

ORDINANCE NO. 50-178

AN ORDINANCE REPEALING SECTIONS 10.04.020, 10.04.105, 10.04.130 AND 10.04.160 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO STREETS AND SIDEWALKS IN THE RIGHT OF WAY, IN GENERAL.

AN ORDINANCE ADMENDING SECTIONS 10.04.010, 10.04.025, 10.04.030, 10.04.040, 10.04.050, 10.04.060, 10.04.070, 10.04.080, 10.04.100, 10.04.110, 10.04.120, 10.04.131, 10.04.132, 10.04.133, 10.04.134, 10.04.135, 10.04.140, 10.04.150, 10.04.170, 10.04.180, 10.04.190, 10.04.200, 10.04.210 AND 10.04.220 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO STREETS AND SIDEWALKS IN THE RIGHT OF WAY, IN GENERAL, AND REPEALING THE ORIGINALS THEREOF.

AN ORDINANCE CREATING SECTIONS 10.04.005, 10.04.055, 10.04.056, 10.04.057, 10.04.065, 10.04.125, 10.04.126, 10.04.127 AND 10.04.215 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO STREETS AND SIDEWALKS IN THE RIGHT OF WAY, IN GENERAL.

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

SECTION 1. Section 10.04.005 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Definitions.” For the purposes of Title 10, the following words and phrases shall have the following meanings:

- (a) “City Engineer” means the City of Wichita’s City Engineer or the City Engineer’s designee.
- (b) "Person" means any real person, firm, partnership, association, corporation, company or organization of any kind.
- (c) “Permittee” means the individual, corporation, business trust, partnership, association, or any other entity granted a current and valid permit.
- (d) “Encroachment” means any object that has mass, takes up space, or exists in the Right-of-way other than grass or living landscaping less than thirty-three (33) inches in height when measured from the elevation of the gutter pan of the street except as allowed by permit under a specific City ordinance.

- (e) "Right-of-Way" means the area of real property in which the City has a dedicated or acquired interest in the real property. It includes the area on, below, or above present or future streets, alleys, avenues, roads, highways, or other paths dedicated or acquired for public access. Typically, the Right-of-Way extends beyond paved surfaces and includes sidewalk, when present.
- (f) "Driveway" means a place on private property for the operation of automobiles and other vehicles.
- (g) "Drive approach" means an area, construction or facility in the Right-of-Way intended to provide access for vehicles from the roadway of a public street to private property, including the Curb return radius. For clarification, a Drive approach must provide access to something definite on private property, such as a parking area, Driveway or door at least seven (7) feet wide that was intended and used for the entrance of vehicles.
- (h) "Corner" means the point of intersection of the lines of two (2) street Curb faces extended into the street intersection.
- (i) "Curb" means a barrier at the edge of paved road or drive-way approach to allow a separation of water flow and those portions of the Right-of-Way not used for vehicular traffic.
- (j) "Curb return" means the portion of a Curb next to a Drive approach which includes the Curb return radius, or the ramp-type lug on commercial- or industrial-type pavements and which connects the Drive approach to the street Curb.
- (k) "Public place" means any public street, way, grounds, place, alley, sidewalk, park, square, plaza or any other property owned or controlled by any governmental agency in a governmental capacity.
- (l) "Excavation" means any opening in the surface or manipulation of the surface or subsurface of a Public place made in any manner whatsoever; except as authorized by the applicable governmental entity.
- (m) "Structure" means any pipe, conduit, duct, tunnel, manhole, vault, buried cable or wire, or any other object of any type whatsoever located on, above, or below the surface of any Public place.

SECTION 2. Section 10.04.010 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Leaving obstructions, etc., on Right-of-Way, etc.—permit required.” It is unlawful to place or leave any obstruction of any kind upon or over the streets, Rights-of-way, or sidewalks of the City, including but not limited to, building materials, derricks, ropes, machinery, fences, wires, conduits, cables, gates, boxes, posts, planters, railroad ties, landscape timbers, rocks or boulders, without a written permit from the City Engineer and compliance with the current version of the Manual on Uniform Traffic Control Devices, including providing proper lighting and barricades. See Section 10.04.125 of this Code.

SECTION 3. Section 10.04.020 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION 4. Section 10.04.025 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Removal of snow in the downtown business area.”

(a) The owners, occupants or Persons in charge of any parcels of land located in the downtown business area shall remove and clear the sidewalks that abut said property of all accumulations of snow and ice. All accumulations of snow and/or ice from a storm shall be removed and cleared according to the following schedule:

1. For days other than Sundays or holidays;
 - a. If the storm ends on any day between eight (8) a.m. and noon, removal shall be accomplished by five (5) p.m. of the same day.
 - b. If the storm ends between noon of one day and eight (8) a.m. of the next day, removal shall be accomplished by the following noon.
2. For Sundays or holidays—;
 - a. If the storm ends between noon on a Saturday or a regular business day preceding a holiday and (8) eight (8) a.m. of the next regular business day, removal shall be accomplished by noon of said next regular business day.

For purposes of this Section, the definition of a regular business day shall be every day of the week except Sundays and holidays. The following days shall be defined as holidays for this Section:

1. Veteran's Day
2. Thanksgiving Day
3. Day after Thanksgiving
4. Christmas Day
5. New Year's Day
6. Martin Luther King Day
7. President's Day

For purposes of this Section, the definition of downtown business area shall be the following streets or street segments and shall include both sides of said streets unless designated otherwise.

1. Central from the east curbline of Waco to the west curbline of Topeka
2. Third from the east curbline of Waco to the west curbline of St. Francis
3. Second from the east curbline of Waco to the west curbline of St. Francis
4. First from the east line of the bridge over the Arkansas River to the west curbline of St. Francis
5. Douglas from the east line of the bridge over the Arkansas River to the west side of the elevated tracks
6. William from the east curbline of Main to the west curbline of St. Francis
7. English from the north and east property lines of Wichita to the west curbline of Emporia
8. Waterman from the east curbline of Water to the west curbline of Emporia
9. Waco from the north curbline of Douglas to the south curbline of First
10. The east side of Wichita from the north property line of First to the south curbline of Central
11. Water from the east curbline of Wichita to the north curbline of Douglas
12. Century II Drive from the south curbline of Douglas to the west curbline of Main
13. Main from the south curbline of Elm to the north curbline of Lewis
14. Market from the south curbline of Central to the north curbline of Lewis
15. Broadway from the south curbline of Central to the north curbline of Kellogg
16. Topeka from the south curbline of Third to the north curbline of Waterman
17. Emporia from the south curbline of Third to the north curbline of Waterman
18. St. Francis from the south curbline of Third to the north curbline of William

For purposes of this Section, the end of the snowstorm shall be the time that is designated as the end of the snow by the Director of the Department of Public Works & Utilities. The determination shall be based upon existing accumulations and conditions and the forecast from the United States Weather Service at Mid-Continent Airport, Wichita, Kansas, that no additional accumulations or measurable amounts of snow (one-half inch or more accumulating on the ground) will occur within the time period allowed for snow removal.

(b) The City Clerk shall give notice each year on the first day of November, December, January, February, March and April of the provisions of this Section to the owners, occupants or Persons in the possession of lots or pieces of land located adjacent to streets in the downtown business area of the City, by publication in the official newspaper of the following notice:

"Notice to property owners and Persons in charge of property. All property owners and Persons in charge or possession of any tracts, lots or pieces of land located adjacent to streets in the downtown business area of the City of Wichita, Kansas are hereby notified that all accumulations of snow and ice on sidewalks that abut said tracts, lots and pieces of land from a storm ending:

1. For days other than Sundays or holidays:
 - a. On any day between eight (8) a.m. and noon that have not been removed and cleared from said sidewalk by five (5) p.m.
 - b. On any day between noon of one day and eight (8) a.m. of the next day that have not been removed and cleared from said sidewalk by the following noon.
2. For Sundays or holidays:
 - a. Between noon on a Saturday or a regular business day preceding a holiday and eight (8) a.m. of the next regular business day that have not been removed and cleared from said sidewalk by the following noon shall thereafter be declared to be a nuisance and that unless the owner, occupant or Person in charge of any such property shall immediately abate the same by causing all accumulations of snow and ice and levy an assessment against the property for the cost of such abatement. For purposes of this Section, the definition of a regular business day shall be every day of the week except Sundays and holidays. The following days shall be defined as holidays for this Section:

1. Veteran's Day

2. Thanksgiving Day
3. Day after Thanksgiving
4. Christmas Day
5. New Year's Day
6. Martin Luther King Day
7. President's Day

For purposes of this Section, the definition of downtown business area shall be the following streets or street segments and shall include both sides of said streets unless designated otherwise.

1. Central from the east curblineline of Waco to the west curblineline of Topeka
2. Third from the east curblineline of Waco to the west curblineline of St. Francis
3. Second from the east curblineline of Waco to the west curblineline of St. Francis
4. First from the east line of the bridge over the Arkansas River to the west curblineline of St. Francis
5. Douglas from the east line of the bridge over the Arkansas River to the west side of the elevated tracks
6. William from the east curblineline of Main to the west curblineline of St. Francis
7. English from the north and east property lines of Wichita to the west curblineline of Emporia
8. Waterman from the east curblineline of Water to the west curblineline of Emporia
9. Waco from the north curblineline of Douglas to the south curblineline of First
10. The east side of Wichita from the north property line of First to the south curblineline of Central
11. Water from the east curblineline of Wichita to the north curblineline of Douglas
12. Century II Drive from the south curblineline of Douglas to the west curblineline of Main
13. Main from the south curblineline of Elm to the north curblineline of Lewis
14. Market from the south curblineline of Central to the north curblineline of Lewis
15. Broadway from the south curblineline of Central to the north curblineline of Kellogg
16. Topeka from the south curblineline of Third to the north curblineline of Waterman
17. Emporia from the south curblineline of Third to the north curblineline of Waterman
18. St. Francis from the south curblineline of Third to the north curblineline of William

For purposes of this Section, the end of the storm shall be the time that is designated as the end of the snow by the Director of the Department of Public Works & Utilities of the City of Wichita.

(c) The Director of Public Works & Utilities shall cause all accumulations of snow and ice to be removed and cleared from sidewalks that abut any tracts, lots or pieces of land in the downtown business area that still exist on said property:

1. For days other than Sundays or holidays:
 - a. After five (5) p.m. of any day where the storm has ended between eight (8) a.m. and noon of that same day
 - b. After noon of a day where the storm has ended between noon of the immediately preceding day and eight (8) a.m. of the same day
2. For Sundays and holidays:
 - a. After noon on the first regular business day following a Sunday or holiday where the storm has ended between noon on a Saturday or a regular business day preceding a holiday and eight (8) a.m. of the first regular business day following the Sunday or holiday.

The charge for the removal and clearing of said snow shall be based on the length cleared per contiguous tract, lot or piece of property per separate ownership and shall be certified by the Director of Public Works & Utilities to the City Clerk, who shall cause such charges to be assessed against the particular lots or pieces of land which abut the sidewalks from which the snow and ice were removed and cleared. The schedule of charges are:

Length of Tract (ft.)	Charge
0'–50'	\$25.00
51'–100'	\$40.00
101'–150'	\$50.00
151'–200'	\$60.00

Over two hundred (200) continuous feet the cost shall be thirty (30) cents per foot with the distance rounded to the nearest ten (10) feet. Measurements shall be taken

on the sidewalk in front of or abutting each tract, lot, or piece of property where snow was removed and shall be based on a linear foot measurement.

(d) The notice provision for removal of snow as it is set out at Sections 10.04.110 and 10.04.120 of this Code shall not apply to the downtown business area.

SECTION 5. Section 10.04.030 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Raking or sweeping leaves, paper, etc., into gutters or drainage ditches.” It is unlawful to rake, sweep or otherwise move leaves, grass, dirt, paper, debris, or any other material into the streets, gutters, drains or drainage ditches along the sides of any street or alley in the City.

SECTION 6. Section 10.04.040 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Placing snow on streets and sidewalks.” It is unlawful to place snow or ice onto the sidewalks, streets or alleys of the City.

SECTION 7. Section 10.04.050 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Damage to Curbs or sidewalks.” It is unlawful to damage Curbs, sidewalks, paved Rights-of-way or other public infrastructure. It shall be a defense to this Section if notice of such damage is provided to the City within twenty-four (24) hours and a notice of financial responsibility for the costs of any such damage is filed with the City Engineer within seventy-two (72) hours.

SECTION 8. Section 10.04.055 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Same—Repair by City; cost.” When damage occurs as described in Section 10.04.050, if the offending party cannot be reasonably identified, the abutting property owner shall be charged the cost of repairs. The City Engineer may order and cause the reconstruction of such Curb, sidewalk, or other paved Right-of-Way or other public infrastructure.

SECTION 9. Section 10.04.056 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Same—Notice to repair the paved Right-of-Way.” Before repairs occur under Section 10.04.055, the City Engineer or the City Engineer’s representative shall mail a notice, first-class postage prepaid to the owner of record, and, if known, the Person causing the damage, directing

that repairs be made within a specified timeframe and giving an opportunity and procedure for appeal.

SECTION 10. Section 10.04.057 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Same—Failure to comply with notice.” After having been given notice under Section 10.04.056, if the damaged infrastructure is not repaired to current City specifications, the City Engineer or Engineer’s designee may cause such repairs to be performed. The expense of such repairs, including appropriate overhead, shall be charged against the Person causing the damage or, when such Person cannot be identified, to the abutting parcel owner. If the expense of such repairs is not paid within sixty (60) days, the cost of such repairs, including appropriate overhead, shall be assessed against the abutting parcel(s). Such expense shall be levied, certified and collected as a special assessment tax.

SECTION 11. Section 10.04.060 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Water running into streets, etc.” It is unlawful to cause or allow any water or waste to be discharged into any street, sidewalk, avenue, alley, or Public place unless prevention of such drainage is deemed technically infeasible in writing by the City Engineer. This Section shall not apply to storm water runoff.

SECTION 12. Section 10.04.065 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Lawn irrigation; spraying of streets and sidewalks prohibited.” It is unlawful to directly spray water from a sprinkler system onto any sidewalk or onto the traveled portion of any street.

SECTION 13. Section 10.04.070 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Congregating on sidewalks, visibility of traffic.” No crowd, collection of persons, or any other obstruction shall be allowed upon the street Right-of-Way so as to impair vehicles’ sight triangles as defined by “A Policy on Geometric Design of Highways and Streets,” current edition, as published by the American Association of State Highway and Transportation Officials (AASHTO). It is unlawful to violate the provisions of this Section or to refuse or fail to comply with the request of any police officer to move to clear such obstruction.

SECTION 14. Section 10.04.080 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Digging holes in public Right-of-Way.” It is unlawful to dig in any Right-of-Way without a permit from the City Engineer-or to leave any holes under such permit in an unfilled, uncovered, unsafe, or unsightly condition.

SECTION 15. Section 10.04.100 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Sidewalks and Rights-of-way to be kept clean by abutting property owners or occupants.” It is unlawful for the owner or occupant of any parcel to allow paint, soil, grass, leaves, sand, gravel, rocks, dirt, filth, mud, papers, stone, snow, ice, refuse, rubbish, or any other material to accumulate and/or grow over the abutting sidewalk, alley, or Right-of-Way.

SECTION 16. Section 10.04.105 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION 17. Section 10.04.110 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Same—Notice to clean.” Whenever any Person whose duty it is to keep clean the areas described in Sections 10.04.030, 10.04.040 or 10.04.100 fails to do so, the City Engineer or the City Engineer’s representative shall serve or cause to be served upon such Person a notice requiring such Person to comply with the requirements of Section 10.04.030, 10.04.040 or 10.04.100. Such notice may be served by mailing the same, postage prepaid and certified, to the owner of record.

SECTION 18. Section 10.04.120 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Assignment of Costs of Cleaning.” The expense of any cleaning described in this Chapter, including appropriate overhead, shall be charged against the abutting parcel and levied, certified, and collected as a special assessment tax.

SECTION 19. Section 10.04.125 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Obstruction of streets, sidewalks and the public Right-of-Way; penalty.”

- (a) It is unlawful to obstruct any street, alley, public area, public Right-of-Way or sidewalk in the City by depositing, piling, placing, maintaining, or allowing to remain thereon:

1. Any basketball hoop, hockey or soccer net, skateboard ramps, or any other type of goal or hoop;
 2. Any dumpsters or garbage containers larger than one hundred (100) gallons;
 3. Any boulder, rock, stone, or any other objects in excess of thirty (30) pounds in the aggregate;
 4. Any tree, plant, grass, or any other object more than thirty-three (33) inches above the lowest point of the gutter or street, whichever is lower in the sight triangle of any street, Driveway, or alley as defined by “A Policy on Geometric Design of Highways and Streets,” current edition, as published by the American Association of State Highway and Transportation Officials (AASHTO);
 5. Any storage device of any type weighing more than one hundred (100) pounds;
 6. Any filth, litter, or waste;
 7. Any goods, wares, signs, or merchandise;
 8. Any buildings, Structures, or fences;
 9. Any benches, seats or tables;
 10. Any wires, conduits, or cables;
 11. Any residential garbage bins except within twenty-four (24) hours of a scheduled solid waste removal.
 12. Any other object, regardless of nature, that the City Engineer or the City Engineer’s designee determines is unsafe.
- (b) Any object shall not be considered an obstruction of the public Right-of-Way under the following conditions:
1. The object is authorized by a community events permit issued pursuant to Chapter 3.11 of the Code of the City of Wichita;
 2. The object is authorized by a Right-of-Way use permit granted as provided in Chapter 10.08;
 3. The object is regulated as short-term building construction by the building code as defined in Title 18 of the Code of the City of Wichita, unless deemed a hazard by the City Engineer or the City Engineer’s designee;
 4. The object is allowed under a valid franchise agreement issued to a utility for use of the Right-of-Way;

5. The object is allowed under a point-to-point agreement with the City of Wichita for the specific use of defined Right-of-Way limits when the franchisee does not own the abutting parcel;
6. Use of street permits issued to property owners or the property owner's designee for the use of the abutting Right-of-Way;
7. Permit granted for exhibiting goods, wares, or merchandise as provided in Section 10.04.131;
8. If the City Engineer or the City Engineer's designee determines that such object is not an obstruction.

SECTION 20. Section 10.04.126 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Same—Notice to remove obstructions; penalties.”

- (a) Whenever any Person obstructs the Right-of-Way as described in Section 10.04.125, the City Engineer or the City Engineer's representative shall serve or cause to be served a notice upon such Person, and, if different, the owner of record of the property, requiring compliance within no more than (30) days of the date of such notice. Such notice(s) will be served through first-class mail, postage prepaid and certified, to the last known address of such Person(s) or by personal service.
- (b) Alternatively, City Engineer or the City Engineer's representative may authorize compliance through Section 10.04.125(b).
- (c) The City Engineer shall, without discretion, charge such Person with a Right-of-Way usage fee of two hundred (200) dollars per day for the time period such obstruction was in the Right-of-Way.

SECTION 21. Section 10.04.127 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Same—Failure to comply with notice; penalties.”

- (a) If the Person noticed under Section 10.04.126 fails to comply with such notice, either through failure to remove the obstruction or failure to obtain compliance through Section 10.04.125(b), the City Engineer or the City Engineer's representative shall take action to remove such obstruction forthwith.
- (b) When such Person noticed under Section 10.04.126 fails to remove such obstruction

pursuant to the notice or fails to respond to the notice, such property shall be deemed abandoned after thirty (30) days. After thirty (30) days has passed since the date of the notice, this Section shall be considered a defense to theft, conversion, or destruction of such obstruction.

- (c) Any costs associated with the removal and/or storage of the obstruction shall be charged against the Person creating the obstruction or, when such Person cannot be identified, against the abutting property and such tax shall be levied, certified, and collected in the same manner as special assessment taxes for the repair and construction of sidewalks.
- (d) Any Person violating Section 10.04.126 is guilty of a misdemeanor, punishable by a fine not to exceed two thousand five hundred (2,500) dollars and incarceration for a period up to three (3) days. Every day said Person fails to comply with Section 10.04.126 shall constitute a separate and distinct offense.

SECTION 22. Section 10.04.130 of the Code of the City of Wichita, Kansas, is hereby repealed:

SECTION 23. Section 10.04.131 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Same—Permits and applicable procedure.”

- (a) Upon application to the Metropolitan Area Building and Construction Department (MABCD) and approval by the City Manager, a permit for isolated sales may be issued to allow the location of stands, tables, racks and other devices for the sale and display of merchandise upon public sidewalks for a consecutive period not to exceed three (3) days annually. The application shall be referred to the City’s Division of Traffic Engineering, MABCD, and the Fire Department for their recommendations and determination that the sidewalk sale activity will not endanger or unduly inconvenience the public.
- (b) Sidewalks used for the display and sale of goods under a permit for isolated sales must be located in non-residential zoning districts. The location of the display devices shall be made so that no more than one-half of the sidewalk area from front to back is occupied by the display racks, etc., but in no case shall the unobstructed sidewalk area be less than four (4) feet; furthermore, the placement of the display racks, et cetera, shall be limited so that each merchant shall display the merchandise only within the area of the sidewalk which immediately abuts each merchant’s business.

(c) After application to the City Engineer’s Office and upon notice and opportunity for comment from the public, a sidewalk café permit may be issued. Such permit will allow for the location of diverters, plantings, stands, tables, lighting, seating, devices for protection of patrons from the elements, and other devices for the sale and service of prepared meals and beverages. The sale, service and consumption of prepared meals and beverages including alcoholic liquor shall be allowed upon public sidewalks within the permitted area as provided under K.S.A. § 12-406a and K.S.A. § 41-719 (d). The application shall comply with the administrative requirements established by the City Engineer, and shall be referred to the City's Traffic Engineer, the MABCD and the Fire Department for their recommendations and determination that the sidewalk café operation as described in the application will not endanger or unduly inconvenience the public. If negative public comment is received, the City Engineer shall hold a public hearing and shall make a decision on the issuance of the permit. A permit denial may be appealed to the City Council in a writing delivered to the City Clerk within fifteen (15) days of the decision by the City Engineer.

SECTION 24. Section 10.04.132 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Same—Permit issuance.”

On approval of the application and payment of the required fee under Section 10.04.131, the isolated sales or sidewalk café permit shall be issued by the MABCD or the City Engineer, respectively. This permit is in addition to any other license or permit required for the operation intended. The area encompassed by a valid sidewalk café permit may be included by the permit holder as part of the licensed premises submitted for any club or drinking establishment license issued by the State of Kansas. The encompassed area shall remain public Right-of-Way for the purposes of enforcement of municipal ordinances.

SECTION 25. Section 10.04.133 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Same—Permit renewal.”

Renewals of permits may be granted upon payment of the annual permit fee and providing proof of liability insurance.

SECTION 26. Section 10.04.134 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Same—Liability of Permittee; hold city harmless and insure.”

It shall be a condition of the permit that the Permittee shall defend and hold the City, and its employees and agents harmless of any claim or action of any type or kind caused by the Permittee or its employees or agents. The permit applicant shall provide evidence of liability insurance in a minimum coverage amount of five hundred thousand (500,000) dollars, naming the City of Wichita as additional insured. The insurance coverage must be in force for the duration of the permit, and provide coverage for all potential losses that could be incurred under the aforementioned defend and hold harmless obligation.

SECTION 27. Section 10.04.135 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Same—Revocation of permit.”

The permits which may be granted under this Chapter are personal privileges which may be revoked by the issuing entity for violation of the ordinances in this Chapter, for violations of any regulations promulgated by the MABCD or City Engineer for the uniform administration of the permitting and renewal process, or for the health, welfare or safety of the public. The City Engineer shall establish policies governing the potential of reinstatement of the sidewalk café permit designed to discourage repeat offenses.

SECTION 28. Section 10.04.140 of the Code of the City of Wichita, Kansas, is hereby repealed.

“Permit required to erect poles in streets.*”

It is unlawful for any Person to erect any poles for the support of any utility in any public street or alley in the City unless the owners or users of such pole first obtain from the City Council a permit for the privilege of erecting such poles.

SECTION 29. Section 10.04.150 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Utility Poles be marked.”

Whenever poles are in the City Right-of-Way, or any other property of the City, the owner of such pole shall be required to mark the poles so that the City can distinguish to whom they belong. Any entity required to mark poles shall provide an electronic database of the pole locations, both GIS and street address, and identification numbers to the City Engineer. Such information shall include the date of installation, the wattage and type of a streetlight (if attached), and an emergency contact name and phone number to be updated regularly.

SECTION 30. Section 10.04.160 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION 31. Section 10.04.170 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“House numbers—System to be used.”

All houses and buildings, except accessory Structures, which have access to public or officially recognized private streets or ways, avenues and highways in the City shall be numbered and designated as follows:

1. STREETS, ETC., RUNNING NORTH AND SOUTH. On streets, avenues and highways running north and south, numbering shall commence with number 100 at the northeast and southeast comers and with number 101 at the northwest and southwest comers of each street at its intersection with Douglas Avenue and shall increase north and south at the rate of:
 - (a) 100 numbers for each block or space between two (2) streets; and
 - (b) One number for each twenty-foot (20) space along the building line of the street within each block with odd numbers being given to houses and buildings on the west side and even numbers to houses and buildings on the east side.
2. STREETS, ETC., RUNNING EAST AND WEST. On streets, avenues and highways running east and west, numbering shall commence with number 100 at the northeast and northwest comers and with number 101 at the southeast and southwest comers of each street at its intersection with Main Street and shall increase east and west at the rate of:
 - (a) 100 numbers for each block or space between two (2) streets; and
 - (b) One number for each twenty-foot (20) space along the building line of the street within each block with odd numbers being given to houses and buildings on the south side and even numbers to houses and buildings on the north side.

SECTION 32. Section 10.04.180 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Same—Exceptions to system and correction of existing inconsistencies.”

- (a) The City Engineer and the MABCD are authorized, empowered, and directed to make such exceptions to the numbering system as may be made necessary by the irregular routing of streets, avenues or highways, by the use of named private streets; or by any other circumstance under which application of the numbering system set forth in Section 10.04.170 is impossible or produces a result which is not consistent with the orderly and uniform numbering of houses and buildings.
- (b) The City Engineer and the MABCD are authorized, empowered, and directed to correct existing inconsistencies in house numbers assigned or otherwise in use by reassigning a street number consistent with Section 10.04.170 and 10.04.180 and requiring the property owner(s) to post such reassigned street numbers as provided in Section 10.04.190.

SECTION 33. Section 10.04.190 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Same—Duty of owner or occupant to place; size, etc.”

The owner or occupant of every house or building in the City is required to conspicuously place on the house or building house numbers of at least four (4) inches in height. Painting house numbers on the Curb alone shall not be sufficient to comply with this Section.

Such numbers shall be consistent with Sections 10.04.170 and 10.04.180. Such numbers shall be of a sufficient contrast such that police officers and firefighters can read the numbers from the abutting street. Any property owner failing to comply with this Section is guilty of a misdemeanor. Each day house numbers are not properly placed on the house or building is a separate and distinct offence.

SECTION 34. Section 10.04.200 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Assignment of names to private streets.”

- (a) Any property owner may request that that portion of a private street running through said owner's property be named and that such name be officially recognized by the City. Such request shall be made to the Metropolitan Area Planning Department (MAPD) and shall be acted upon by the Director of the MAPD consistent with a policy of maintaining uniformity and consistency in

the names of streets and the numbering of housing and buildings within the City so as to insure the ready and efficient location of houses and buildings by the Fire Department, Police Department, other emergency services and the public.

(b) In the event such a private street is named and such name is officially recognized by the City, it shall be the responsibility of the said property owner to erect and maintain a street sign or signs of the same type, size and color as street signs installed by the City on public streets. Such sign, by suffix or subsidiary sign element, shall identify the street by adding “Private Street.” in a manner approved by the City Traffic Engineer.

(c) In the event the signs referred to in paragraph (b) above are not erected or maintained as provided in said subsection, the City is authorized to erect such signs and charge or assess the cost against the requesting party or parties or the abutting property owner or owners.

(d) When the name of a private street is officially recognized by the City and such street is not named and identified on the recorded subdivision within which it is located, it shall be the duty and responsibility of the Person requesting recognition of such named street to file with the register of deeds of Sedgwick County, Kansas, a copy of a site plan prepared with sufficient detail to locate such private street.

SECTION 35. Section 10.04.210 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Same—Appeal.”

Any applicant may appeal a decision by the Director of the MAPD refusing to approve the naming or numbering of a street to the Metropolitan Area Planning Commission (MAPC). Such appeal shall be in writing setting forth with sufficient particularity the decision being appealed and the reasons why such decision should be reviewed. Provided, however, no such appeal shall be considered by the MAPC unless written notice of the appeal is received by the MAPC no later than ten (10) days after the decision being appealed is made.

SECTION 36. Section 10.04.215 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Same—Enforcement.”

The MABCD, the Wichita Fire Department, City Engineering, and the Wichita Police Department have the power to enforce any provision of this Section.

SECTION 37. Section 10.04.220 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Same—Penalty.”

The failure of the owner or occupant of a house or building to comply with the provisions of Section 10.04.190 above shall constitute an offense punishable by a fine of not to exceed twenty-five hundred (2,500) dollars. Every day said owner or occupant fails to comply with said Section 10.04.190 shall constitute a separate and distinct offense.

SECTION 38. The original of Sections 10.04.010, 10.04.020, 10.04.025, 10.04.030, 10.04.040, 10.04.050, 10.04.060, 10.04.070, 10.04.080, 10.04.100, 10.04.105, 10.04.110, 10.04.120, 10.04.130, 10.04.131, 10.04.132, 10.04.133, 10.04.134, 10.04.135, 10.04.140, 10.04.150, 10.04.160, 10.04.170, 10.04.180, 10.04.190, 10.04.200, 10.04.210, and 10.04.220 of the Code of the City of Wichita, Kansas, are hereby repealed.

SECTION 39. 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 26th day of April, 2016.

Jeff Longwell, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Jennifer Magaña
Director of Law and City Attorney