

(Frist Published in *The Wichita Eagle*, on April 29, 2016)

ORDINANCE NO. 50-181

AN ORDINANCE REPEALING SECTION 10.24.160 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO MOVING BUILDINGS ON THE RIGHT-OF-WAY.

AN ORDINANCE ADMENDING SECTIONS 10.24.010, 10.24.020, 10.24.030, 10.24.040, 10.24.050, 10.24.060, 10.24.070, 10.24.080, 10.24.090, 10.24.100, 10.24.110, 10.24.120, 10.24.130, 10.24.140, 10.24.150, 10.24.170, 10.24.180, 10.24.190, 10.24.200, 10.24.210, 10.24.220, 10.24.230, 10.24.240, 10.24.250, 10.24.260, 10.24.270, 10.24.280, 10.24.290, AND 10.24.300 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO MOVING BUILDINGS ON THE RIGHT-OF-WAY AND REPEALING THE ORIGINALS THEREOF.

AN ORDINANCE CREATING SECTIONS 10.24.075, 10.24.095 AND 10.24.310 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO MOVING BUILDINGS ON THE RIGHT-OF-WAY.

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

SECTION 1. Section 10.24.010 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Definitions.” The following words and phrases as used in this Chapter shall, for the purpose of this Chapter, have the meanings respectively ascribed to them in this section:

(a) Building. Means any Structure used or intended for supporting or sheltering any use or occupancy that is:

- (1) two hundred (200) square feet or more in floor space;
- (2) thirteen and a half (13.5) feet in loaded height; or
- (3) is not a house trailer as defined in Section 11.04.126.

(b) Moving Contractor. Means a contractor who has been licensed as required by Section 10.24.070 of this Chapter to obtain required permits for the moving of a building over public streets, alleys, or rights of way.

(c) Moving Permit. Means the permit issued by the City permitting a building to move over public streets, alleys, or rights of way, as provided in Section 10.24.030.

SECTION 2. Section 10.24.020 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Prerequisites to apply for a moving permit.” Before moving any building over, along or upon any of the streets, alleys, or rights of way, a moving permit shall be obtained. The following prerequisites shall be required before such moving permit shall be obtained:

(a) File a permit bond with the City Clerk which shall be approved as to form by the City Attorney, in the sum of one hundred thousand (100,000.00) dollars, which bond shall be signed by a surety company which is authorized to transact business in the state. Such bond shall provide for compensation for all damages resulting from the moving of the building.

(b) Provide a certificate of insurance of at least five hundred thousand (500,000.00) dollars from a company authorized to provide insurance in the State of Kansas and naming the City as an additional insured.

(c) Agree to indemnify, defend, and hold harmless the City from any and all claims, actions, suits, or demands for damages or injuries to persons or property, regardless of nature or character, resulting from the moving of the building.

(d) File an application with the Metropolitan Area Building and Construction Department (MABCD), including a fee of one hundred (100.00) dollars and a report by a structural engineer licensed in the State of Kansas determining the Structure is safe and suitable to be moved, and including any special requirements necessary for such moving. Upon receipt of the application, the Director of the MABCD or designee shall inspect the building to determine compatibility with the new location if such location is within the City and whether any other changes of any type should be made to such building before or after moving.

(e) Agree to comply with any special conditions imposed by the Director of the MABCD for the safety and welfare of the public.

(f) Obtain a building permit for the new location if the building is to be relocated within the city limits of Wichita. The building permit shall include any footing/foundation and require the updating of the electrical, plumbing and mechanical systems to the current building code.

SECTION 3. Section 10.24.030 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Same—Approval of route by Traffic Engineer.” The Traffic Engineer or designee is authorized to require a route consistent with public safety and a minimum amount of damage.

SECTION 4. Section 10.24.040 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Same—Approval of route by Director of Parks.” The Director of Parks or designee is authorized to require a route consistent with minimal damage to City trees and may require the planting of trees necessary to remediate any damage. The Director of Parks shall provide the moving contractor an invoice for the estimated costs for moving, modifying, or otherwise disturbing any existing City trees or related infrastructure.

SECTION 5. Section 10.24.050 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Same—Approval of route by Maintenance Engineer.” The Maintenance Engineer or designee is authorized to require a route consistent with public safety and a minimum amount of damage. The Maintenance Engineer shall provide the moving contractor an invoice for the estimated costs for moving, modifying, or otherwise disturbing any existing City facilities.

SECTION 6. Section 10.24.060 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Same—Issuance of Permit.” The moving permit shall be issued after approval has been granted under the above sections, the moving contractor has obtained a license under this section, the moving contractor’s annual license is current and valid, and any invoices charged by the Maintenance Engineer and the Director of Parks have been paid. Any such payments shall be directly credited to the Object Cost Account for which the materials and labor were debited.

SECTION 7. Section 10.24.070 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Same—License Required.” It is unlawful for any Person to perform or cause to be performed any work as a moving contractor without first having obtained a moving contractor’s license and the appropriate moving permit. A conviction of one Person under this section does not preclude any additional individuals violating this section for the same work from being prosecuted under this section.

SECTION 8. Section 10.24.075 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Licensing authority.” The MABCD shall issue licenses to approved moving contractors as outlined in Sections 18.12.120, 18.12.130 and 18.12.160. Licenses may be revoked or suspended as outlined in Section 18.12.140 of the Code of the City of Wichita. The moving contractor license shall entitle the holder thereof to contract for and perform any act as a moving contractor. The annual license fee for a moving contractor shall be one hundred (100.00) dollars, which shall be valid for the calendar year and shall not be prorated.

SECTION 9. Section 10.24.080 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Payment of cost of damages.” The moving contractor shall be responsible for all damages caused by the moving of a building. Damages to trees, property, infrastructure, or Right-of-Way shall be the responsibility of the moving contractor upon being presented with a statement by the Department of Public Works & Utilities and/or the Park Department, showing the cost of repairing such damage, which shall be paid within ninety (90) days of invoicing. Failure to object to the City’s estimated costs of repair within such ninety (90) day period shall constitute a waiver of the right to object. The lack of or the falsification of a moving permit shall be considered intent under Section 5.66.010, Criminal Damage to Property.

SECTION 10. Section 10.24.090 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Requirements during movement of building.” A copy of the moving permit shall accompany the Structure being moved at all times and must be presented upon request. The Permittee shall notify emergency services (911) and, if required, Kansas One Call, prior to moving the building.

SECTION 11. Section 10.24.095 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Falsification of moving permit; invalidation. Falsification of a moving permit or deviation from any of the permit’s conditions shall invalidate the permit.

SECTION 12. Section 10.24.100 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Duty to halt moving, etc.” The City Manager, the Traffic Engineer, the Maintenance Engineer, the Director of Parks, the Director of MABCD, their agents, and any sworn law enforcement officer shall have the duty and power to stop the moving of any building when a valid

permit to move such building is not presented upon request or when such moving constitutes, in that individual's opinion, a hazard to people or property.

SECTION 13. Section 10.24.110 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Building being moved into City halted pending compliance.” All buildings being moved into the corporate limits of the City shall be halted outside the City limits until all provisions of this Chapter have been satisfied.

SECTION 14. Section 10.24.120 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Use of license to secure permits for another.” No Person shall allow another to use another's name or bond in securing permits to move any building.

SECTION 15. Section 10.24.130 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Private sewers and utilities to be sealed off and/or disconnected; duty of mover.” Before any building or Structure is moved, it shall be the responsibility of the mover to ensure and verify all utilities are appropriately and safely disconnected. Sanitary sewer systems serving such Structures shall be severed and sealed safely, subject to Section 16.04.020.

SECTION 16. Section 10.24.140 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Requirements as to small one-story buildings, garages, accessory buildings, etc.” Whenever a Structure is moved that does not require a building permit, the entities involved in moving such Structure, by moving the Structure, agree to indemnify, defend, and hold harmless the City from any and all claims, actions, suits, or demands for damages or injuries to persons or property, regardless of nature or character, resulting from the moving of the Structure. Such moving may require a City and/or State of Kansas oversize or overweight permit.

SECTION 17. Section 10.24.150 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Exceptions as to construction offices or cook shacks.” No moving permit or bond shall be required for the moving of any construction office or cook shack when such Structure is permanently mounted upon a vehicle meeting the requirements of Title 11.

SECTION 18. Section 10.24.160 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION 19. Section 10.24.170 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Maximum axle weights, damage.” The requirements of K.S.A. § 9-1911 *et. seq.* shall apply to all vehicles used to move buildings with regards to a maximum axle loading. Loads shall be configured in such a manner as to minimize damage to the streets, gutters, Curbs, and other property. Any entity causing damage to any property shall be liable for such damage.

SECTION 20. Section 10.24.180 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Planks may be placed under wheels.” The Traffic Engineer may specify the use of load-distributing devices when moving any building or Structure. In general, such devices shall be at least nominal 2” x 12” lumber, a minimum of two (2) times the supported tire diameter in length, and free of checks, splits, rough edges, splinters, or warping.

SECTION 21. Section 10.24.190 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Driving stakes into pavement, etc.” In no case shall any Person moving any building drive any stake in the pavement. Stakes may be in the Right-of-Way, but not in such a position as may cause damage.

SECTION 22. Section 10.24.200 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Moving over bridges, culverts, and other Structures.” No building shall be moved over any bridge, culvert, or other similar Structure without first verifying the load capacity of the Structure and obtaining specific written approval from the Traffic Engineer.

SECTION 23. Section 10.24.210 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Report of commencement and completion of moving.” Prior to moving any building, the mover shall give actual notice to the Maintenance Engineer and the MABCD of the time the building will be moved. Such notice shall be given during regular office hours. Arrival of the building at its final destination shall also be reported to the Maintenance Engineer and the MABCD within one business day.

SECTION 24. Section 10.24.220 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION 25. Section 10.24.230 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Inspection of route over which building moved; repair of damages.” The route over which a building has been moved shall be inspected by the Maintenance Engineer within two (2) business days after the building is reported moved. The Maintenance Engineer shall ascertain what damage, if any, has been done to the paving or other public Structures and shall proceed to repair the damage.

SECTION 26. Section 10.24.240 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Restriction as to hours of moving, etc., in certain areas and on certain streets.” No building shall be moved or left standing upon any City street except between the hours of 1 a.m. and 6 a.m. without written permission of the Traffic Engineer.

SECTION 27. Section 10.24.250 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Protection of trees; notice to Director of Parks.” Every Person moving any building shall use reasonable care to prevent injury to trees. The MABCD shall notify the Director of Parks when moving of such building begins in order that the Director of Parks may take the necessary steps for the protection of trees along the moving route, at the expense of the Person moving the building.

SECTION 28. Section 10.24.260 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Lights required from dusk to dawn.” Every Person moving any building shall keep amber lights on such building and on the machinery used in moving the building from dusk to dawn. A sufficient number of red lights shall be used to make the obstruction safe.

SECTION 29. Section 10.24.270 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Compliance with the Manual on Uniform Traffic Control Required.” All requirements of the current edition of the Manual on Uniform Traffic Control Devices regarding temporary traffic control must be followed.

SECTION 30. Section 10.24.280 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Interference with traffic; notice to emergency services; flaggers required.” If, at any time during the moving of any building, it is unsafe for vehicles to pass by the building or the public welfare is endangered, the Person moving the building shall immediately inform Sedgwick County Emergency Communications by calling 911. The Person moving the building shall also post flaggers at the intersecting streets ahead and behind of the building to detour traffic.

SECTION 31. Section 10.24.290 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Blocking streets; prohibition.” No building shall be left in such a position as to block the entire roadway. Unless it is impossible to do so, a passage of at least ten (10) feet on one side of the building shall be left at all times.

SECTION 32. Section 10.24.300 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Interference with overhead infrastructure, etc.; notice to Person owning or controlling; cost of repair.” If any building will not pass under any overhead infrastructure, including wires, cables, streetlights, signs, or signals, the Person moving such building shall give at least seventy-two (72) hours' actual notice to the Person owning or controlling the infrastructure of the intention to move such building and at least eight (8) hours' actual notice of the time of the actual moving of such building. The Person owning or controlling such infrastructure shall then raise, cut, or remove the same for a reasonable length of time for such building to pass. Such infrastructure shall then, at the infrastructure's owner's discretion, be repaired and put in as good condition as before the raising, cutting or removal at the expense of the Person moving such building. The Person owning or operating the infrastructure shall furnish an itemized statement of the actual costs to the Person moving the building within forty-five (45) days of the completion of the repair, unless waived, the expense to be only the actual cost of such raising, cutting, removal and replacement. However, the owner of any overhead infrastructure existing lower than specified by this Code or by any other ordinances of the City must reinstall such infrastructure to current code specifications without charge.

SECTION 33. Section 10.24.310 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Compliance with Chapter required; penalty.” Failure to comply with any provision of this Chapter is a misdemeanor punishable by a fine up to five-thousand dollars (\$5,000) and/or imprisonment up to thirty (30) days.

SECTION 34. The original of Sections 10.24.010, 10.24.020, 10.24.030, 10.24.040, 10.24.050, 10.24.060, 10.24.070, 10.24.080, 10.24.090, 10.24.100, 10.24.110, 10.24.120, 10.24.130, 10.24.140, 10.24.150, 10.24.160, 10.24.170, 10.24.180, 10.24.190, 10.24.200, 10.24.210, 10.24.220, 10.24.230, 10.24.240, 10.24.250, 10.24.260, 10.24.270, 10.24.280, 10.24.290, and 10.24.300 of the Code of the City of Wichita, Kansas, are hereby repealed.

SECTION 35. 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