

SEDGWICK COUNTY
RESOLUTION NO. 175-2012

CITY OF WICHITA
ORDINANCE NO. 49-412

Date Adopted by City of Wichita : 2-11-2012
Date Adopted by Sedgwick County : 11-21 2012

Date Published by City of Wichita : 12-17 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.

SECTION 5. 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	<u>Aye</u>
TIM R. NORTON	<u>Aye</u>
KARL PETERJOHN	<u>Aye</u>
RICHARD RANZAU	<u>Aye</u>
JAMES B. SKELTON	<u>Aye</u>

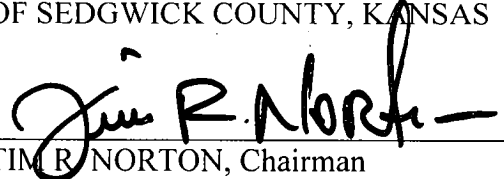
Dated this 21 day of November, 2012.

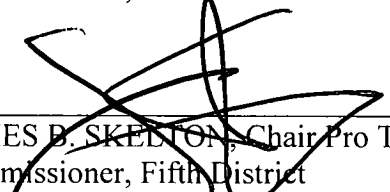
ATTEST:


KELLY B. ARNOLD, County Clerk




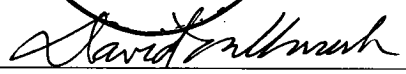
BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS



TIM R. NORTON, Chairman
Commissioner, Second District



JAMES B. SKELTON, Chair Pro Tem
Commissioner, Fifth District

APPROVED AS TO FORM:



BILL H. RAYMOND
Assistant County Counselor


DAVID M. UNRUH
Commissioner, First District



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

AFFIDAVIT

STATE OF KANSAS \
- SS.
County of Sedgwick /

Mark Fletchall, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle for _1_ issues, that the first publication of said notice was

made as aforesaid on the 17th of

December A.D. 2012, with

subsequent publications being made on the following dates:

And affiant further says that he has personal knowledge of the statements above set forth and that they are true.

Mark Fletchall

Subscribed and sworn to before me this

17th day of December, 2012

PENNY L. CASE
Notary Public - State of Kansas
My Appt. Expires 5/28/2014

Penny L. Case
Notary Public Sedgwick County, Kansas

Printer's Fee : \$132.60

LEGAL PUBLICATION

PUBLISHED IN THE WICHITA EAGLE
DECEMBER 17, 2012 (3222568)
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- DAVID M. UNRUH
TIM R. NORTON
KARL PETERJOHN
RICHARD RANZAU
JAMES B. SKELTON

Dated this 21st day of November, 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