council approved a project to provide storm water drainage relief for the area bounded by Meridian, Harry, Pawnee and the Big Arkansas River. Additionally, the project will improve Meridian from Pawnee to Orient. Orient will be realigned to intersect at Meridian, south of the current intersection. This will create a separation from the railroad corridor. The drainage portion of the project requires the acquisition of all or part of five parcels. Two of the properties required are also impacted by the Meridian street improvement project. At this time, the design of the drainage portion of the project is sufficient to allow the acquisition of right of way. All the tracts required for the road project have not been defined but the two also in the drainage project have been described, and will be acquired with this approval. The project will require the acquisition of all or part of twelve parcels. The properties consist of a mix of residential and commercial uses.

Analysis: To date, agreement has been reached on 10 tracts. Due to the timing of the project, it is necessary to initiate eminent domain at this time. Staff will continue to negotiate with the owners as well continue to work to clear title issues. As agreements are reached or title is cleared, tracts will be deleted from the eminent domain action.

Financial Considerations: The cost of these acquisitions will be paid for with General Obligation Bonds.

Legal Considerations: The Law Department has approved the ordinance and resolution as to form.

Recommendation/Action: It is recommended that the City Council adopt and place on first reading the ordinance providing for the acquisition by eminent domain of certain real property; and directing the City Attorney to file the appropriate proceedings in the District Court to accomplish such acquisitions.

Attachments: Tract list, condemnation resolution and condemnation ordinance.

Merdian Outfall Project
Acquisition Status

Tract	Property Address	Tract Owner	Take Size	Use	Occupancy	Status
1	1928 S. Meridian	Ed and Marie Bosley	Total Acquisition	Residence	Owner	
	1900 Blk S. Meridian	Ed and Marie Bosley	10,009.3 sf	Vacant land	Owner	
3	**1855 & 1902 S Sedgwick**	**Fraternal Order of Eagles**	**12,853 sf**	**Commercial**	**Owner**	**Closed**
4	**1842 S Sedgwick**	**Kevin A. Mulvaney**	**31.6 sf**	**Residential**	**Owner**	**Closed**
5	**2011 S Seneca**	**Chit Chat America**	**3,725 sf DE, 3,419 sf TE**	**Retail**	**Owner**	**Closed**
6	**2015 S Seneca**	**Robert Maxwell**	**3,019 sf DE, 2,122 sf TE**	**Retail**	**Rental**	**Closed**
7	**1305-1349 W Dora**	**Gary & Patsy Winegar**	**2,500 sf**	**Residential**	**Owner**	**Closed**
8	**2030 S Seneca**	**Fuel Managers Inc**	**Total Acquisition**	**Retail**	**Owner**	**Closed**
9	**2030 S Seneca**	**Fuel Managers Inc**	**Total Acquisition**	**Retail**	**Owner**	**Closed**
10	**2030 S Osage**	**Stephen Price**	**Total Acquisition**	**Residential**	**Rental**	**Closed**
11	**1903 S Meridian**	**Valley Feed & Seed Inc**	**1,000 sf DE**	**Retail**	**Owner**	**Pending**
12	**1319 W May**	**DCCCA Inc**	**5,332 sf DE, 3,554 sf TE**	**Multi-Family**	**Owner**	**Closed**

PUBLISHED IN THE WICHITA EAGLE ON December 7th, 2012

RESOLUTION **NO**. 12-257

A RESOLUTION DECLARING THE NECESSITY FOR ACQUIRING PRIVATE PROPERTY FOR THE USE OF THE CITY OF WICHITA IN CONNECTION WITH THE PLANNED CONSTRUCTION OF THE MERIDIAN OUTFALL PROJECT IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS;

WHEREAS, the governing body has previously authorized the study and the preliminary design of certain improvements for public right-of-way for the improvement of the storm water drainage in the area of Meridian, Harry, Pawnee and the Big Arkansas River as well as certain improvements to public rights of way in the City of Wichita; and

WHEREAS, such study and preliminary design has identified the need to acquire several parcels of private property in order to properly complete such improvements; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS;

SECTION 1. The governing body hereby declares it to be necessary to acquire certain private property in connection with construction of the Meridian Outfall project.

SECTION 2. The City Engineer is directed to make or cause to be made a survey and description of the lands and/or interests to be acquired and to have such survey and description filed with the City Clerk.

SECTION 3. That this Resolution shall take effect and be in force from and after its passage and publication once in the official City paper.

PASSED by the governing body of the City of Wichita, Kansas, this 4th day of December, 2012.

CITY OF WICHITA:

_____

Carl Brewer, Mayor

ATTEST:

_____

Karen Sublett, City Clerk

APPROVED AS TO FORM:

_____

Gary E. Rebenstorf, Director of Law

706945PUBLISHED IN THE WICHITA EAGLE ON DECEMBER 14, 2012

ORDINANCE NO. 49-409

AN ORDINANCE PROVIDING FOR THE ACQUISITION BY EMINENT DOMAIN OF CERTAIN PRIVATE PROPERTY, EASEMENTS AND RIGHT-OF-WAY THEREIN, FOR THE PURPOSE OF ACQUIRING REAL PROPERTY FOR THE CONSTRUCTION AND IMPROVEMENT OF THE PLANNED MERIDIAN OUTFALL PROJECT TOGETHER WITH ROADWAY IMPROVEMENTS TO MERIDIAN AND ORIENT BOULEVARDS IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS; DESIGNATING THE LANDS REQUIRED FOR SUCH PURPOSES AND DIRECTING THE CITY ATTORNEY TO FILE A PETITION IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS, FOR ACQUISITION OF THE LANDS AND EASEMENTS THEREIN TAKEN AND PROVIDING FOR PAYMENT OF THE COST THEREOF.

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

SECTION 1. That it be and is hereby declared to be a public necessity to acquire by eminent domain proceedings for the purpose of public right-of-way for the improvement of the Meridian Outfall project together with roadway improvements to Meridian and Orient Boulevards in the City of Wichita, Sedgwick County, Kansas, the lands and easements hereinafter described in Section 2.

SECTION 2. That the description of the lands and title therein necessary for the purpose of such action is as follows:

Clear and complete title for the uses and purposes herein set forth in and to the following-described tracts, to-wit:

The east 10.00 feet of the west 20.00 feet of Lots 1, 3, 5, 7, 9, 11, 13, 15, 17, and 19, Block P, South University Place Addition to Wichita, Kansas, Sedgwick County; together with a portion of Vacated Dora Avenue lying adjacent to said Block P more particularly described as commencing at the northwest corner of said Lot 1; thence east along the north line of said Lot 1, 10.00 feet to the Point of Beginning; thence continue east along the north line of said Lot 1, 10.00 feet; thence north parallel with the extended west line of said Lot 1, 36.40 feet more or less to the south line of Orient Avenue; thence southwesterly along the south line of said Orient Avenue, 11.85 feet to a point 10.00 feet normally distant east of the extended west line of said Lot 1 north; thence south parallel with the extended west line of said Lot 1, 30.04 feet more or less to the Point of Beginning; together with the east 120 feet of said Lots 9 and 11 together

with the south 10.00 feet of the east 120 feet of said Lot 7 and
Lots 21, 23 and 25, Block P, South University Place Addition to Wichita, Sedgwick County, Kansas.

SECTION 3. That the City Attorney is hereby authorized and directed to commence proceedings in eminent domain in the District Court of Sedgwick County, Kansas, for the appropriation of said lands and determination of the compensation to be awarded for the taking thereof.

SECTION 4. That the costs of said acquisition when ascertained shall be paid from General Obligation Bonds to be issued for the costs of such improvements; PROVIDED, however, should the City of Wichita acquire said property (and said City hereby reserves its right to abandon the condemnation as to any of all tracts) that General Funds are available for said purpose as provided by law.

SECTION 5. That the costs of said acquisition shall be charged to the City of Wichita.

SECTION 6. That this Ordinance shall take effect and be in force from and after its passage and publication once in the official City paper.

ADOPTED at Wichita, Kansas, this 11th day of, December 2012.

CITY OF WICHITA

_____
Carl Brewer, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

APPROVED AS TO FORM:

_____
Gary E. Rebenstorf, Director of Law

City of Wichita
City Council Meeting
December 4, 2012

TO: Mayor and City Council

SUBJECT: Authorize Design/Build Project for Floating Stage in WaterWalk (District I)

INITIATED BY: Department of Public Works & Utilities

AGENDA: Consent

Recommendation: Authorize the solicitation of design/build proposals for the floating stage project.

Background: The only area of the WaterWalk public/private development designated for public amenities that has yet to be completed is the area bounded by Gander Mountain on the south, the Boathouse on the north, Wichita Street on the east and the Arkansas River on the west. The City has been awarded a Federal Economic Development Initiative grant by the Department of Housing and Urban Development (HUD) in the amount of $247,500 for the construction of an amphitheater facility in this area, referred to on the Master Plan as Area 3. The terms of the grant specify that the funds must be fully expended for the construction of the amphitheater by September 30, 2013.

The term "amphitheater" is interpreted it to mean an outdoor area with a stage and seating area where presentations and/or performances can be provided for the public. However it is not being interpreted to necessarily mean a facility with numerous high-tech or theatrical amenities, although such amenities could be added later when funding is available. Also, it is being interpreted to mean a facility where the public can bring blankets or folding chairs for seating rather than the project being initially constructed with structured seating.

It is the City's intent to design and construct a floating stage which would be located in the Arkansas River near the east bank with a seating area that includes the existing walkway along the river's edge and the sloping river bank behind it. Reshaping of the riverbank would be held to a minimum and the majority of the available funding would be directed to the construction of the floating stage and providing power to it.

Analysis: It has been determined that this project could best be handled using a design/build process for the following reasons:

1. The budget for the project is limited to the grant funding of $247,500, and it is desired that the City receive the maximum benefits for the available funds.
2. The desired list of features for the floating stage project exceeds the amount of the grant funding, so the list of desired features has been prioritized in descending order from the most important to the least important. This prioritized list of desired features will aid the design/build team in developing a design that meets the budget.
3. The design/build process brings the talents of the designers and builders together as a team to work creatively in developing a design that maximizes the number of features to be provided within the limitations of the project budget.
4. Timing is an important factor in getting this project constructed within the terms of the grant, and using the design/build approach can significantly reduce the time required to complete the project.

The budget for the project is capped at the amount of the grant, and the City desires to spend the entire amount of the grant to achieve the maximum benefits, so cost will not be considered in evaluating the proposals. The criteria that will be used in evaluating and scoring proposals is as follows:

A. Approach to the project (5 pts. Max.)

B. Ability to conduct the work (20 pts. Max.)

C. Proposed scope of work to be provided and timeline (40 pts. Max.)

D. Expected life and maintenance cost of proposed design (20 pts. Max.)

E. Credentials and expertise of the project staff (10 pts. Max.)

F. References for similar projects (5 pts. Max.)

The City reserves the right to reject all proposals.

Financial Considerations: A HUD Economic Development Initiative grant for $247,500 has been approved for the City to use in constructing this project. It is anticipated that this grant will be the sole source of funding for this project.

Legal Considerations: Charter Ordinance No 111, adopted September 13, 1988 enables the City to contract for public improvements using the design/build process.

Recommendation/Action: It is recommended that the City Council authorize the solicitation of proposals for the floating stage project in WaterWalk utilizing the design/build procurement model as outlined in Charter Ordinance No. 111.

Attachments: None

Second Reading Ordinances for December 4, 2012 (first read on November 20, 2012)

A. **ZON2012-00025 – City zone change from SF-5 Single-Family Residential ("SF-5") to TF-3 Two-Family Residential ("TF-3"); generally located between West Street and Hoover Road on the southeast corner of 2nd and Baehr Streets. (District IV)**

ORDINANCE NO. 49-394

An ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by section 28.04.010, as amended.

B. **Public Hearing regarding establishment of the Maize 54 TIF district.**

ORDINANCE NO. 49-395

An ordinance of the City of Wichita establishing the Maize 54 Redevelopment District.

C. **Creation of Chapter 18.14 of the Code of the City of Wichita, relating to parking lot striping standards and enforcement.**

ORDINANCE NO. 49-396

An ordinance amending Chapter 18.14 of the Code of the City of Wichita, Kansas, pertaining to parking lot striping standards and enforcement

D. **Water and Sewer Rate Increases.**

ORDINANCE NO. 49-397

An ordinance amending Section 17.12.090 of the Code of the City of Wichita, Kansas, pertaining to schedule of rates and charges for water service, and repealing the original of said section.

E. **Revision of City Council District Boundary Line.**

ORDINANCE NO. 49-398

An ordinance creating and establishing districts for the election of City Council members to the governing body of the City of Wichita, Kansas as provided for by Charter Ordinance No. 173 of the Code of the City of Wichita, Kansas and repealing ordinance No. 45-514 of the City of Wichita, Kansas which previously created such districts.

F. **PUD2012-00002 – Create Planned Unit Development PUFD #38 Indian Hills Planned Unit Development, on property zoned B Multi-family Residential ("B") generally located south of 13th Street North and east of Meridian Avenue, 2425 W. 13th Street North. (District VI)**

ORDINANCE NO. 49-393

An ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended.

G. **Acquisition By Eminent Domain of Tracts Required for the East Kellogg Freeway Project. (District II)**

ORDINANCE NO.49-399

An ordinance providing for the acquisition by eminent domain of certain private property, easements and right-of-way therein, for the purpose of acquiring real property for the improvement of the Kellogg freeway between Cypress street and Chateau street in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the city attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof.

H. **ZON2012-00026 and CUP2012-00026 – City zone change request from SF-5 Single-family Residential to LI Limited Industrial ("LI") and creation of the K-96 and Greenwich South Community Unit Plan DP-328 on property located at the southeast corner of K-96 Highway and North Greenwich Road. (District II)**

ORDINANCE NO. 49-400

An ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended.

I. **ZON2012-00027 – City zone change request from SF-5 Single-family Residential to B Multi-family Residential ("B") on property located at the northwest corner of West 13th Street North and Zoo Boulevard, 4526 West 13th Street North.** **(District** VI)

ORDINANCE NO. 49-401

An ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended.

J. **Board of Appeals of Plumbers and Gas Fitters.**

CHARTER ORDINANCE NO. 219

A charter ordinance of the City of Wichita, Kansas, relating to the membership of the Board of Appeals of Plumbers and Gas Fitters, amending Section 1 of Charter Ordinance No. 197 and repealing the original of said section.

City of Wichita
City Council Meeting
December 4, 2012

TO: Mayor and City Council

SUBJECT: ZON2012-28 and CUP2012-31 - City zone change from SF-5 Single-family Residential to LC Limited Commercial associated with a Commercial CUP, Tyler Pointe DP-329, generally located south of 13th Street North and east of Tyler (1220 N. Tyler). (District V)

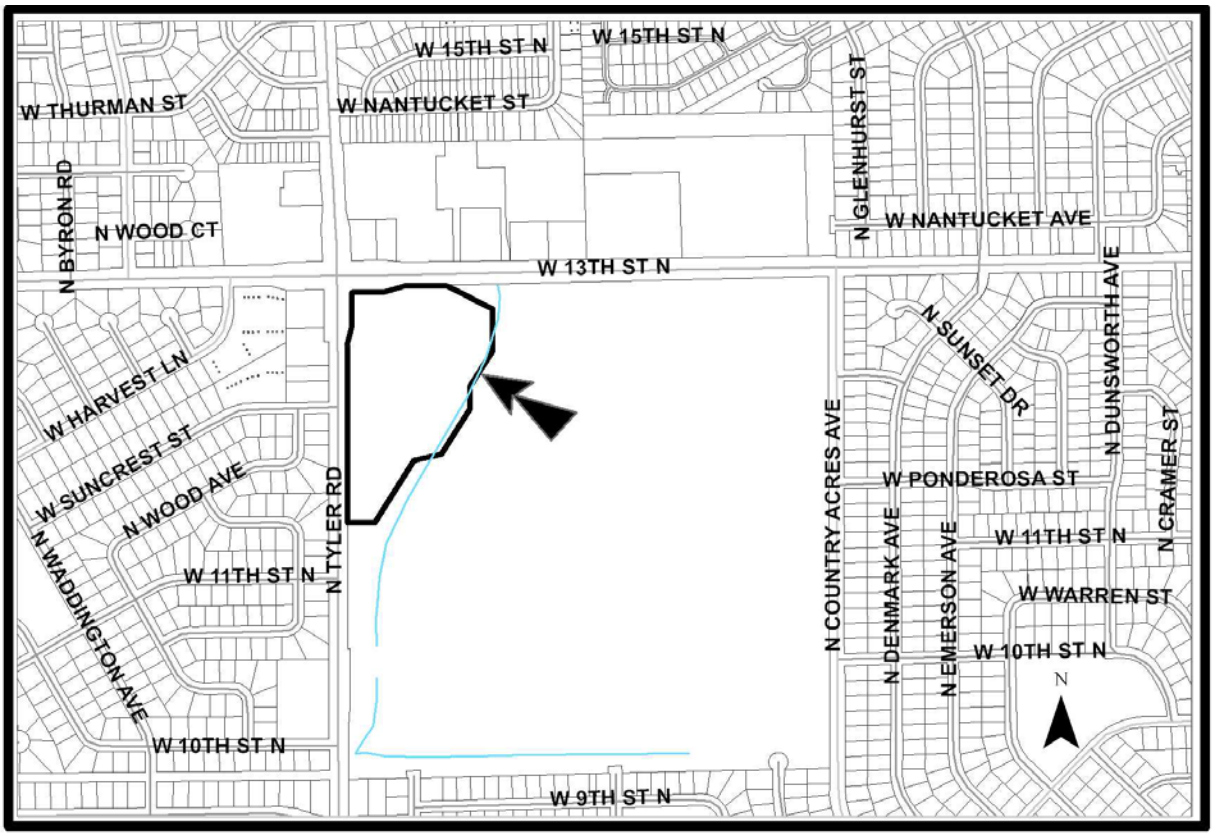
INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

MAPC Recommendation: The MAPC recommended approval, subject to staff recommendations (12-0).

DAB V Recommendation: The DAB recommended approval, subject to staff recommendations.

MAPD Staff Recommendation: Staff recommends approval, subject to re-plat and conditions.



Background: The applicant requests LC Limited Commercial ("LC") zoning subject to the development standards contained in the proposed Tyler Pointe Commercial Community Unit Plan ("CUP") DP-329. The 15.5 acre site is zoned SF-5 Single-family Residential ("SF-5"), and is currently open space contiguous with Northwest High School. The Wichita-Sedgwick County Unified Zoning Code ("UZC") requires a CUP for LC zoned sites of 6-acres or more that are held under unified control at the time of initial approval. A CUP is intended to provide well planned and organized commercial development to certain standards prescribed by the UZC.

The site is located at the southwest corner of 13th Street North and Tyler. The other three corners of this intersection are zoned LC, and the northwest and northeast corners are under CUPs DP 63 and DP 106. All three corners include typical retail/commercial and restaurant uses. The northwest corner includes a grocery store, the southwest corner includes multi-family development, and the northeast corner includes a medical office facility. Other surrounding zoning and land uses include multi-family zoned apartments, TF-3 Two-family Residential ("TF-3") zoned duplexes, a GO General Office ("GO") zoned hospital, an SF-5 zoned school, and SF-5 zoned single-family neighborhoods.

The CUP is broken into five Parcels. The applicant proposes the following LC uses on all parcels: Assisted Living; Church or Place of Worship; Convalescent Care Facility; Day Care; Library; Governmental Services; Hospital; Printing and Copying, Limited; College or University; Parks and Recreation; Animal Care, Limited; Automated Teller Machine (ATM); Bank or Financial Institution; Bed and Breakfast Inn; Broadcasting or Recording Studio; Convenience Store; Funeral Home; Medical Service; Nurseries and Garden Centers; Office, General; Personal Care Service; Post Office; Recreation and Entertainment, Indoor; Restaurant with drive through; Retail, General and Monument Sales.

The site will require reconfiguration of an existing drainage feature to the southeast; the drainage easement will remain a part of the USD 259 property, but will function as a buffer between the commercial development and the remainder of the school site. The applicant proposes locating required screening and landscaping within this drainage easement, on the adjacent property owner's property, to be maintained by the applicant under a covenant agreement. Screening is proposed to be met with landscaping, berms and a wrought iron fence in lieu of the UZC required masonry wall. The MAPC has the discretion to waive the wall requirement provided that screening is achieved. The applicant indicates a 10-foot street dedication on both 13th and Tyler. The applicant indicates one full movement opening onto 13th Street North, one full movement opening and one right-in right-out opening onto Tyler. The City Traffic Engineer is in agreement with the applicant's proposed street dedications and access plan. The CUP calls for 24 foot fire lanes to be provided around all buildings.

Analysis: At the MAPC hearing on November 1, 2012, the MAPC voted to approve the request subject to a re-plat within one year and the following staff recommended conditions:

A. The north and west boundary building setbacks shall be set at 20 feet.
B. The southeast boundary building setback shall be increased to 24 feet on Parcel 1, and shall be 15 feet on Parcel 2.
C. General Provision 7 shall include: The applicant shall obtain a document in writing from the adjacent property owner agreeing to allow landscaping and screening to be placed on the adjacent property, and accepting the covenant to require the applicant's maintenance of said landscaping and screening.
D. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

No members of the public spoke at the MAPC hearing.

At the DAB V meeting held November 5, 2012, the DAB also voted unanimously to approve the request subject to staff recommended conditions. No members of the public spoke at the DAB meeting. No protests were received during the two-week protest period following the MAPC hearing.

Financial Considerations: There are no financial considerations in regards to the zoning and CUP requests.

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Actions: Adopt the findings of the MAPC and approve the zone change and the CUP, subject to the recommended conditions; instruct the Planning Department to forward the ordinance for first reading when the re-plat is completed (simple majority required).

Attachments:

- Ordinance
- MAPC Minutes
- CUP drawing

OCA#: 150004 ORDINANCE NO. 49-410

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2012-00028 and CUP2012-00031

Zone change request from SF-5 Single-family Residential ("SF-5") to LC Limited Commercial ("LC") and CUP DP-329, Tyler Pointe Commercial CUP on properties described as:

Lot 1, Tyler Pointe Addition.

SECTION 2. That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this 11th day of December 2012.

ATTEST:

_____ _____

Karen Sublett, City Clerk Carl Brewer, Mayor

(SEAL)

Approved as to form:

_____

Gary E. Rebenstorf, Director of Law

EXCERPT MINUTES OF THE NOVEMBER 1, 2012 WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION HEARING

Case No.: ZON2012-00028/CUP2012-00031 – USD 259 (owner), Occidental Management (applicant), KE Miller Engineering, P.A., c/o Kirk Miller (agent)request a City Commercial Community Plan (CUP) to create the Tyler Pointe Commercial CUP and City zone change from SF-5 Single-family Residential to LC Limited Commercial on property described as:

Beginning at the Northwesterly most corner of Lot 1, Northwest High School Addition to Wichita, Sedgwick County Kansas; thence S 00°00'00" W, along the Westerly Line of described lot, a distance of 176.15 feet; thence continuing Southerly along said Line, a distance of 103.08 feet; thence S 00°00'00" W, continuing Southerly along said Line, a distance of 942.36 feet; thence N 90°00'00" E, a distance of 142.77 feet; thence N 32°17'06" E, a distance of 387.29 feet; thence N 76°06'34" E, a distance of 149.57 feet; thence N 32°17'06" E, a distance of 285.06 feet; thence N 00°00'00" W, a distance of 117.94 feet; thence N 32°17'06" E, a distance of 221.73 feet; thence N 00°00'00" W, a distance of 219.05 feet; thence N 62°37'20" W, a distance of 266.73, to a point on the North Line of described lot; thence S 89°06'05" W, along said Line, a distance of 227.97 feet; thence continuing Westerly along said Line, a distance of 103.08 feet; thence S 89°06'05" W, continuing Westerly along said Line, a distance of 176.15, to Point of Beginning.

BACKGROUND: The applicant requests LC Limited Commercial ("LC") zoning subject to the development standards contained in the proposed Tyler Pointe Commercial Community Unit Plan ("CUP") DP-329. The 15.5 acre site is zoned SF-5 Single-family Residential ("SF-5"), and is currently open space contiguous with Northwest High School. The Wichita-Sedgwick County Unified Zoning Code ("UZC") requires a CUP for LC zoned sites of 6-acres or more that are held under unified control at the time of initial approval. A CUP is intended to provide well planned and organized commercial development to certain standards prescribed by the UZC.

The site is located at the southwest corner of 13th Street North and Tyler. The other three corners of this intersection are zoned LC, and the northwest and northeast corners are under CUPs DP 63 and DP 106. All three corners include typical retail/commercial and restaurant uses. The northwest corner includes a grocery store, the southwest corner includes multi-family development, and the northeast corner includes a medical office facility. Other surrounding zoning and land uses include multi-family zoned apartments, TF-3 Two-family Residential ("TF-3") zoned duplexes, a GO General Office ("GO") zoned hospital, an SF-5 zoned school, and SF-5 zoned single-family neighborhoods.

The CUP is broken into five Parcels. The applicant proposes the following LC uses on all parcels: Assisted Living; Church or Place of Worship; Convalescent Care Facility; Day Care; Library; Governmental Services; Hospital; Printing and Copying, Limited; College or University; Parks and Recreation; Animal Care, Limited; Automated Teller Machine (ATM); Bank or Financial Institution; Bed and Breakfast Inn; Broadcasting or Recording Studio; Convenience Store; Funeral Home; Medical Service; Nurseries and Garden Centers; Office, General; Personal Care Service; Post Office; Recreation and Entertainment, Indoor; Restaurant with drive through; Retail, General and Monument Sales.

The site will require reconfiguration of an existing drainage feature to the southeast; the drainage easement will remain a part of the USD 259 property, but will function as a buffer between the commercial development and the remainder of the school site. The applicant proposes locating required screening and landscaping within this drainage easement, on the adjacent property owner's property, to be maintained by the applicant under a covenant agreement. Screening is proposed to be met with

landscaping, berms and a wrought iron fence in lieu of the UZC required masonry wall. The MAPC has the discretion to waive the wall requirement provided that screening is achieved. The applicant indicates a 10-foot street dedication on both 13th and Tyler. The applicant indicates one full movement opening onto 13th Street North, one full movement opening and one right-in right-out opening onto Tyler. The City Traffic Engineer is in agreement with the applicant's proposed street dedications and access plan. The CUP calls for 24 foot fire lanes to be provided around all buildings. However, the CUP drawing indicates a 15-foot building setback along the southeast property line; the City Fire Marshal would like the building setback to reflect at a minimum the 24-foot fire lane.

The remainder of the CUP is consistent with most City CUPs and the UZC requirements regarding signage, landscape requirements, screening, cross-lot circulation, pedestrian circulation, architectural consistency, parking and lighting. The only other departures from UZC requirements are that all setbacks do not meet the UZC requirement for 35 foot setbacks within CUPs; and Parcel 1 calls for 35% maximum building coverage when the UZC limits CUPs to 30%. These UZC requirements are also waiverable by the MAPC provided that the MAPC finds "specific reasons for such modification and an explanation of how such modification or waivers meets the criteria and purpose of this section" of the UZC.

CASE HISTORY: The site is located on Lot 1 of the Northwest High School Addition, platted in 1977.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	Medical office, retail
SOUTH:	SF-5	Public high school
EAST:	SF-5	Public high school
WEST:	LC	Retail, multi-family residential

PUBLIC SERVICES: 13th and Tyler are both section line arterial streets at this location with four travel lanes and a central turn lane at the intersection. Westbound 13th Street also has a right turn lane at this intersection with northbound Tyler. 13th Street has a 50 foot half-width right-of-way at this location, tapering to 75 feet at the intersection. Tyler has a 40 foot half-width right-of-way at this location, tapering to 75 feet at the intersection. As previously noted, the CUP indicates a 10 foot dedication to both arterial streets. Additional traffic improvements will be considered at the time of platting. Current traffic counts on this portion of 13th Street North are 17,085 vehicles per day. Current traffic counts on this portion of Tyler are 23,413 vehicles per day. The proposed CUP could have a total of 218,667 commercial square feet. With the ITE Manual estimate of 42 cars per day trip generation per 1000 square feet of shopping center space, this CUP could generate an additional 9,156 vehicles per day to this intersection. All utilities are available to the site, and the CUP indicates that all utilities will be place underground.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide" of the Comprehensive Plan designates the site as "Major Institutional," reflecting current school district ownership. The other three corners of this intersection are designated as "Local Commercial." This request meets the Commercial Locational Guidelines of the Comprehensive Plan in that it is at an arterial street intersection along with other commercial uses, it does not feed commercially generated traffic onto residential streets and it has site design features to mitigate impact on surrounding uses.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the proposed CUP and zone change be APPROVED, subject to replatting within one-year and the following conditions:

A. The north and west boundary building setbacks shall be increased to 35 feet, in conformance to UZC standards.
B. The southeast boundary building setback shall be increased to 24 feet, consistent with the fire lane requirement, and at the request of the Fire Marshal.
C. General Provision 7 shall include: The applicant shall obtain a document in writing from the adjacent property owner agreeing to allow landscaping and screening to be placed on the adjacent property, and accepting the covenant to require the applicant's maintenance of said landscaping and screening.
D. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1.The zoning, uses and character of the neighborhood: The SF-5 zoned site is located at the southwest corner of 13th Street North and Tyler on an existing high school site. The other three corners of this intersection are zoned LC, and the northwest and northeast corners are under CUPs DP 63 and DP 106. All three corners include typical retail/commercial and restaurant uses. The northwest corner includes a grocery store, the southwest corner includes multi-family development, and the northeast corner includes a medical office facility. Other surrounding zoning and land uses include multi-family zoned apartments, TF-3 zoned duplexes, a GO zoned hospital, and SF-5 zoned single-family neighborhoods.

2.The suitability of the subject property for the uses to which it has been restricted: The site is currently zoned SF-5 and could be developed with additional school or institutional uses. The site could be developed with single-family residences; however, this arterial street intersection location is not conducive to low density residential development. Arterial street intersections are suitable for commercial development, as proposed by the applicant.

3.Extent to which removal of the restrictions will detrimentally affect nearby property: The LC zoning request and CUP will allow significantly more intense development on this site. Nearby property could be most affected by increased traffic to this site, and will be affected by increased light, noise, trash and other impacts of commercial development.

4.Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The "2030 Wichita Functional Land Use Guide" of the Comprehensive Plan designates the site as "Major Institutional," reflecting current school district ownership. The other three corners of this intersection are designated as "Local Commercial." This request meets the Commercial Locational Guidelines of the Comprehensive Plan in that it is at an arterial street intersection along with other commercial uses, it does not feed commercially generated traffic onto residential streets and it has site design features to mitigate impact on surrounding uses. The CUP proposes waiving UZC requirement for a masonry wall, increasing the 30% coverage required by the UZC to 35%, and lowering the UZC building setback requirement of 35 feet to 15 and 20 feet.

5.Impact of the proposed development on community facilities: The project will generate increased traffic and demand for City services at this site. However, the Comprehensive Plan anticipates commercial development to occur at arterial intersections such as this location.

JESS MCNEELY, Planning Staff presented the Staff Report.

FOSTER noted a typographical error on page 3 and clarified setbacks as far as what the applicant was requesting (20-foot setbacks) and what staff was recommending (35-foot setbacks).

ALDRICH also requested clarification on setbacks.

MCNEELY said the applicant agreed that parcel one would have a 24-foot setback and that parcel two would have a 15-foot setback. He said the applicant agreed with the recommended setbacks under item B under conditions; however, they do agree with the setbacks recommended in item A. under conditions which were the 35-foot setbacks along the arterial streets.

KIRK MILLER, KIRK MILLER ENGINEERING, 516 S. MARKET, AGENT FOR THE APPLICANT said he would address setbacks and the applicant, Gary Oborny, would address other issues. He said they are requesting 20-foot setbacks with 10-foot dedications on both streets, which is what Traffic Engineering asked for. He said currently a 25-foot setback is platted with a 50-foot right-of-way, so the setback is 75 feet on both streets from the center line of the road. He said what they are proposing will make that 80 feet from the center line of the road. He said current planning trends are moving buildings closer to the street and not providing as much on-site parking. He said this location would be suited to pedestrian access due to its proximity to Northwest High School.

ALDRICH asked about sidewalks.

MILLER responded that there are sidewalks on both 13th and Tyler Streets that will remain. He said there will also be pedestrian access through the property.

GARY OBORNY, 13824 PINNACLE, APPLICANT said common development practices are to bring the buildings closer to streets. In addition, he added that "kiosks" or other convenience type shopping locations are becoming more common and it is important to have them closer to streets because they are smaller buildings.

ALDRICH clarified that the applicant agreed with all staff recommendations in the Staff Report with the exception of item A.

OBORNY responded yes. He added that what they are requesting was not uncommon and mentioned development projects in Bel Aire, Derby and Wichita (North Rock) where setbacks were adjusted.

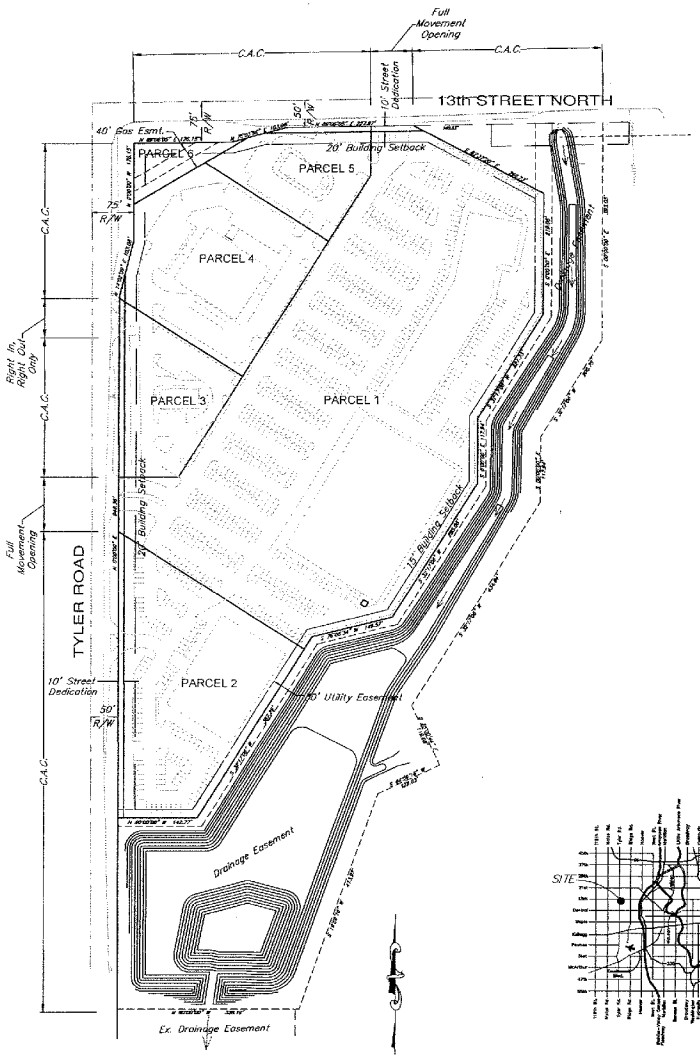
FOSTER asked if Traffic Engineering had any concerns about the reduced setbacks.

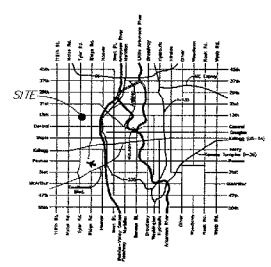
PAUL GUNZELMAN, TRAFFIC ENGINEER stated that he had not concerns about the reduced setback.

> **MOTION:** To approve subject to staff recommendation with the exception of item A that the setbacks be reduced from 35-feet to 20-feet.
>
> **ALDRICH** moved, **SHEETS** seconded the motion, and it carried (12-0).

TYLER POINTE

COMMUNITY UNIT PLAN DP-329





LOCATION MAP

GENERAL PROVISIONS:

1. All utilities shall be installed underground.
2. Minimum Building Setbacks shall be as indicated on the Plat.
3. Parking ratio shall be in accordance with the Unified Zoning Code of the City of Wichita.
4. A Drainage Plan will be submitted to City Engineering for approval at the time of platting. If required, guarantees for drainage shall be provided at the time of platting improvements. A covenant shall be provided to define maintenance responsibilities of the drainage easement.
5. Signage shall be in accordance with the Sign Code of the City of Wichita for LC Zoning. LED signage will be permitted. No portable off-site signs, as defined by the sign code, shall be permitted.
6. A fire lane, hard surfaced and twenty-four (24) feet (20 feet one-way traffic) minimum in width, shall be provided around all main structures to be constructed within Parcels 1 through 5. Said fire lane shall be a 3-1/2 inch asphalt base with 1-1/2 inch asphalt surface or the equivalent thereof. No parking shall be allowed in said fire lane, although it may be used for passenger loading and unloading. Prior to final approval of the parking plan, the Fire Chief, or his designated representative, shall approve the plan as to location of the fire lane.
7. A landscape plan prepared by Registered Landscape Architect in the state of Kansas in compliance with the Landscape Ordinance indicating the type, location, and specification of plant material, shall be submitted to the Planning Department for their review and approval prior to its issuance of building permit(s). Landscaping and screening for the east side of Parcels 1 and 2 shall be installed on the property east of and adjacent to Parcels 1 and 2 and installed and maintained by the owners of Parcels 1 and 2. A covenant shall be provided to define maintenance responsibilities of the landscaping.
8. Screening of all trash dumpsters, outside storage, and mechanical equipment on Parcels 3-5 will be constructed of material to match the buildings they support. Screening on the South and East may utilize a combination of wrought iron fencing, landscaping, berms, trees and other types of plants to screen the Property from the Adjacent Property as long as the screening results in concealing the view of the Property from Adjacent Property. Screening shall prevent pedestrian access between the Property and Adjacent Property.
9. Lighting -- Outside lighting shall be consistent throughout the CUP (fixtures, poles, lamps, etc.). Light poles shall be no taller than 15 feet (including base and fixture) when within 200 feet of Residential Zoning.
10. Fire Hydrant installation and paved access to all building sites shall be provided for each phase of construction prior to the issuance of any building permits.
11. Final determination of street right-of-way and pavement widths shall be resolved at the time of platting.
12. The transfer of title on all or any portion of the land included in the C.U.P. does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and binding upon the present owners, their successors, assigns, and lessees unless otherwise amended.
13. If multiple ownership is anticipated, an agreement providing for the maintenance of reserves, open spaces, internal drives, parking areas, drainage improvements, etc..., shall be filed with the plat of the area.
14. At the time of platting, a cross-lot circulation agreement between Parcels 1, 2, 3, 4, and 5 assigning maintenance responsibilities will be required.
15. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning , shall constitute a violation of the building permit authorizing construction of the proposed development.
16. All parking, storage, and display areas shall be paved with concrete, asphalt, or asphaltic concrete. Parking barriers shall be installed along all perimeter boundaries adjacent to streets, except at driveway entrances or where fences are erected, to ensure that parked vehicles do not encroach onto public right-of-ways.
17. Buildings within the CUP shall be architecturally consistent in colors and materials.
18. A pedestrian walk system shall link the proposed buildings with the entrances and sidewalks along Tyler and 13th Streets and shall be assured by required submission and approval of circulation plans by the Director of Planning prior to issuing building permits.
19. Access Control shall be as shown on the sketch with final determination at platting.
20. Buildings, Parking Lots, and Drainage as shown are Conceptual and subject to change.

PARCEL DESCRIPTION:

Parcel 1:
1. Net Area: 386,869 sq.ft.
2. Maximum Building Coverage: 35%
3. Maximum Building Height: 35'
4. Maximum Floor Area: 135,404 sq.ft.
5. Floor Area Ratio: 35%
6. Permissible Uses: Assisted Living; Church or Place of Worship; Convalescent Care Facility; (Nursing Facility); Day Care; Library; Governmental Services; Hospital; Printing and Copying, Limited; College or University; Parks and Recreation; Animal Care, Limited; Automated Teller Machine (ATM); Bank or Financial Institution. Bed and Breakfast Inn; Broadcast or Recording Studio; Convenience Store; Funeral Home; Medical Service; Nurseries and Garden Centers; Office; Personal Care Service; Post Office; Recreation and Entertainment, Indoor; Restaurant(drive through allowed); Retail, General; Monument Sales.

Parcel 2:
1. Net Area: 108,623 sq.ft.
2. Maximum Building Coverage: 30%
3. Maximum Building Height: 35'
4. Maximum Floor Area: 32,587 sq.ft.
5. Floor Area Ratio: 30%
6. Permissible Uses: Same as Parcel 1.

Parcel 3:
1. Net Area: 45,841 sq.ft.
2. Maximum Building Coverage: 30%
3. Maximum Building Height: 35'
4. Maximum Floor Area: 13,752 sq.ft.
5. Floor Area Ratio: 30%
6. Permissible Uses: Same as Parcel 1.

Parcel 4:
1. Net Area: 85,625 sq.ft.
2. Maximum Building Coverage: 30%
3. Maximum Building Height: 35'
4. Maximum Floor Area: 25,688 sq.ft.
5. Floor Area Ratio: 30%
6. Permissible Uses: Same as Parcel 1.

Parcel 5:
1. Net Area: 37,452 sq.ft.
2. Maximum Building Coverage: 30%
3. Maximum Building Height: 35'
4. Maximum Floor Area: 11,236 sq.ft.
5. Floor Area Ratio: 30%
6. Permissible Uses: Same as Parcel 1.

Parcel 6:
1. Net Area: 10,616 sq.ft.
2. Permissible Uses: Utilities, Signage, Landscaping.

GENERAL:

Land Zoning: LC (Limited Commercial)

Total Land Area: 15.5 acres

kemiller engineering
516 S. Market, Wichita, KS 67202 (316)264-0242

Agenda Item No. II-15

City of Wichita
City Council Meeting
December 4, 2012

TO: Mayor and City Council

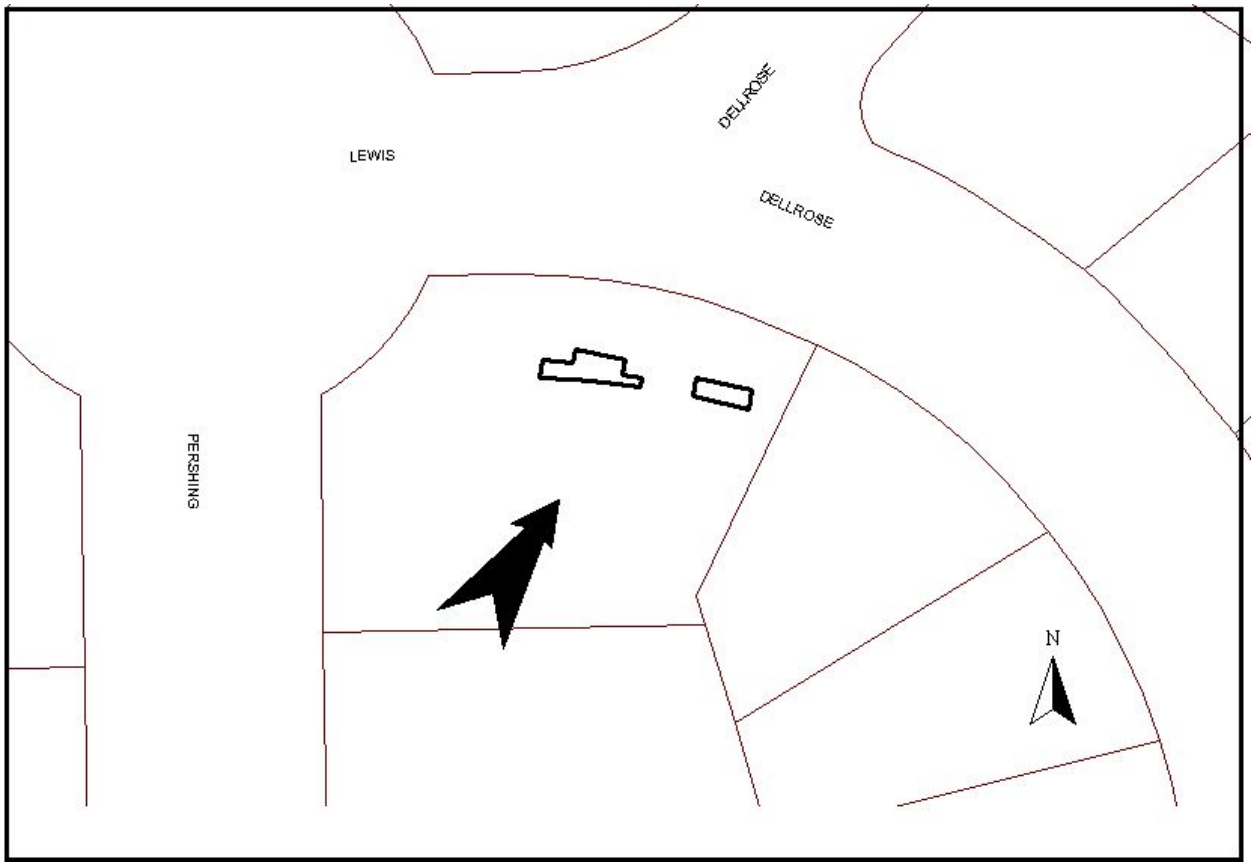
SUBJECT: VAC2012-00010 - Request to vacate a portion of a platted street side yard setback; generally located midway between Douglas Avenue and Kellogg Street, west of Oliver Avenue, on the southeast corner of Dellrose and Pershing Avenues. (District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Staff recommends approval of the vacation request.

MAPC Recommendation: The Metropolitan Area Planning Commission (MAPC) recommends approval of the vacation request.



Background: The applicants propose to vacate the south 12 feet of the platted 35-foot street side yard setback that runs parallel to the north lot line of the SF-5 Single-Family Residential zoned ("SF-5") Lot 19, Block 12, Lincoln Heights Addition. The principle structure already encroaches into the platted street side yard setback (the Lewis/Dellrose streets' side) and the applicants propose to build a stand-alone addition that will line up with the encroaching portion of the principle structure. The UZC's minimum street side yard setback for the SF-5 zoning district is 15 feet. The applicants are requesting a reduction of the 35-foot platted street side yard setback to 22 feet. There are no platted easements or utilities located within the platted setback. There is an existing two car garage encroaching into a 5-foot easement, dedicated in the plattor's text that covers a sewer line and man holes. The applicants have provided Public Works with a Hold Harmless Agreement removing the City from any liability if there is damage to the garage in case of maintenance, repair or replacement of the sewer line and manholes locate located in the easement and the garage. The Lincoln Heights Addition was recorded with the Register of Deeds February 26, 1927.

Analysis: The MAPC voted (11-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Financial Considerations: All improvements are to City standards and at the applicant's expense.

Legal Considerations: The Law Department has reviewed and approved, as to form, the Vacation Order. A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Recommendation/Actions: It is recommended that the City Council follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

Attachment: No attachments are necessary for this vacation request.

Agenda Item No. II-16

City of Wichita
City Council Meeting
December 4, 2012

TO: Mayor and City Council

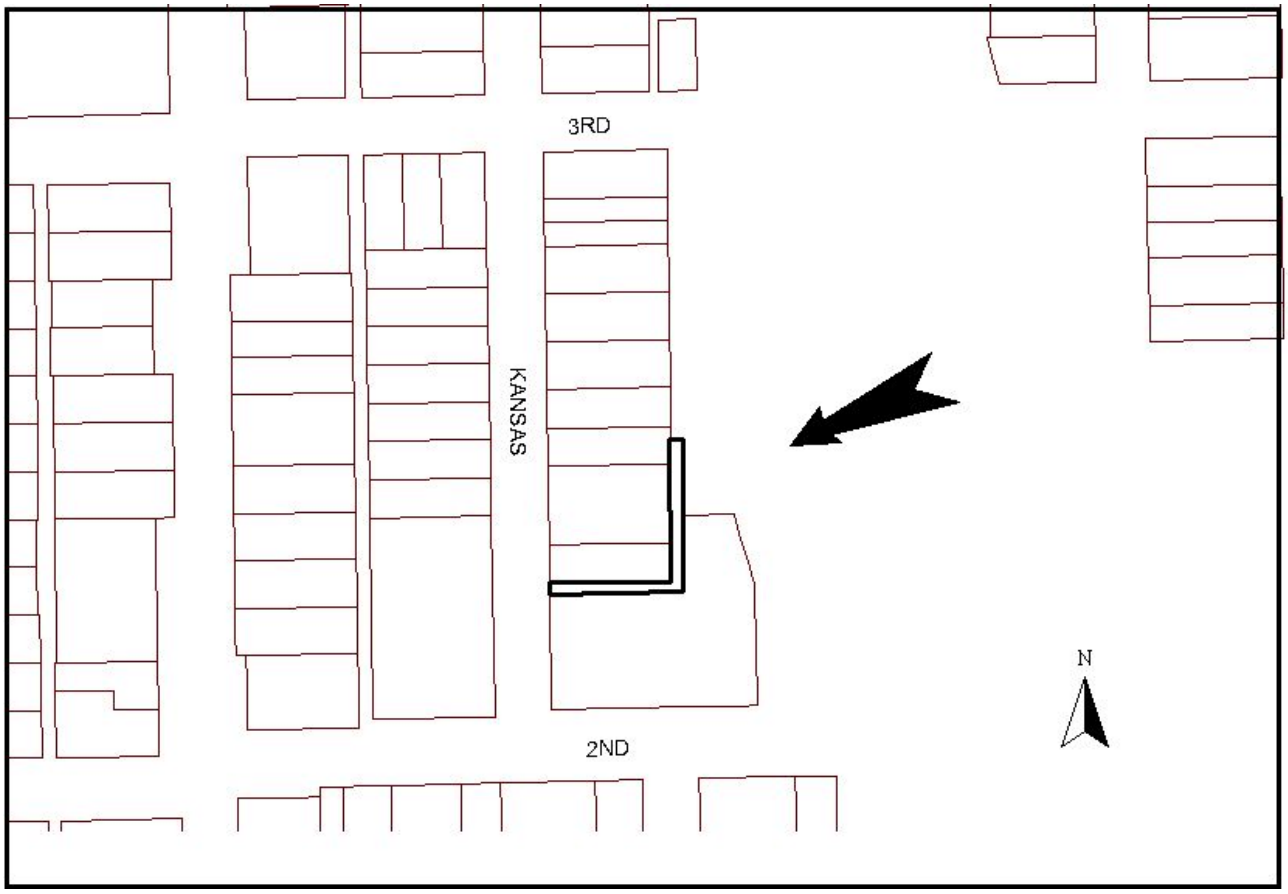
SUBJECT: VAC2012-00012 - Request to vacate a portion of a platted alley right-of-way; generally located between Kansas Avenue and I-135 and north of 2nd Street. (District I)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Staff recommends approval of the vacation request.

MAPC Recommendation: The Metropolitan Area Planning Commission (MAPC) recommends approval of the vacation request.



Background: The applicant is requesting the vacation of the portion of the platted 12-foot wide alley right-of-way abutting Lots 23-31, Owsley Place Addition (south side), Lots 22 & 13, Owsley Place Addition (north side), Lots 22 and a portion of Lot 17, Owsley Place Addition (west side), Lots 11-13, Owsley Place Addition and I-135 (east side). The applicant owns all of the abutting property, with the exception of that portion abutting I-135, which is K-DOT right-of-way. To keep the alley from becoming a dead end, the applicant has provided a dedication of public access to Kansas Avenue, which is public street right-of-way. There is Westar equipment, a sewer line and manholes located in the length of the platted 12-foot wide alley; the applicant has provided dedications of a temporary utility easement and a utility easement. The Owsley Place Addition was recorded with the Register of Deeds April 21, 1910. Construction of I-135 in the 1960s wiped out eastern portions of the Owsley Place Addition.

Analysis: The MAPC voted (11-0-1) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Financial Considerations: All improvements are to City standards and at the applicant's expense.

Legal Considerations: The Law Department has reviewed and approved, as to form, the Vacation Order, dedications by separate instruments for a temporary utility easement, a public street/access, a utility easement and a certificate for a paving petition and sanitary sewer petition. A certified copy of the Vacation Order, dedications by separate instruments for a temporary utility easement, public street/access, a utility easement and a certificate for a paving petition and sanitary sewer petition will be recorded with the Register of Deeds.

Recommendation/Actions: It is recommended that the City Council follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

Attachment: No attachments are necessary for this vacation request.

Agenda Item No. II-17

City of Wichita
City Council Meeting
December 4, 2012

TO: Mayor and City Council

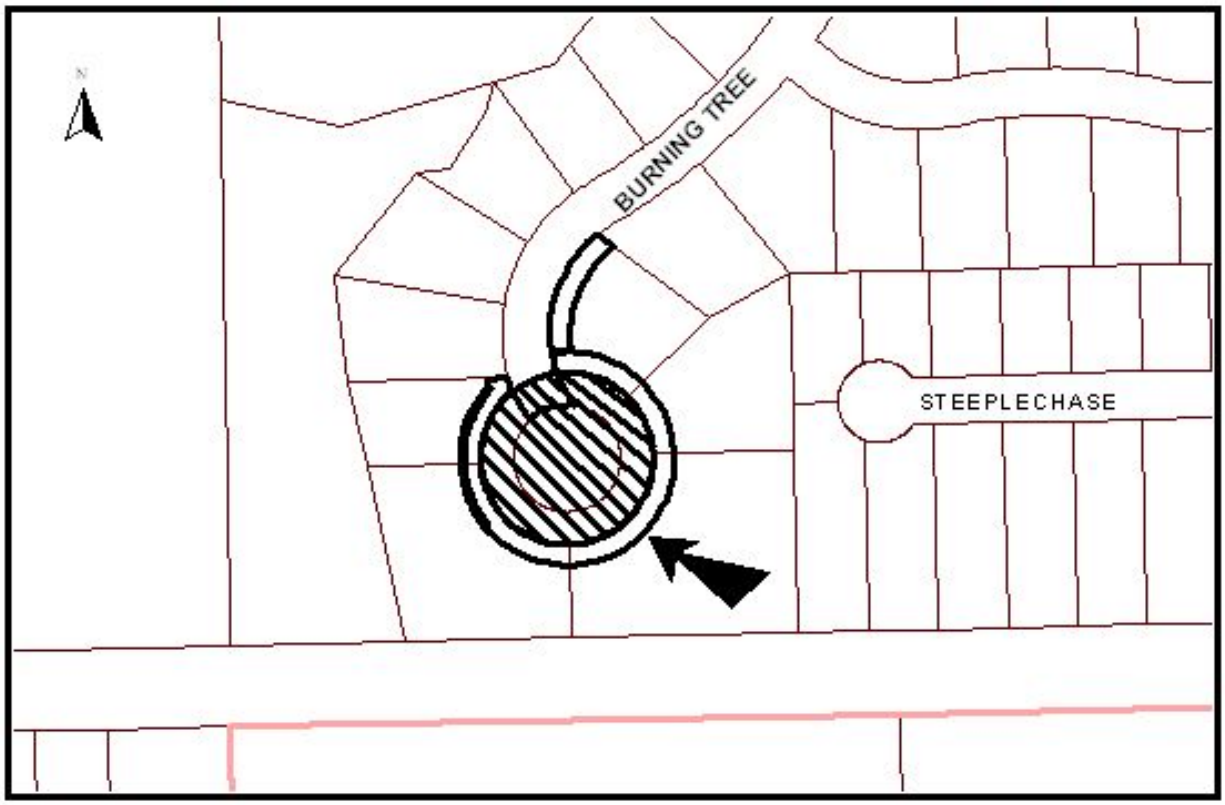
SUBJECT: VAC2012-00022 - Request to vacate platted setbacks, street, reserve and easements; generally located south of 21st Street North, north of the rails to trails bike path, west of 143rd Street East and south of the Burning Tree and Rock Hill Streets intersection. (District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Staff recommends approval of the vacation request.

MAPC Recommendation: The Metropolitan Area Planning Commission (MAPC) recommends approval of the vacation request.



Background: The applicants propose to vacate: all of the platted 25-foot front yard building setback on the undeveloped, SF-5 Single-Family Residential (SF-5") zoned Lots 49, 50, 51, 52 and 53; the unimproved, platted 40-foot Burning Tree street right-of-way adjoining the platted Reserve J; all of the platted Reserve J, and the platted 20-foot utility easement running parallel to the east lot lines of Lots 52 and 53, all in Block 2, Krug South Addition. The SF-5 zoned subject lots' platted 25-foot front setback is the same as the Unified Zoning Code's ("UZC") minimum front setback for the SF-5 zoning district. The applicants propose to allow the UZC's minimum front setback for the SF-5 zoning district to replace the platted setback. The applicants have dedicated by separate instrument a replacement cul-de-sac; DOC#/FLM: 29283996. The new cul-de-sac has eliminated Reserve J and allowed the abutting Lots 49-53 to extend into what was the platted cul-de-sac, thus creating larger lots. A sewer line and manholes are located in a portion the platted easement and the platted cul-de-sac street right-of-way. The applicants have dedicated a drainage and utility easement; DOC#/FLM: 29320555. The applicant has also provided recorded Statutory Warranty Deeds, which bind and tie the residual vacated right-of-way to the abutting lots; DOC#/FLM: 29327263, DOC#/FLM: 29327264, DOC#/FLM: 29327265 and DOC#/FLM: 2932726

Analysis: The MAPC voted (11-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Financial Considerations: All improvements are to City standards and at the applicant's expense.

Legal Considerations: The Law Department has reviewed and approved, as to form, the Vacation Order. A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Recommendation/Actions: It is recommended that the City Council follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

Attachment: No attachments are necessary for this vacation request.

City of Wichita
City Council Meeting
December 4, 2012

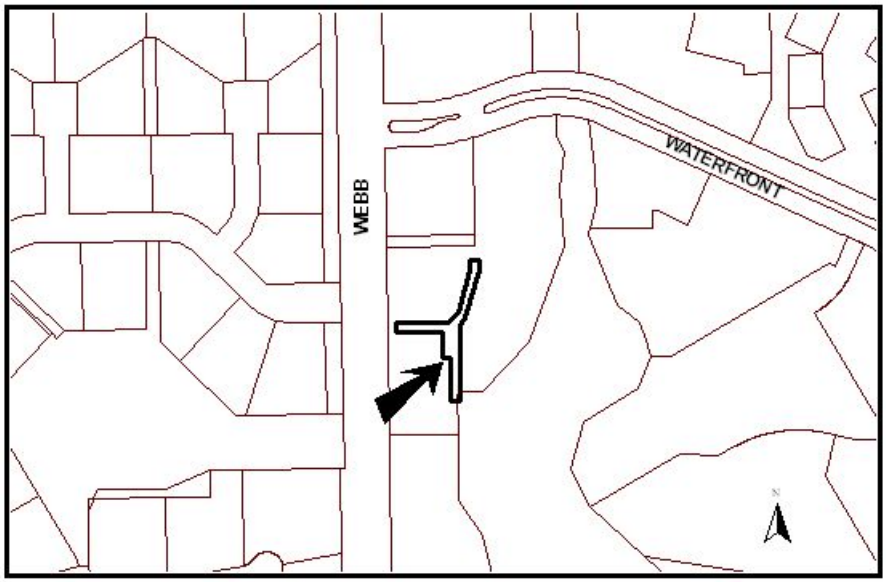
TO: Mayor and City Council

SUBJECT: DED2012-00014 Dedication of Utility Easement for property located on the east side of Webb Road, north of 13th Street North. (District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

Staff Recommendation: Accept the Dedication.



Background: The Dedication is associated with Lot Split Case No. LSP2012-00018 (The Waterfront 3rd Addition).

Analysis: The Dedication DED2012-00014 is for the purpose of constructing, operating, maintaining and repairing utilities.

Financial Considerations: There are no financial considerations associated with the Dedication.

Legal Considerations: The Dedication has been approved as to form by the Law Department and has been recorded with the Register of Deeds.

Recommendations/Actions: It is recommended that the City Council accept the Dedication.

Attachment: Utility Easement.

Sedgwick County
Register of Deeds - Bill Meek
DOC.#/FLM-PG: 29321238
Receipt #: 1829577
Pages Recorded: 2
Cashier Initials: VL
Recording Fee: $12.00
Authorized By
Date Recorded: 9/26/2012 2:59:48 PM

COPY

UTILITY EASEMENT

THIS TEMPORARY EASEMENT made this 26th day of September, 2012, by, **Beech Lake Development, L.L.C., a Kansas limited liability company**, of the first part and the **City of Wichita, Kansas**, of the second part.

WITNESSED, That the said first part, in consideration of the sum of One Dollar ($1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, does hereby grant and convey unto the second party a perpetual right-of-way and easement for the purposes of accessing, constructing, maintaining, and repairing utilities, along and under the following described real estate situated in Wichita, Sedgwick County, Kansas, to wit:

A tract of land lying within Lot 1, Block 1, The Waterfront Third Addition, an addition to Wichita, Sedgwick County, Kansas, said tract being more particularly described as follow:

COMMENCING at the northwest corner of Lot 1, Block 1, The Waterfront Addition, an addition to Wichita, Sedgwick County, Kansas; thence along the west line of said addition on a platted bearing of S00°53'35"E, 398.79 feet; thence parallel with and 249.01 feet north of the south line of Lot 1, Block 1, The Waterfront Third Addition, an addition to Wichita, Sedgwick County, Kansas, N89°06'25"E, 20.00 feet to the POINT OF BEGINNING; thence continuing parallel with said south line, N89°06'25"E, 115.36 feet; thence N44°06'25"E, 32.38 feet; thence N17°43'32"E, 99.45 feet; thence parallel with and 190 feet east of the west line of said addition, N00°53'35"W, 24.74 feet to a point on the south line of recorded 20 foot Utility Easement by Separate Instrument; thence along said south easement line, N89°06'25"E, 20.00 feet; thence parallel with and 210 feet east of the west line of said addition, S00°53'35"E, 28.02 feet; thence S17°43'32"W, 107.42 feet; thence S44°06'25"W, 21.27 feet; thence S00°53'35"E, 170.61 feet; thence parallel with and 75.44 feet north of the south line of said Lot 1, S89°06'25"W, 20.00 feet; thence N00°53'35"W, 96.99 feet; thence S89°06'25"W, 20.00 feet; thence N00°53'35"W, 56.59 feet; thence S89°06'25"W, 100.67 feet; thence N00°53'35"W, 20.00 feet to the POINT OF BEGINNING.

And said second party is hereby granted the right to enter upon said premises at any time for the purpose of constructing, operating, maintaining, and repairing all of their utilities.

IN WITNESS WHEREOF: The party of the first has signed these presents the day and year first written.

BEECH LAKE DEVELOPMENT, L.L.C., A KANSAS LIMITED LIABILITY COMPANY

Johnny Stevens, Manager

Johnny Stevens, Manager

MKEC
ENGINEERING
CONSULTANTS, INC.

00402932 1238

STATE OF KANSAS, SEDGWICK COUNTY} ss:

This instrument was acknowledged before me on this 26th day of September, 2012, **Johnny Stevens, Manager, Beech Lake Development, L.L.C., a Kansas limited liability company.**

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

_____, Notary Public
Notary Public:

SANDRA M. STEVENS
Notary Public - State of Kansas
My Appt. Expires September 20, 2014

My Term Expires:_____

K:\WP\PROJECT\2002\02014\3rd_Add\Vacation Case and Lot Split\Utility Easement- seperate inst.doc
Upon Recording mail to:
MKEC Engineering Consultants, Inc.
411 N. Webb Rd.
Wichita, KS 67206

MKEC
ENGINEERING
CONSULTANTS, INC.

City of Wichita
City Council Meeting
December 4, 2012

TO: Mayor and City Council

SUBJECT: A12-08: Request by Ritchie Associates, Inc. to annex lands generally located south of 21st Street North and west of 159th Street East (District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Recommendation: Approve the annexation request.

Background: The City has received a request to annex approximately 68.37 acres of land generally located south of 21st Street North and west of 159th Street East. The annexation area abuts the City of Wichita at the southwest corner of the subject property. The annexation area is proposed for development as a gated residential subdivision. The Subdivision Committee of the Metropolitan Area Planning Commission approved a preliminary plat for The Ranch Addition on October 25, 2012.

Analysis:
Land Use and Zoning: The annexation area consists of approximately 68.37 acres zoned "SF-20" Single-Family Residential and is used for agriculture. Upon annexation the zoning of the subject property will convert to "SF-5" Single-Family Residential. The adjacent properties to north are zoned "SF-20" Single-Family Residential, but have been approved for "LC" Limited Commercial zoning subject to the condition of platting. The adjacent property to the south is zoned "SF-20" Single-Family Residential and is used for agriculture. The adjacent properties to the east are located within the City of Andover and are developed with single family residences. The adjacent property to the west is zoned "SF-20" Single-Family Residential and is used for agriculture.

Public Services: Water and sanitary sewer services are available to be extended to serve the annexation area from water mains located in both 21st Street North and 159th Street East and a sanitary sewer interceptor located approximately one-half mile west of the annexation area. The conditions of approval for The Ranch Addition plat require the applicant to guarantee the extension water transmission and distribution lines and sanitary sewer mains and laterals.

Street System: The subject property has access to 159th Street East, a two lane arterial street. The Ranch Addition plat approves three access drives along 159th Street East. One access drive is for a private street that will provide access to the interior lots in the gated subdivision. The other two access drives will serve driveways for residential lots that will front 159th Street East. The conditions of approval for The Ranch Addition plat require the applicant to guarantee paving of the interior private street to the public street paving standard.

Public Safety: Fire protection is currently provided to the area on the basis of a first-responder agreement between the City and County, and that service will continue following annexation. Sedgwick County Fire Station No. 38 at 1010 N. 143rd St. E. is the nearest fire station to the site. The nearest City station is Fire Station No. 18 at 2808 N. Webb. Nearest fire service will continue to be provided by Sedgwick County Fire District #1 and Wichita Fire Department joint operations at Station 38/6. Upon annexation, police protection will be provided to the area by the Patrol East Bureau of the Wichita Police Department, headquartered at 350 S. Edgemoor. The 2011-2020 Capital Improvement Program contains a project in 2015 to relocate the Patrol East Bureau substation to Central and Bristol, approximately 3 miles southwest of the subject property.

Parks: Undeveloped park land near the intersection of Central and Bristol, located approximately three miles southwest of the subject property at 11608 E. Central, is the nearest park. Plans for improvements to the undeveloped park have been completed, and the improvements are programmed in the 2011-2020 Capital Improvement Program for 2017-2019. The Parks, Recreation and Open Space Plan identifies proposed new park target areas approximately one mile north and one mile south of the subject property and identifies a proposed pathway along the abandoned railroad right-of-way south of the subject property.

School District: The annexation property is part of Unified School District 385 (Andover School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the Wichita 2030 Urban Growth Area as shown in the Plan.

Financial Considerations: The current approximate appraised value of the proposed annexation lands, according to County records, is $60,150 with a total assessed value of $15,130. Using the current City levy ($32.359/$1000 x assessed valuation), this property roughly yields $490 in City annual property tax revenues upon annexation. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property and the current mill levy. At this time, the property owner is anticipating developing 32 single-family residences over the next five years. The total appraised value of the after completion is estimated at approximately $12.8 million. Assuming the current City levy remains about the same, this would roughly yield a total of $47,600 in City annual tax revenues.

Legal Considerations: The property is eligible for annexation under K.S.A. 12-517, *et seq*. The annexation ordinance has been reviewed by the Law Department and approved as to form.

Recommendations/Actions: It is recommended that the City Council approve the annexation request, place the ordinance on first reading, authorize the necessary signatures and instruct the City Clerk to publish the ordinance after approval on second reading.

Attachment: Map Sheet
Ordinance

OCA150004 BID #37529-009 CID #76383

PUBLISHED IN THE WICHITA EAGLE ON DECEMBER 14, 2012

ORDINANCE NO. 49-411

AN ORDINANCE INCLUDING AND INCORPORATING CERTAIN BLOCKS, PARCELS, PIECES AND TRACTS OF LAND WITHIN THE LIMITS AND BOUNDARIES OF THE CITY OF WICHITA, KANSAS. (A12-08)

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

SECTION 1. The governing body, under the authority of K.S.A. 12-517, et seq, hereby annexes the following blocks, parcels, pieces and tracts of land and they are hereby included and brought within the corporate limits of the City of Wichita, Kansas and designated as being part of City Council District II:

Commencing at the Northeast corner of Section 12, Township 27 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas; thence along the east line of said Section 12 a distance of 300.00 feet; thence west, parallel with the north line of said Northeast Quarter, a distance of 52.50 feet to a point on the westerly right of way line of 159th Street East as described in Film 1668, Page 2, Sedgwick County Register of Deeds office; said point being the point of beginning; thence west, parallel with the north line of said Northeast Quarter, a distance of 747.50 feet to a point 800.00 feet west of the east line of said Northeast Quarter; thence south, parallel with said east line, a distance of 140.00 feet to a point 440.00 feet south of the north line of said Northeast Quarter; thence west, parallel with said north line a distance of 529.00 feet; thence south deflecting left 89°44’00”, a distance of 2218.14 feet to the south line of said Northeast Quarter; thence east, a distance of 1319.18 feet to the southeast corner of said Northeast Quarter; thence north 2309.84 feet to a point 350.00 feet south of the northeast corner of said Northeast Quarter; thence west, parallel with the north line of said Northeast Quarter, a distance of 30.00 feet; thence northwest along the westerly right of way line of said Film 1668, Page 2 to the point of beginning, EXCEPT for that part designated as 159th Street Right-of-Way.

SECTION 2. That if any part or portion of this ordinance shall be held or determined to be illegal, ultra vires or void the same shall not be held or construed to alter, change or annul any terms or provisions hereof which may be legal or lawful. And

in the event this ordinance in its entirety shall be held to be ultra vires, illegal or void, then in such event the boundaries and limits of said City shall be held to be those heretofore established by law.

SECTION 3. That the City Attorney be and he is hereby instructed at the proper time to draw a resolution redefining the boundaries and limits of the City of Wichita, Kansas, under and pursuant to K.S.A. 12-517, et seq.

SECTION 4. This ordinance shall become effective and be in force from and after its adoption and publication once in the official city paper.

ADOPTED at Wichita, Kansas, this December 11th, 2012.

_____
Carl Brewer, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

Approved as to form:

_____
Gary E. Rebenstorf, Director of Law

Planning Agenda

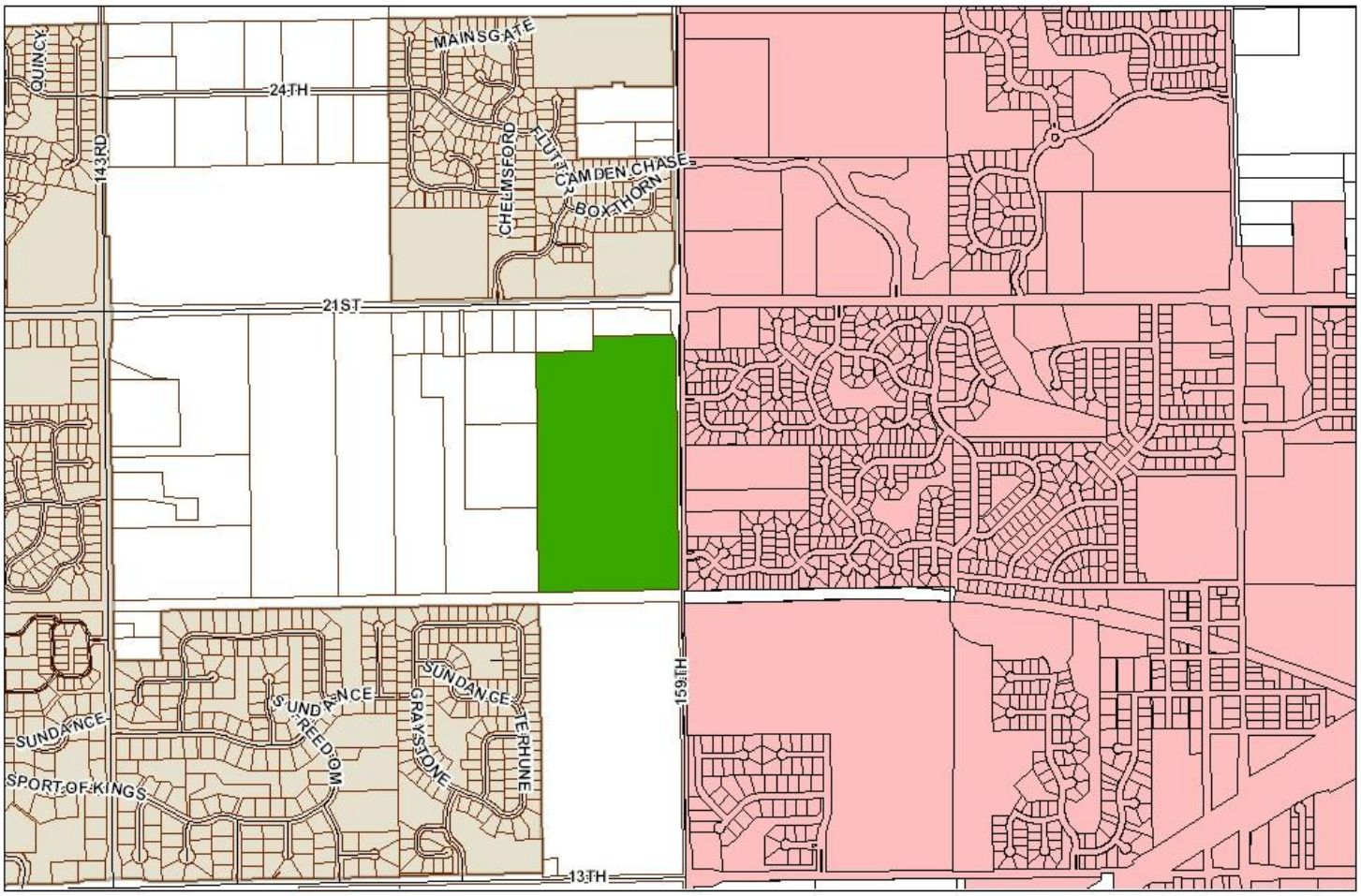
Item: A12-08 Attachment No. 1

An ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto.

General Location: South of 21st Street North on the west side of 159th Street East

Address:	2039 N. 159th St. E.	**Reason(s) for Annexation:**	
68.37	Area in Acres	X	Request
0	Existing population (est.)		Unilateral
0	Existing dwelling units		Island
0	Existing industrial/commercial units		Other:

Existing zoning:	SF-20 Single Family



ANNEXATION AREA
WICHITA
ANDOVER
UNINCORPORATED

N

Software: ArcGIS
Map Data Sources: City of Wichita, Sedgwick County
Prepared: 2/9/09

It is understood that while the City of Wichita Data Center Geographical Information Systems Department have no indication and reason to believe that there are inaccuracies in information incorporated in the base map, the Data Center-GIS personnel make no warranty or representation, either expressed or implied, with respect to the information or data displayed.
Note: Public property represented on this map is not intended to be inclusive.

City of Wichita
City Council Meeting
December 4, 2012

TO: Wichita Airport Authority

SUBJECT: Federal Express Corporation
Use of Land Lease - First Amendment
Wichita Mid-Continent Airport

INITIATED BY: Department of Airports

AGENDA: Wichita Airport Authority (Consent)

Recommendation: Approve the First Amendment.

Background: In May 1997, the Wichita Airport Authority (WAA) entered into a lease agreement with Federal Express Corporation (FedEx) for the purpose of constructing a facility at 2073 Air Cargo Road to be used for cargo operations. The term of the lease expires December 31, 2012.

Analysis: FedEx is desirous of exercising a five-year renewal option, commencing January 1, 2013, through December 31, 2017. Two, five-year options remain after this extension.

Financial Considerations: The lease states that the facility rent shall begin on January 1, 2013, if the renewal options are exercised. The facility rent calculates to be an annual rate of $106,934. The land rental rate shall continue to increase five percent every year, which is consistent with the WAA's published land rental rate schedule. The combined rates will result in additional annual revenue to the WAA of $121,452**.**

Legal Considerations: The First Amendment has been approved as to form by the Law Department.

Recommendations/Actions: It is recommended that the Wichita Airport Authority approve the First Amendment and authorize the necessary signatures.

Attachments: First Amendment.

97-0161-001

FIRST AMENDMENT

BY AND BETWEEN

THE WICHITA AIRPORT AUTHORITY

AND

FEDERAL EXPRESS CORPORATION

for

Use of Land Lease
Mid-Continent Airport
2163 Cargo Road
Wichita, Kansas

THIS FIRST AMENDMENT, made and entered into this December 4, 2012, between THE WICHITA AIRPORT AUTHORITY, Wichita, Kansas (LANDLORD) and FEDERAL EXPRESS CORPORATION (TENANT).

WITNESSETH:

WHEREAS, the parties previously entered into a Bond Lease dated May 1, 1997 for use of land on Mid-Continent Airport; and

WHEREAS, the LANDLORD and TENANT now wish to enter into this First Amendment for the purpose of identifying the Ground Rent and Basic Rent amending the existing Bond Lease:

NOW, THEREFORE, in consideration of the covenants and agreements set forth herein, the parties agree as follows:

1. TERM

TENANT hereby exercises the first of TENANT's three, five-year option terms, from the original Bond Lease, dated May 1, 1997. The term of this first option term is effective January 1, 2013 through December 31, 2017.

2. GROUND RENT DURING FIRST OPTION TERMS

As set out in Section 16.1, Paragraph C, of the Bond Lease, Ground Rent during the first option term shall be an amount equal to the monthly total of the previous year's Ground Rent plus an additional 5% which additional percentage will continue to be calculated and added in each subsequent year, commensurate with the term increases originally established by Schedule III hereof the Ground Rent during the Basic Term. Therefore, the Ground Rent during the first option term shall be as follows.

GROUND RENT 2163 Air Cargo Road 106,459 Sq. Ft.					
Years			Rate Per Sq. Ft.	Annual	Monthly
1/01/2013	-	12/31/2013	.3735	$39,762.44	$3,313.54
1/01/2014	-	12/31/2014	.3922	$41,753.22	$3,479.44
1/01/2015	-	12/31/2015	.4118	$43,839.82	$3,653.32
1/01/2016	-	12/31/2016	.4324	$46,032.88	$3,836.07
1/01/2017		12/31/2017	.4540	$48,332.39	$4,027.70

3. BASIC RENT DURING FIRST OPTION TERM

As set out in Section 16.1, Paragraph D, of the Bond Lease, Basic Rent during the first option term shall be an amount equal to 85% of the average monthly total of the previous year's Basic Rent established by Schedule II. Therefore, the annual Basic Rent during the first option term shall be $534,671.25, or $106,934.25 per year and payable in monthly installments of $8,911.19.

4. OTHER TERMS

It is understood and agreed that except as modified herein all other terms and conditions of the original Bond Lease, as amended, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment the day and year first above written.

ATTEST:

THE WICHITA AIRPORT AUTHORITY
WICHITA, KANSAS

By _____
Karen Sublett, City Clerk

By _____
Carl Brewer, President
"AUTHORITY"

By _____
Victor D. White, Director of Airports

ATTEST:

FEDERAL EXPRESS CORPORATION

By _____
ASSISTANT SECRETARY

By _____
Wiley Johnson Jr., Managing Director
Real Estate and Airport Development
"LANDLORD"

APPROVED AS TO FORM: _____ Date: _____
Director of Law

RJG 11-14-2012

Approved
Legal Department
resubmitted JPD 11/06/2012

APPROVED
ACCOUNTING DEPARTMENT
SGS Nov 8, 2012

City of Wichita
City Council Meeting
December 4, 2012

TO: Wichita Airport Authority

SUBJECT: Pavement Rehabilitation
Supplemental Agreement No. 2
Colonel James Jabara Airport

INITIATED BY: Department of Airports

AGENDA: Wichita Airport Authority (Consent)

Recommendation: Approve the supplemental agreement.

Background: This project was approved by the Wichita Airport Authority (WAA) on May 4, 2010. Professional Engineering Consultants (PEC) was selected by the Staff Screening and Selection Committee process to provide consulting services. In accordance with City Administrative Regulations, the City Auditor has reviewed the contract and selection process. In order to take advantage of Federal Aviation Administration (FAA) funding availability, the design contract included a runway pavement surface sensor system, pavement rehabilitation, removal and replacement of a portion of the General Aviation Apron, and the correction of drainage problems. As the project design progressed, it was determined that the Taxiway A-6 pavement was in a condition of advanced deterioration, and reconstruction rather than rehabilitation would be necessary. The FAA concurred, and reconstruction of this pavement was added to the design. Additionally, as the project design progressed, a tenant project developed adjacent to Taxiway A-6 and in the same location where a portion of the temporary taxiway was planned. The tenant hangar project required site grading, an entrance taxiway, and utilities to the hangar site. This work was included within the project's design due to the significant overlap of work and sequencing of construction. The FAA was consulted regarding the adjacent site development project and concurred that combining the site and utility work in the same project as the taxiway reconstruction would best serve the project. Non-eligible (for federal participation) work was tracked separately and funded with Airport revenues. On August 23, 2011, additional design and construction related services were approved in the amount of $352,211.

Analysis: This rehabilitation project was developed to extend the life of the airfield pavements thereby delaying the need for future, major reconstruction. It also provided needed infrastructure to a tenant hangar development, thereby allowing the new tenant project to proceed without delay. This project is included in the approved CIP. The project has been completed, and a supplemental agreement with PEC in the amount of $23,248 has been prepared to authorize additional services due to construction extending beyond the contract time, assistance with the tenant development project, and additional work at Taxiways A-3 and A-5.

Financial Considerations: The cost of this agreement is covered under the existing approved budget. A portion of this agreement will be paid for with liquidated damages assessed to the contractor for exceeding the contract time. Refer to the table for the consultant contract history.

	Amount	Description	Date
Contract	$61,758	Design and Bid Services	5/4/2010
SA No. 1	352,211	Additional Design and Construction Related Services	8/23/2011
SA No. 2	23,428	Additional Construction Related Services	12/4/2012
	$437,397	Total Not-To-Exceed Cost	

Legal Considerations: The Law Department has approved the agreement as to legal form.

Recommendations/Actions: It is recommended the Wichita Airport Authority approve the supplemental agreement and authorize the necessary signatures.

Attachments: Supplemental Agreement No. 2.

SUPPLEMENTAL AGREEMENT NO. 2

to the

AGREEMENT FOR CONSULTING SERVICES

between

THE WICHITA AIRPORT AUTHORITY, WICHITA, KANSAS

Party of the First Part, hereinafter called the

"OWNER"

and

PROFESSIONAL ENGINEERING CONSULTANTS, P.A.

303 SOUTH TOPEKA

WICHITA, KANSAS 67202

Party of the Second Part, hereinafter called the

"CONSULTANT"

WITNESSETH:

WHEREAS, there now exists a Contract between the two parties dated May 04, 2010 for consulting services to be provided by the CONSULTANT in conjunction with the Rehabilitation of Airfield Pavements, Reconstruction of General Aviation Apron, and Taxiway A-6, and Taxiway A-6 Site Improvements at Colonel James Jabara Airport, City of Wichita Project Number 467-051, FAA AIP Project Numbers 3-20-0089-19 & 3-20-0089-20 hereinafter called the "PROJECT"; and

WHEREAS, there now exists a Supplemental Agreement #1 between the two parties dated August 10, 2011 to provide additional design services to reconstruct Taxiway A-6, improvements for the Wichita Air Services Entrance, revisions to the Taxiway A-6 Safety Plan, and compliance with City of Wichita's newly enacted Stormwater Quality Management requirements as well as the Phase III Construction Phase Services of the existing Agreement in conjunction with constructing the PROJECT;

WHEREAS, Paragraphs I, Exhibit A, Paragraph C. of the existing Agreement provides that the Scope of Services and Payment to the CONSULTANT for furnishing Construction

Phase Services for the Phase I PROJECT shall be established by Supplemental Agreement; and

WHEREAS, it is the desire of both parties that the CONSULTANT provide Additional Design and Contract Administration Services and provide additional Resident Engineering Services for the PROJECT, and in compliance with the F.A.A. Central Region criteria:

NOW, THEREFORE, the parties hereto do mutually agree as follows:

I. SCOPE OF SERVICES

A. ADDITIONAL DESIGN AND CONTRACT ADMINISTRATION SERVICES

1. Provide additional design services to perform a plan review, develop quantities, and provide a specification for communication cable including contract administration to address communications work for the pending hangar development south of Taxiway A6.

B. ADDITIONAL RESIDENT ENGINEERING SERVICES.

1. Provide additional Resident Engineering Services for the additional work to remove and replace the PCC Pavement on Taxiway A3 from Sta. 40+58 to Sta. 42+98 centerline to 20′ Lt. during Phase 2.

2. Provide additional Resident Engineering Services for the additional work to reconstruct the pavement and subgrade at Gate 2 at the west end of Taxiway A5.

3. Provide additional Resident Engineering Services for the additional work, due to the project exceeding the original contract time by nine (9) calendar days.

II. TIME OF SERVICES

A. ADDITIONAL DESIGN AND CONTRACT ADMINISTRATION SERVICES

1. CONSULTANT shall commence work on the PROJECT upon receipt of Authorization to Proceed from the OWNER.

B. ADDITIONAL RESIDENT ENGINEERING SERVICES

1. CONSULTANT shall commence work on the PROJECT upon receipt of Authorization to Proceed from the OWNER.

III. THE OWNER AGREES

A. To pay the CONSULTANT in accordance with the provisions of Article IV. of this Supplemental Agreement.

IV. PAYMENT PROVISIONS

A. ADDITIONAL DESIGN AND CONTRACT ADMINISTRATION SERVICES

1. Payment to the CONSULTANT for services provided as outlined in Paragraph I.A.1 ADDITIONAL DESIGN AND CONTRACT ADMINISTRATION SERVICES shall be on a basis of a lump sum of $1,450.00 all of which is AIP ineligible fee. See Exhibit SA2-A.

B. ADDITIONAL RESIDENT ENGINEERING SERVICES

Payment to the CONSULTANT for services provided as outlined in Paragraphs I.B. ADDITIONAL RESIDENT ENGINEERING SERVICES shall be generally in accordance with Exhibits SA2-B1, SA2-B2, SA2-B3, and SA2-SUM attached, and shall be on the basis of cost, plus a fixed fee for profit of $2,778.88, which shall be limited to 15 percent of the CONSULTANT's direct labor and overhead costs, the total including reimbursable expenses shall not exceed $21,977.17.

Total fee for the Additional Resident Engineering Services is $21,977.17 all of which is AIP eligible fee.

Total Fee for Additional Design and Contract Administration Services and Additional Resident Engineering Services is $23,427.17, of which $1,450.00 is AIP ineligible, while $21,977.17 is AIP eligible fee.

The parties hereunto mutually agree that all provisions and requirements of the original Agreement and Supplemental Agreement No. 1 not specifically modified by Supplemental Agreement shall remain in force and effect.

IN WITNESS WHEREOF, the OWNER and the CONSULTANT have executed this Agreement as of the date first written above.

ATTEST:

WICHITA AIRPORT AUTHORITY
WICHITA, KANSAS

By: _____
Karen Sublett, City Clerk

By: _____
Carl Brewer, President

"OWNER"

By: _____
Victor D. White, Director of Airports

APPROVED AS TO FORM: _____ Date: 11-19-12
Director of Law

ATTEST:

PROFESSIONAL ENGINEERING
CONSULTANTS, P.A.

By: _____
Bradley J. Edmundson, P.E.
Principal

By: _____
Gregg K. Greenwood, P.E.
Vice President

"CONSULTANT"

attachments:

EXHIBIT A2-A: Additional Design and Contract Administration Services
EXHIBIT A2-B1: Additional Construction Phase Services – TW A3
EXHIBIT A2-B2: Additional Construction Phase Services – Gate3 2 / TW A5
EXHIBIT A2-B3: Additional Construction Phase Services – Add Contract Time
EXHIBIT A2-B4: Additional Construction Phase Services – Summary

ENGINEERING FEE ESTIMATE

Exhibit SA2-A

PROFESSIONAL ENGINEERING CONSULTANTS, P.A.
ENGINEERS
WICHITA, KANSAS

PROJECT	LOCATION	
Rehabilitation of Airfield Pavements and Reconstruction of General Aviation Apron and Taxiway A-6	Colonel James Jabara Airport	
WORK ITEM	**PROJECT NO.**	**DATE**
Additional Design Services - Tenant Communications	FAA AIP PROJ # 3-20-0089-19 & 20 COW PROJ # 467-051	03 January 2012

DESCRIPTION
Additional Design and Contract Administration Services - Add 2 Communication Handholes

(I)	SALARY COSTS				
	POSITION TITLE	RATE	MAN HOURS	AMOUNT	TOTAL (SUBTOTAL)
	1. PRINCIPALS	$45.00 / hr.	1	$ 45.00	
	2. PROJECT MANAGER	$38.00 / hr.	13	$ 494.00	
	3. PROJECT ENGINEER			$ -	
	4. DESIGN ENGINEER			$ -	
	5. DESIGN TECHNICIAN			$ -	
	6. DRAFTER			$ -	
	7. CAD OPERATOR			$ -	
	8. SURVEYOR, PARTY CHIEF			$ -	
	9. SURVEYOR, INSTRUMENT MAN			$ -	
	10. SURVEYOR, AIDES			$ -	
	11. INSPECTOR, TECHNICIAN I			$ -	
	11. INSPECTOR, TECHNICIAN I (OT)			$ -	
	12. INSPECTOR, TECHNICIAN II			$ -	
	12. INSPECTOR, TECHNICIAN II (OT)			$ -	
	13. INSPECTOR, TECHNICIAN III			$ -	
	13. INSPECTOR, TECHNICIAN III (OT)			$ -	
	14. INSPECTOR, TECHNICIAN III			$ -	
	14. INSPECTOR, TECHNICIAN III (OT)			$ -	
	15. BATCH PLANT TECHNICIAN			$ -	
	15. BATCH PLANT TECHNICIAN (OT)			$ -	
	16. STENO & CLERICAL			$ -	
	SUBTOTAL		14		$ 539.00
(II)	OVERHEAD 1.3124 X (I)				$ 707.38
(III)	SUBTOTAL [I + II]				$ 1,246.38
(IV)	FIXED FEE 15%				$ 186.96
(V)	OTHER EXPENSE	RATE	UNITS	AMOUNT	
	1. OFFICE EQUIPMENT			$ -	
	2. TRAVEL PER MILE			$ -	
	3. LAB TESTING			$ -	
	4. CELL PHONES (AT COST)			$ -	
	5. CAD (Utility As Built Drawings)			$ -	
	6. PRINTING (SPEC. ETC.)	$16.66 / ea.	1	$ 16.66	
	SUBTOTAL				$ 16.66
(VI)	TOTAL FEE FOR PROJECT (III + IV + V)				$ 1,450.00

ENGINEERING FEE ESTIMATE

Exhibit SA2-B1

PROFESSIONAL ENGINEERING CONSULTANTS, P.A.
ENGINEERS
WICHITA, KANSAS

PROJECT	LOCATION	
Rehabilitation of Airfield Pavements and Reconstruction of General Aviation Apron and Taxiway A-6	Colonel James Jabara Airport	
WORK ITEM	**PROJECT NO.**	**DATE**
Construction Phase Services - 14 Calendar Days	FAA AIP PROJ # 3-20-0089-19 & 20 COW PROJ # 467-051	11 April 2012

DESCRIPTION
Contract Administration & Resident Engineering Services - TW A3 Reconstruction

(I) SALARY COSTS				
POSITION TITLE	RATE	MAN HOURS	AMOUNT	TOTAL (SUBTOTAL)
1. PRINCIPALS	$45.00 / hr.	2	$ 90.00	
2. PROJECT MANAGER	$45.00 / hr.	20	$ 900.00	
3. PROJECT ENGINEER	$35.00 / hr.		$ -	
4. DESIGN ENGINEER			$ -	
5. DESIGN TECHNICIAN			$ -	
6. DRAFTER			$ -	
7. CAD OPERATOR	$30.00 / hr.	1	$ 30.00	
8. SURVEYOR, PARTY CHIEF			$ -	
9. SURVEYOR, INSTRUMENT MAN			$ -	
10. SURVEYOR, AIDES			$ -	
11. INSPECTOR, TECHNICIAN I	$29.51 / hr.	100	$ 2,951.00	
11. INSPECTOR, TECHNICIAN I (OT)			$ -	
12. INSPECTOR, TECHNICIAN II			$ -	
12. INSPECTOR, TECHNICIAN II (OT)			$ -	
13. INSPECTOR, TECHNICIAN III			$ -	
13. INSPECTOR, TECHNICIAN III (OT)			$ -	
14. INSPECTOR, TECHNICIAN III	$21.00 / hr.	12	$ 252.00	
14. INSPECTOR, TECHNICIAN III (OT)			$ -	
15. BATCH PLANT TECHNICIAN			$ -	
15. BATCH PLANT TECHNICIAN (OT)			$ -	
16. STENO & CLERICAL	$18.00 / hr.	1	$ 18.00	
SUBTOTAL		136		$ 4,241.00
(II) OVERHEAD 1.3124 X (I)				$ 5,565.89
(III) SUBTOTAL [I + II]				$ 9,806.89
(IV) FIXED FEE 15%				$ 1,471.03
(V) OTHER EXPENSE	RATE	UNITS	AMOUNT	
1. OFFICE EQUIPMENT			$ -	
2. TRAVEL PER MILE	$0.60 / mile	350	$ 210.00	
3. LAB TESTING	$ 240 / LS	1	$ 240.00	
4. CELL PHONES (AT COST)	$50.00 / mo.	0.50	$ 25.00	
5. CAD (Utility As Built Drawings)	$18.00 / hr.	1	$ 18.00	
6. PRINTING (SPEC. ETC.)			$ -	
SUBTOTAL				$ 493.00
(VI) TOTAL FEE FOR PROJECT (III + IV + V) 659				$ 11,770.92

ENGINEERING FEE ESTIMATE

Exhibit SA2-B2

PROFESSIONAL ENGINEERING CONSULTANTS, P.A.
ENGINEERS
WICHITA, KANSAS

PROJECT
Rehabilitation of Airfield Pavements and Reconstruction of General Aviation Apron and Taxiway A-6

LOCATION
Colonel James Jabara Airport

WORK ITEM
Construction Phase Services - 2 Additional Calendar Days

PROJECT NO.
FAA AIP PROJ # 3-20-0089-19 & 20
COW PROJ # 467-051

DATE
01 June 2012

DESCRIPTION
Contract Administration & Resident Engineering Services - Gate 2/Taxiway A5

(I)	SALARY COSTS				
	POSITION TITLE	RATE	MAN HOURS	AMOUNT	TOTAL (SUBTOTAL)
	1. PRINCIPALS	$45.00 / hr.		$ -	
	2. PROJECT MANAGER	$45.00 / hr.	2	$ 90.00	
	3. PROJECT ENGINEER			$ -	
	4. DESIGN ENGINEER			$ -	
	5. DESIGN TECHNICIAN			$ -	
	6. DRAFTER			$ -	
	7. CAD OPERATOR			$ -	
	8. SURVEYOR, PARTY CHIEF			$ -	
	9. SURVEYOR, INSTRUMENT MAN			$ -	
	10. SURVEYOR, AIDES			$ -	
	11. INSPECTOR, TECHNICIAN I	$29.51 / hr.	12	$ 354.12	
	11. INSPECTOR, TECHNICIAN I (OT)			$ -	
	12. INSPECTOR, TECHNICIAN II			$ -	
	12. INSPECTOR, TECHNICIAN II (OT)			$ -	
	13. INSPECTOR, TECHNICIAN III			$ -	
	13. INSPECTOR, TECHNICIAN III (OT)			$ -	
	14. INSPECTOR, TECHNICIAN III			$ -	
	14. INSPECTOR, TECHNICIAN III (OT)			$ -	
	15. BATCH PLANT TECHNICIAN			$ -	
	15. BATCH PLANT TECHNICIAN (OT)			$ -	
	16. STENO & CLERICAL	$18.00 / hr.	1	$ 18.00	
	SUBTOTAL		15		$ 462.12
(II)	OVERHEAD 1.3124 X (I)				$ 606.49
(III)	SUBTOTAL [I + II]				$ 1,068.61
(IV)	FIXED FEE 15%				$ 160.29
(V)	OTHER EXPENSE	RATE	UNITS	AMOUNT	
	1. OFFICE EQUIPMENT			$ -	
	2. TRAVEL PER MILE	$0.60 / mile	25	$ 15.00	
	3. LAB TESTING	$ 60 / LS	1	$ 60.00	
	4. CELL PHONES (AT COST)			$ -	
	5. CAD (Utility As Built Drawings)			$ -	
	6. PRINTING (SPEC. ETC.)			$ -	
	SUBTOTAL				$ 75.00
(VI)	TOTAL FEE FOR PROJECT (III + IV + V)				$ 1,303.90

ENGINEERING FEE ESTIMATE

Exhibit SA2-B3

PROFESSIONAL ENGINEERING CONSULTANTS, P.A.
ENGINEERS
WICHITA, KANSAS

PROJECT
Rehabilitation of Airfield Pavements and Reconstruction of General Aviation Apron and Taxiway A-6

LOCATION
Colonel James Jabara Airport

WORK ITEM
Construction Phase Services - 9 Additional Calendar Days

PROJECT NO.
FAA AIP PROJ # 3-20-0089-19 & 20
COW PROJ # 467-051

DATE
14 September 2012

DESCRIPTION
Contract Administration & Resident Engineering Services - AIP Eligible Fees

(I)	SALARY COSTS				
	POSITION TITLE	RATE	MAN HOURS	AMOUNT	TOTAL (SUBTOTAL)
	1. PRINCIPALS	$45.00 / hr.		$ -	
	2. PROJECT MANAGER	$45.00 / hr.	20	$ 900.00	
	3. PROJECT ENGINEER			$ -	
	4. DESIGN ENGINEER			$ -	
	5. DESIGN TECHNICIAN			$ -	
	6. DRAFTER			$ -	
	7. CAD OPERATOR			$ -	
	8. SURVEYOR, PARTY CHIEF			$ -	
	9. SURVEYOR, INSTRUMENT MAN			$ -	
	10. SURVEYOR, AIDES			$ -	
	11. INSPECTOR, TECHNICIAN I	$29.51 / hr.	48	$ 1,416.48	
	11. INSPECTOR, TECHNICIAN I (OT)	$44.270 / hr.	22	$ 973.94	
	12. INSPECTOR, TECHNICIAN II			$ -	
	12. INSPECTOR, TECHNICIAN II (OT)			$ -	
	13. INSPECTOR, TECHNICIAN III			$ -	
	13. INSPECTOR, TECHNICIAN III (OT)			$ -	
	14. INSPECTOR, TECHNICIAN III			$ -	
	14. INSPECTOR, TECHNICIAN III (OT)			$ -	
	15. BATCH PLANT TECHNICIAN			$ -	
	15. BATCH PLANT TECHNICIAN (OT)			$ -	
	16. STENO & CLERICAL	$18.00 / hr.	1	$ 18.00	
	SUBTOTAL		91		$ 3,308.42
(II)	OVERHEAD 1.3124 X (I)				$ 4,341.97
(III)	SUBTOTAL [I + II]				$ 7,650.39
(IV)	FIXED FEE 15%				$ 1,147.56
(V)	OTHER EXPENSE	RATE	UNITS	AMOUNT	
	1. OFFICE EQUIPMENT			$ -	
	2. TRAVEL PER MILE	$0.60 / mile	174	$ 104.40	
	3. LAB TESTING			$ -	
	4. CELL PHONES (AT COST)			$ -	
	5. CAD (Utility As Built Drawings)			$ -	
	6. PRINTING (SPEC. ETC.)			$ -	
	SUBTOTAL				$ 104.40
(VI)	TOTAL FEE FOR PROJECT (III + IV + V)				$ 8,902.35

ENGINEERING FEE ESTIMATE

Exhibit SA2-SUM

PROFESSIONAL ENGINEERING CONSULTANTS, P.A.
ENGINEERS
WICHITA, KANSAS

PROJECT
Rehabilitation of Airfield Pavements and Reconstruction of General Aviation Apron and Taxiway A-6

LOCATION
Colonel James Jabara Airport

WORK ITEM
Construction Phase Services

PROJECT NO.
FAA AIP PROJ # 3-20-0089-19 & 20
COW PROJ # 467-051

DATE
09 October 2012

DESCRIPTION
Contract Administration & Resident Engineering Services - Summary SA#2

(I) SALARY COSTS				
POSITION TITLE	RATE	MAN HOURS	AMOUNT	TOTAL (SUBTOTAL)
1. PRINCIPALS	$45.00 / hr.	2	$ 90.00	
2. PROJECT MANAGER	$45.00 / hr.	42	$ 1,890.00	
3. PROJECT ENGINEER	$35.00 / hr.		$ -	
4. DESIGN ENGINEER			$ -	
5. DESIGN TECHNICIAN			$ -	
6. DRAFTER			$ -	
7. CAD OPERATOR	$30.00 / hr.	1	$ 30.00	
8. SURVEYOR, PARTY CHIEF			$ -	
9. SURVEYOR, INSTRUMENT MAN			$ -	
10. SURVEYOR, AIDES			$ -	
11. INSPECTOR, TECHNICIAN I	$29.51 / hr.	160	$ 4,721.60	
11. INSPECTOR, TECHNICIAN I (OT)	$44.27 / hr.	22	$ 973.83	
12. INSPECTOR, TECHNICIAN II	$25.00 / hr.		$ -	
12. INSPECTOR, TECHNICIAN II (OT)	$37.50 / hr.		$ -	
13. INSPECTOR, TECHNICIAN III	$25.00 / hr.		$ -	
13. INSPECTOR, TECHNICIAN III (OT)	$37.50		$ -	
14. INSPECTOR, TECHNICIAN III	$21.00 / hr.	12	$ 252.00	
14. INSPECTOR, TECHNICIAN III (OT)			$ -	
15. BATCH PLANT TECHNICIAN	$19.00 / hr.		$ -	
15. BATCH PLANT TECHNICIAN (OT)			$ -	
16. STENO & CLERICAL	$18.00 / hr.	3	$ 54.00	
SUBTOTAL		242		$ 8,011.54
(II) OVERHEAD 1.3124 X (I)				$ 10,514.35
(III) SUBTOTAL [I + II]				$ 18,525.89
(IV) FIXED FEE 15%				$ 2,778.88
(V) OTHER EXPENSE	RATE	UNITS	AMOUNT	
1. OFFICE EQUIPMENT	$450.00 / mo.		$ -	
2. TRAVEL PER MILE	$0.60 / mile	549	$ 329.40	
3. LAB TESTING	$ 300 / LS	1	$ 300.00	
4. CELL PHONES (AT COST)	$50.00 / mo.	0.50	$ 25.00	
5. CAD (Utility As Built Drawings)	$18.00 / hr.	1	$ 18.00	
6. PRINTING (SPEC. ETC.)	$0.00 / ea.		$ -	
SUBTOTAL				$ 672.40
(VI) TOTAL FEE FOR PROJECT (III + IV + V)				$ 21,977.17

City of Wichita
City Council Meeting
December 4, 2012

TO: Wichita Airport Authority

SUBJECT: Taxiway "H" Site Development
Wichita Mid-Continent Airport

INITIATED BY: Department of Airports

AGENDA: Wichita Airport Authority (Consent)

Recommendation: Approve the supplemental agreement.

Background: This project, initiated on January 24, 2006, with an initial budget of $530,000, included utility extensions and road construction adjacent to and east of Taxiway "H" to facilitate tenant development for a portion of the area. This project was placed on hold pending tenant development which is now occurring on available land to the west. Professional Engineering Consultants (PEC) was approved January 24, 2006, to provide the engineering design services with a contract in the amount of $49,935. On October 23, 2012, the Wichita Airport Authority approved a budget adjustment for the cost of construction, bringing the budget to $1,100,000.

Analysis: Since the project was initiated, storm water quality regulations have changed and this project addresses the new regulations. A tenant development project in the area is underway and the Authority's obligation is to provide electrical service, a driveway, and taxiway improvements. The project scope now includes developing the entire area at this time versus phased improvements.

Financial Considerations: A supplemental agreement with PEC for the additional design services and the construction related services has been developed in the amount of $90,264. This project is funded with Airport revenue either directly or through the repayment of General Obligation bonds.

Legal Considerations: The Law Department has approved the supplemental agreement as to form.

Recommendations/Actions: It is recommended that the Wichita Airport Authority approve the supplemental agreement and authorize the necessary signatures.

Attachments: Supplemental agreement.

SUPPLEMENTAL AGREEMENT NO. 1

to the

AGREEMENT FOR CONSULTING SERVICES

between

THE WICHITA AIRPORT AUTHORITY, WICHITA, KANSAS

Party of the First Part, hereinafter called the

"OWNER"

and

PROFESSIONAL ENGINEERING CONSULTANTS, P.A.

303 South Topeka

Wichita, Kansas

Party of the Second Part, hereinafter called the

"CONSULTANT"

WITNESSETH:

WHEREAS, there now exists a Contract between the two parties dated January 24, 2006 covering Consulting Services to be provided by the CONSULTANT in conjunction with TAXIWAY 'H' - EAST SIDE DEVELOPMENT at the Wichita Mid-Continent Airport, City of Wichita Project Number 456-366, hereinafter called the "PROJECT"; and

WHEREAS, the OWNER desires that the CONSULTANT provide additional design services for construction of the PROJECT and to provide infrastructure for an adjacent tenant project.

WHEREAS, the OWNER now desires to proceed with Phase III Construction Phase Services of the existing Agreement in conjunction with constructing the PROJECT;

NOW, THEREFORE, the parties hereto do mutually agree as follows:

The Scope of Services shall be modified to include the following:

I. SCOPE OF SERVICES

A. ADDITIONAL DESIGN SERVICES

1. Provide additional design services to prepare and submit a plat vacation case to the City of Wichita. The vacation is necessary in order to be able to construct the planned development and infrastructure within a portion of Reserve A of Mid-Continent Airport Addition. The additional services will undertake the following tasks:
   a. Prepare legal description and order ownership list from title company.
   b. Prepare application and site plan exhibit for vacation.
   c. Prepare vacation petition form.
   d. File application with MAPD.
   e. Post development application sign on property.
   f. Meet with owner and MAPD.
   g. Represent owner at Subdivision and Planning Commission hearings.

2. Additional civil design services to be provided related to the design of the roadway for the project. The request for proposal, which was the basis for the contract design fees, identified the length of street improvement to be 500 feet. The actual length of street for the project is approximately 650 feet, resulting in an actual design length that is 30% greater than the basis for the design fee.

3. Additional design services for tenant development. PEC will prepare plans, details, cost estimates, and specification for the following work items related to the development.
   a. Provide taxiway fillets on both sides of Taxiway H1 at connection to the new tenant aircraft apron.
   b. Vehicle access drive from Airport Road to the west lease line of the tenant's leasehold. Drive will not include curb and gutter unless necessitated by drainage and grading plan developed by the tenant site design.
   c. Relocate existing taxiway edge lights and provide new lights as necessary to light the new taxiway fillets on both sides of Taxiway H1.
   d. Size and specify the tenant electrical transformer. Tenant will provide location and all conduit/pathway from sectionalizer to transformer and from transformer to the building. Unless tenant provides electrical demands that would justify a

different size, the transformer will be sized to match the one installed with the Fugate project. Provide electrical wiring from sectionalizer to new transformer.

e. Provide innerduct in 4" communications duct from communications manhole to new building. The 4" duct will be installed by the tenant contractor.

f. Attend design review meetings; assemble and distribute review plans; prepare cost estimates; coordinate with tenant development plans; prepare specifications; etc.

4. Provide a digital terrain model (DTM) survey of the area shown on page 2 of Exhibit SA1-A4 prior to construction.

B. CONTRACT ADMINISTRATION AND CONSTRUCTION OBSERVATION SERVICES

CONSULTANT shall provide Contract Administration and Construction Observation Services for the above referenced Construction Project.

1. CONTRACT ADMINISTRATION duties shall routinely be the responsibility of CONSULTANT's Project Manager.

   a. During Construction provide the following:

      i. Additional design services to provide a conformed set of plans and project manual in pdf form that contain addenda information.

      ii. Assist in conducting Pre-Construction Conference.

      iii. Prepare estimate forms for periodic payment to the Contractor.

      iv. Receive and review Contractor's quality control plan, safety plan, shop drawings, and material certifications.

      v. Make periodic visits to the PROJECT site to determine Contractor's progress and general character of the work.

      vi. Consult with the Resident PROJECT Representative regarding interpretations or clarifications of the plans and specifications.

      vii. Provide CONSULTANT's decision in accordance with the contract documents on questions regarding the work.

      viii. Prepare Supplemental Agreements covering modifications or revisions necessitated by field conditions.

      ix. Review Change Orders and/or Supplemental Agreements prepared by the Resident PROJECT Representative.

x. Attend Final Inspection of the work where applicable.

xi. Issue Certificate of Completion when the PROJECT has been completed.

xii. Meet with OWNER as requested during construction to review progress.

b. After Construction Provide the Following:

i. Prepare reproducible "Record" drawings of the completed work based on information provided by the Resident Project Representative.

ii. Deliver "Record" drawings to the OWNER in both hard copy (reverse vellum) and digital form (CD-ROM & pdf full-size and half-size). Digital files shall include only those drawings prepared using AUTO CAD methods and shall be delivered in a format acceptable to the OWNER. Project Specifications shall be delivered in digital file (MS Word) with the "Record" drawings.

C. CONSTRUCTION OBSERVATION SERVICES will routinely be the responsibility of CONSULTANT's Resident Project Representative.

1. During Construction Provide the Following:

a. Provide personnel acceptable to OWNER to perform full time observation during construction and such supporting staff as may be required. Through continuous on-site observations of the work in progress and field observations of materials and equipment by the Resident Project Representative and his supporting staff, the CONSULTANT will endeavor to provide further protection for OWNER against defects and deficiencies in the work; but the furnishing of such Resident Project Representation shall not make CONSULTANT responsible for Contractor's failure to perform the construction work in accordance with the contract documents.

b. Supervise inspection; check the construction activities to determine compliance with the intent of the design; measure, compute, or check quantities of work performed and quantities of material in-place for partial and final payments to the Contractor; and maintain diaries and other project records to document the work.

c. Prepare elementary and supplementary sketches required and conduct preliminary negotiations necessary to resolve "changed" field conditions encountered.

d. Review and forward all construction schedules, material certifications and detailed shop and erection drawings to CONSULTANT's Project Manager. Assist the Project Manager in evaluating the acceptability of all submittals.

e. Review, analyze, and prepare recommendations for laboratory, shop and mill test reports of materials and equipment.

f. Provide record drawing information to CONSULTANT's Project Manager for preparation of "Record" drawings on the completed work.

g. Review requests for monthly and final payments to the Contractor and forward same to CONSULTANT's Project Manager with recommendations for approval.

h. Prepare "Certificates of Completion" for review by CONSULTANT's Project Manager and submit same to the OWNER.

i. Prepare initial drafts and conduct preliminary negotiations for all Change Orders and Supplemental Agreements covering work on the PROJECT. Submit same to CONSULTANT's Project Manager for review and thenceforth to the OWNER for approval.

j. Provide on-site and local transportation for the Resident Project Representative and supporting staff to perform the duties as listed above.

k. Provide all expendable office supplies such as stationery, pencils, report forms, etc., except that the on-site field office, including utilities and furnishings, shall be provided by the OWNER and anticipated to be at the North Cargo Building Suite 400.

II. EXCLUSIONS

A. Materials Testing

B. Testing for Sanitary Sewer pressure, simulated flow, pipe deflection, video recording and log, manhole vacuum testing.

C. Storm Water Sewer video recording and log.

D. Water Quality Testing.

E. Storm Water Pollution Prevention Plan Inspection.

F. Work on Saturday without the CLIENT's written consent.

G. Work on Owner observed holidays, Saturdays, or Sundays. Observer will be available with authorized by the OWNER with 72 hour prior notice.

H. Documentation, Testing, Inspection, and Certification to satisfy the City of Wichita Private Project requirements.

III. TIME OF SERVICES

1. Completion of services is dependent upon the Contractor's progress and the time frame set forth in the construction contract documents. The fee(s) included in this agreement are based on substantial completion of the construction within one hundred forty (140) calendar days of issuance of Notice to Proceed to the Contractor, and delivery of all PROJECT close-out items to the OWNER within 45 calendar days following Final Acceptance, exclusive of any delays beyond the control of the CONSULTANT.

IV. THE OWNER AGREES

A. To provide a construction office for the CONSULTANT's field personnel assigned to the PROJECT. Provision of a field office shall include all essential utilities and the monthly costs associated therewith.
B. To pay the CONSULTANT in accordance with the provisions of Article V of this Supplemental Agreement.

V. COMPENSATION

A. ADDITIONAL DESIGN SERVICES
1. Payment to the CONSULTANT for services provided as outlined in Paragraph I.A.1 ADDITIONAL DESIGN SERVICES shall be on a basis of a lump sum of $1,500 as detailed in Exhibit SA1-A1.
2. Payment to the CONSULTANT for services provided as outlined in Paragraph I.A.2 ADDITIONAL DESIGN SERVICES shall be on a basis of a lump sum of $2,718 as detailed in Exhibit SA1-A2.

3. Payment to the CONSULTANT for services provided as outlined in Paragraph I.A.3 ADDITIONAL DESIGN SERVICES shall be on a basis of a lump sum of $8,600 as detailed in Exhibit SA1-A3.
4. Payment to the CONSULTANT for services provided as outlined in Paragraph I.A.4 ADDITIONAL DESIGN SERVICES shall be on a basis of a lump sum of $1,494 as detailed in Exhibit SA1-A4.

The total of the additional design services is a lump sum amount of $14,312.

B. CONTRACT ADMINISTRATION AND CONSTRUCTION OBSERVATION SERVICES

1. Compensation to CONSULTANT for services provided as outlined in Section I.B. CONTRACT ADMINISTRATION AND CONSTRUCTION OBSERVATION SERVICES shall be a maximum of $75,951.74 with labor and reimbursable expenses as identified in Exhibit SA1-B1.
2. In the event work requiring construction observation is authorized on Owner observed holidays, Saturdays, or Sundays labor shall be compensated at 1.5 times the Standard Hourly Rate for Saturdays on non-holiday weekends, and 2 times the Standard Hourly Rate for Sundays, Holidays, and Saturdays on holiday weekends.

C. ADJUSTMENT IN FEE

1. In the event the Contractor fails to complete the PROJECT within the specified Contract Time referenced in Article III, the CONSULTANT shall be deemed to be performing "Extra Work" in which case, should the maximum contract amount as set forth in Section V.B. above be exceeded, the CONSULTANT shall be eligible for additional compensation.

In no case shall additional work be performed or compensation be paid without the written authorization of the OWNER. Any authorization shall first be supported by documentation from the CONSULTANT outlining the reasons therefore and the probable maximum fee to be expected.

The parties hereunto mutually agree that all provisions and requirements of the original Agreement not specifically modified by this Supplemental Agreement No. 1 shall remain in force and effect.

IN WITNESS WHEREOF, the OWNER and the CONSULTANT have executed this Agreement as of this _____ day of _____, 2012.

ATTEST:

WICHITA AIRPORT AUTHORITY
WICHITA, KANSAS

By: _____
Karen Sublett, City Clerk

By: _____
Carl Brewer, President
"OWNER"

By: _____
Victor D. White, Director of Airports

APPROVED AS TO FORM: _____ Date: 11-19-12
Director of Law

ATTEST:

PROFESSIONAL ENGINEERING
CONSULTANTS, P.A.

By: _____
Bradley J. Edmundson, P.E.
Principal

By: _____
Gregg K. Greenwood, P.E.
Vice President
"CONSULTANT"

attachment: EXHIBIT SA1-A1: I.A.1 Additional Design Services Schedule
EXHIBIT SA1-A2: I.A.2 Additional Design Services Schedule
EXHIBIT SA1-A3: I.A.3 Additional Design Services Schedule
EXHIBIT SA1-A4: I.A.4 Additional Design Services Schedule
EXHIBIT SA1-B1: I.B.1 CA & CO Services Schedule

Exhibit SA1-A1

Project: T/W H East Side Development
Date: November 1, 2012
Location: Wichita, KS.
Airport: Wichita Mid-Continent

Phase I: Additional Design Services

Task Item I.A.1		Principal	Project Manager	Project Engineer	Design Engineer	Design Tech.	Drafter	CAD Machine HOURS as
	Item							
1.1	Prepare legal description		2					
1.2	Prepare application and site plan exhibit		2		1		2	2
1.3	Prepare vacation permit form		1					
1.4	File application with MAPD		1					
1.5	Post development application sign on property		1				1	1
1.6	Meet with Owner and MAPD		3					
1.7	Subdivision and Planning Commission Hearings		2					
TOTAL		0	12	0	1	0	3	3

TOTAL HOURS FOR PHASE I =	0	12	0	1	0	3	3
HOURLY RATES =	$46.00	$39.00	$34.00	$28.00	$26.00	$18.50	$18.00
SUBTOTAL =	$0.00	$468.00	$0.00	$28.00	$0.00	$55.50	$54.00

TOTAL HOURS = 16
TOTAL DIRECT LABOR = $551.50

EXPENSES:	
Mileage	$10.00
Printing & Reproduction (at cost)	$6.38
CAD (3 hrs @ $18.00)	$54.00
TOTAL =	$70.38

DIRECT LABOR		$551.50
OVERHEAD	131.45%	$724.95
SUBTOTAL		$1,276.45
PROFIT	12%	$153.17
EXPENSES (Printing and mileage)		$70.38
TOTAL FEE PHASE I (LUMP SUM)		$1,500.00

Exhibit SA1-A2

Project: T/W H East Side Development
Location: Wichita, KS.
Airport: Wichita Mid-Continent

Date: November 1, 2012

Phase I: Additional Design Services

Task Item I.A.2		Principal	Project Manager	Project Engineer	Design Engineer	Design Tech.	Drafter	CAD Machine HOURS as
	Item							
1.1	Roadway Design including plan, profiles, x-sections and details			9		5	4	9
1.2	Drainage Design including SWS			4		2	1	3
1.3	Additional Plan and Detail Preparation			4				
1.4	Additional quantities and summaries			3				
TOTAL		0	0	20	0	7	5	12

TOTAL HOURS FOR PHASE I =	0	0	20	0	7	5	12
HOURLY RATES =	$46.00	$39.00	$34.00	$28.00	$26.00	$18.50	$18.00
SUBTOTAL =	$0.00	$0.00	$680.00	$0.00	$182.00	$92.50	$216.00

TOTAL HOURS = 32
TOTAL DIRECT LABOR = $954.50

EXPENSES:	
Mileage	$0.00
Printing & Reproduction (at cost)	$28.00
CAD (12 hrs @ $18.00)	$216.00
TOTAL =	$244.00

DIRECT LABOR		$954.50
OVERHEAD	131.45%	$1,254.69
SUBTOTAL		$2,209.19
PROFIT	12%	$265.10
EXPENSES (Printing and mileage)		$244.00
TOTAL FEE PHASE I (LUMP SUM)		$2,718.00

Exhibit SA1-A3

Project: T/W H East Side Development
Date: November 1, 2012
Location: Wichita, KS.
Airport: Wichita Mid-Continent

Phase I: Additional Design Services

Task Item I.A.3		Principal	Project Manager	Project Engineer	Design Engineer	Design Tech.	Drafter	CAD Machine HOURS as
	Item							
1.1	Civil Design for taxiway fillets on both side H1	1		8	2	4	2	6
1.2	Civil Design for vehicle access drive	1		10	2	8	4	12
1.3	Electrical design for taxiway edge lights		2		6	4	1	5
1.4	Size and designate new transformer and wiring		1		4	2		2
1.5	4" communication innerduct design		1		3	1		4
1.6	Attend design review meetings and bid phase services	2	2	10	10	6	4	10
TOTAL		4	6	28	27	25	11	39

TOTAL HOURS FOR PHASE I =	4	6	28	27	25	11	39
HOURLY RATES =	$46.00	$39.00	$34.00	$28.00	$26.00	$18.50	$18.00
SUBTOTAL =	$184.00	$234.00	$952.00	$756.00	$650.00	$203.50	$702.00

TOTAL HOURS = 101
TOTAL DIRECT LABOR = $2,979.50

EXPENSES:	
Mileage	$50.00
Printing & Reproduction (at cost)	$124.00
CAD (39 hrs @ $18.00)	$702.00
TOTAL =	$876.00

DIRECT LABOR		$2,979.50
OVERHEAD	131.45%	$3,916.55
SUBTOTAL		$6,896.05
PROFIT	12%	$827.53
EXPENSES (Printing and mileage)		$876.00
TOTAL FEE PHASE I (LUMP SUM)		$8,600.00

November 2, 2012

MCA Taxiway H East Side Development

	SURVEY TASK	MAN HOURS				COST
		C.O.S.	L.S.	I.M.	S.A.	$
		$125.00	$90.00	$60.00	$46.00	
1	Research existing A/L files, review survey request, obtain record information for horizontal and vertical control, Attend design team kick-off meeting.	2	2	0	0	430.00
2	Recover existing horizontal control, section corners, lot & block corners or previously established control points.	0	2	2	0	300.00
3	Traverse through found control, set additional data collection points as required for topographic collection.	0	0	0	0	0.00
4	Recover existing benchmarks, run benchmark circuit, set additional benchmarks for construction.	0	0	0	0	0.00
5	Topographic data collection for proposed improvements.	0	2	2	4	484.00
6	Travel time to and from project site.	0	0	0	0	0.00
7	Review, edit base map, office calculations and administration.	0	2	0	0	180.00
8	**Survey Man Hour Totals**	**2**	**8**	**4**	**4**	**$1,394.00**

	DRAFTING	MAN HOURS				
		DT 5	DT 4	DR 4	CADD	
		$85.00	$75.00	$58.00	$18.00	
1	Base Sheet Preparation	**0**	**0**	**0**	**0**	**$0.00**

REIMBURSABLES

1	GPS Equipment	Hours of GPS @ $50.00			2	100.00
2	Truck Mileage	Truck Mileage @ $0.60 per mile			0	$0.00
3	Per Diem	# People	Rate	# Days		
		0	$30.00	0		$0.00
4	Lodging @ Cost	# Rooms	Nights	Rate		
		0	0	$0.00		$0.00
	Reimbursable Totals					**$100.00**
	Grand Totals					**$1,494.00**

Exhibit SA1-B1

Project: T/W H East Side Development
Location: Wichita, KS.
Airport: Wichita Mid-Continent

Date: November 07, 2012

	Phase III: Preconstruction Meeting, Contract Administration, and Construction Observation Services Item	Principal	Project Manager	Project Engineer	Observer	Design Tech.	Drafter	CAD Machine HOURS as Expense
1.01	Prepare estimate forms for periodic payment to the Contractor (assume 5)	2	10					
1.02	Receive and review Contractor's quality control plan, safety plan, shop drawings, and material certifications.	2	12					
1.03	Make periodic visits to the PROJECT site to determine Contractor's progress and general character of work. (Assume bi-weekly for 4 months)	2	8	16				
1.04	Consult with Resident PROJECT Representative regarding interpretations or clarifications of the plans and specification.	1	2	2				
1.05	Provide CONSULTANT's decision in accordance with the contract documents on questions regarding the work.		2	2				
1.06	Prepare Supplemental Agreements covering modifications or revisions necessitated by field conditions.		1	1				
1.07	Review Change Orders and/or Supplemental Agreements prepared by the Resident PROJECT Representative.		1	1				
1.08	Attend Final Inspection of the work.		4	4				
1.09	Issue Certificate of Completion when the PROJECT has been completed.		1	1				
1.10	Prepare outline/handout and assist with Preconstruction Meeting	4	2	4	2			
1.11	Perform Construction Observations services	11			924			
1.12	Provide a conformed set of plans and project manual in pdf form that contain addenda information.	1	2	6	1		6	6
1.13	Prepare reproducible "Record" drawings of the completed work based on information provided by the Resident Project Representative.		1	2		2	9	10

TOTAL HOURS =	23	46	39	927	2	15	16
STANDARD HOURLY RATES =	$150.00	$115.00	$90.00	$64.00	$75.00	$52.00	$18.00
SUBTOTAL =	$3,450.00	$5,290.00	$3,510.00	$59,328.00	$150.00	$780.00	$288.00

TOTAL HOURS =	1052
TOTAL LABOR =	$72,508.00

EXPENSES:	
Mileage	$2,406.60
Cell Phone (at cost)	$250.00
Printing & Reproduction (at cost)	$499.14
CAD (16 hrs @ $18.00)	$288.00
TOTAL =	$3,443.74

LABOR	$72,508.00
Reimbursable (Mileage, Cell Phone, Printing, CAD)	$3,443.74
TOTAL FEE	$75,951.74

City of Wichita
City Council Meeting
December 4, 2012

TO: Wichita Airport Authority

SUBJECT: Rockwell Collins, Inc.
Supplemental Agreement No. 6
Wichita Mid-Continent Airport

INITIATED BY: Department of Airports

AGENDA: Wichita Airport Authority (Consent)

Recommendation: Approve the Supplemental Agreement No. 6.

Background: Since March 1993, Rockwell Collins, Inc. (Rockwell) has leased from the Wichita Airport Authority (WAA) an office/warehouse building located at 1991 Airport Road on Wichita Mid-Continent Airport. The office/warehouse building has a total area of approximately 12,135 sq. ft. Rockwell leases 9,629 sq.ft. and Airparts Company, Inc. occupies the remainder of the facility. In February 2008, the WAA approved extending the term until December 31, 2012, and adding two, five-year renewal options.

Analysis: Rockwell is desirous of exercising the first, five-year renewal option, commencing January 1, 2013, through December 31, 2017. One, five-year option remains after this extension.

Financial Considerations: The facility rent will be at the rate of $3.65 per square foot. The rate for the land rent is $0.3735 per square foot and shall continue at an increase of five percent every year, which is consistent with the WAA's published land rental rate schedule. Therefore, the annual revenue to the Airport for use of the facility is $42,540. The combined rates will result in additional annual revenue to the WAA of $2,262**.**

Legal Considerations: The supplemental agreement has been approved as to form by the Law Department.

Recommendations/Actions: It is recommended that the Wichita Airport Authority approve the Supplemental Agreement No. 6 and authorize the necessary signatures.

Attachments: Supplemental Agreement No. 6.

SUPPLEMENT NO. 6

By and Between

THE WICHITA AIRPORT AUTHORITY

And

ROCKWELL COLLINS, INC.

For

Facility Rental – 1991 Airport Road
Wichita Mid-Continent Airport

THIS SUPPLEMENT NO. 6, made and entered into this December 4, 2012, by and between THE WICHITA AIRPORT AUTHORITY, Wichita, Kansas, hereinafter referred to as the "LESSOR"; and ROCKWELL COLLINS, INC., hereinafter referred to as the "LESSEE".

WITNESSETH:

WHEREAS, the parties hereto have heretofore entered into a lease agreement dated April 5, 1993, Supplement No. 1, dated February 20, 1996, Supplement No. 2, dated February 16, 1999, Supplement No. 3, dated February 12, 2002, Supplement No. 4, dated April 21, 2005, for use of the facility located at 1991 Airport Road for aviation-related purposes as a sales office, general storage of reconditioned equipment for Rockwell Collins Inc., as well as overflow storage for existing buildings; and Supplement No. 5, dated February 26, 2008, to extend the term and adjust the rental amounts; and

WHEREAS, the Lessor and Lessee are now desirous of entering into this Supplement No. 6 for the purpose of extending the Agreement and adjusting the rental amounts.

NOW, THEREFORE, in consideration of the covenants and agreements set forth herein, the parties hereto agree as follows:

1. **Term**

Lessee hereby exercises the first of Lessee's two, five-year option terms, from the Supplemental Agreement, dated February 26, 2008. The term of this first option term is effective January 1, 2013 through December 31, 2017.

2. **Rental**

Rental during the term of this Supplemental Agreement shall be as follows:

The parties hereby agree that the Facility Rent for 9,629 sq. ft. during the first option term, effective January 1, 2013, shall be set at $3.65 per square foot. This rental will result in an annual payment of $35,145.85, payable in monthly installments of $2,928.82.

Land rental for 19,796 sq. ft. shall be according to the following land rent schedule:

GROUND RENT					
Years			Rate Per Sq. Ft.	Annual	Monthly
1/01/2013	-	12/31/2013	.3735	7,393.81	$616.15
1/01/2014	-	12/31/2014	.3922	7,763.99	$647.00
1/01/2015	-	12/31/2015	.4118	8,151.99	$679.33
1/01/2016	-	12/31/2016	.4324	8,559.79	$713.32
1/01/2017		12/31/2017	.4540	8,987.38	$748.95

3. **Other Terms**

It is understood and agreed that except as modified herein all other terms and conditions of the original agreement, as amended, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year first above written.

ATTEST:

THE WICHITA AIRPORT AUTHORITY
WICHITA, KANSAS

By _____
Karen Sublett, City Clerk

By _____
Carl Brewer, President
"LESSOR"

By _____
Victor D. White, Director of Airports

ATTEST:

ROCKWELL COLLINS, INC.

By Sheila Betzer
Title Administrative Asst

By Joe Cleary
Title Senior Project Manager
Joseph D. Cleary
"LESSEE"

APPROVED AS TO FORM: _____ Date: _____
Director of Law