

RESOLUTION

No. 56-01

DATE EFFECTIVE: May 1, 2001

A RESOLUTION AMENDING CHAPTER 19 OF THE *SEDGWICK COUNTY CODE*, PROVIDING FOR THE ENFORCEMENT OF VARIOUS CODES BY THE DEPARTMENT OF CODE ENFORCEMENT; DEFINING VIOLATIONS AND PROVIDING PENALTIES THEREFOR.

WHEREAS, the Board of County Commissioners, previously adopted Resolution No. 213-00, but in doing so requested that an advisory task force be convened to hear and consider public comment on proposed amendments of the resolution; and

WHEREAS, the task force held a public hearing and heard testimony on January 31, 2001; and after due consideration, has provided its recommendations to the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners desires to modify Chapter 19 of the Sedgwick County Code to exempt therefrom certain agricultural activities as set forth herein; and

WHEREAS, the Board of County Commissioners is authorized and empowered to adopt resolutions pursuant to *K.S.A. 19-101(Fifth)*; *K.S.A. 19-101a*; and

WHEREAS, the Board of County Commissioners has determined the need to amend Chapter 19, of the *Sedgwick County Code*.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, that:

SECTION 1: AMENDMENTS TO CHAPTER 19

1. Chapter 19 of the Sedgwick County Code is amended by the modification of the following sections and shall read as follows:

Section 19-21. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agricultural activities means the use of any land for the purpose of growing plants, crops, trees and other agricultural or forestry products or for the purpose of raising livestock, poultry, or dairy products.

County means all of the county other than the land areas within cities.

Inoperable vehicle means any vehicle that is unable to operate or move under its own power. This term shall also mean any vehicle that is in an abandoned, wrecked, dismantled, scrapped, junked or partially dismantled condition which includes having uninflated tires, no wheels, or lacking other parts necessary for the normal operation of the vehicle. It shall also mean any vehicle that because of mechanical defects, a wrecked or partially wrecked frame or dismantled parts, cannot be operated in a normal and safe manner. An inoperable vehicle shall not include vehicles that need only the installation of a battery or the addition of fuel to operate.

Property means any real property within the county which is not a street or highway.

Recycling facility means a fixed location that utilizes machinery and equipment for processing only recyclables, and is licensed as a solid waste processing facility pursuant to K.S.A. 65-3401, *et seq.*

Salvage material means material, including but not limited to, scrap brass, scrap copper, scrap iron, scrap lead, scrap tin, scrap zinc and all other scrap metals and alloys, bones, rags, used cloth, used rope, used rubber, used tinfoil, used bottles, playground equipment, old or used machinery of any type, used tools, used appliances, used fixtures, used furniture, used utensils, used lumber, used boxes or crates (fabricated of any material), used pipe or pipe fittings, used conduit or conduit fittings, used automotive parts, used tires, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition.

Salvage yard means any property licensed by the state of Kansas for operation as a salvage yard pursuant to K.S.A. 8-2401, *et seq.* and amendments thereto.

Solid waste means garbage, refuse and other discarded materials including, but not limited to, solid, semisolid, sludges, liquid and contained gaseous waste materials resulting from industrial, commercial, agricultural and domestic activities. Solid waste does not include hazardous wastes as defined by subsection (f) of K.S.A. 65-3430, and amendments thereto, recyclables or the waste of domestic animals as described by subsection (a)(1) of K.S.A. 65-3409, and amendments thereto.

Weeds or other noxious vegetation means all grasses over eighteen (18) inches in height included in the family Gramineae; and noxious weeds such kudzu (*Pueraria lobata*), field bindweed (*Convolvulus arvensis*), Russian knapweed (*Centaurea repens*), hoary cress (*Cardaria draba*), Canada thistle (*Cirsium arvense*), quackgrass (*Agropyron repens*), leafy spurge (*Euphorbia esula*), bur ragweed (*Ambrosia grayii*), pignut (*Hoffmannseggia densiflora*), musk (nodding) thistle (*Carduus nutans L.*), Johnson grass (*Sorghum halepense*), and poison ivy/oak/sumac (*Toxicodendron*). This term does not include grasses and other vegetation, excluding noxious weeds, that are utilized for agricultural activities, conservation practices, landscaping, gardening or xeriscape purposes as approved by the director of code enforcement.

Section 19-22. Activities or conditions prohibited; enumeration.

(a) It is unlawful for any person to maintain, or permit to be maintained, any activity or condition described in this section, in the county.

(1) To the extent they constitute a threat to the health or safety of any person:

- A. Open basement structures, excavations, swimming pools, storm cellars, industrial tanks, or other excavations or structures;
- B. Outdoor storage of salvage material, except as follows:
 - 1. At a salvage yard or recycling facility; or
 - 2. Building materials if they are to be used within one hundred eighty (180) days for construction on the property they are stored, if accompanied by an occupancy or building permit;
- C. Minor auxiliary or accessory buildings or structures such as privies, sheds, barns, garages, toolhouses, vacant houses or commercial structures, which have become so dilapidated or deteriorated as to constitute a threat to any person's health or safety;
- D. Sources of danger for children through entrapment in areas of confinement that cannot be opened from the inside, through a danger of the item falling or turning over, or through possible injury from exposed surfaces of metal, glass or other rigid materials;
- E. Existing or potential breeding grounds or habitat of rats, mice, snakes, mosquitoes or other vermin, rodents, insects or other disease vectors, or areas used for the storage, harboring, caging or dwelling of any animal of any kind;
- F. Heavy growth of weeds or other noxious vegetation;
- G. Storage of solid waste, including bulky waste, or storage of combustible or hazardous materials;
- H. Potential sources of contamination of the soil from petroleum products or other toxic liquids being discharged or leaking from the item;
- I. Any item that due to its defective, deteriorated or obsolete condition in any way constitutes a threat to any person's health or safety; or
- J. Any other activity or condition of like character that constitutes a threat to the health or safety of any person.

(2) Inoperable vehicles parked or stored or left on any private property in the county, unless such vehicles are completely enclosed within a building, unless the parking or storing of such vehicles is necessary to the operation of a lawful business or commercial enterprise.

(b) Subsections (a)(1)(E) and (a)(1)(F) of this section shall not apply to composting activities conducted in such a manner as to comply with applicable federal, state, and local regulations.

(c) Subsections (a)(1)(B) and (a)(2) of this section shall not apply to salvage material or inoperable vehicles that are used for or in connection with agricultural activities, or if the following standards apply:

- a) The inoperable vehicles or salvage material are the personal property of the owner or occupant of the property;
- b) The owner or occupant of the property must comply with the Junkyard and Salvage Control Act, K.S.A. 68-2201, *et seq.*
- c) All areas used for the storage of inoperable vehicles or salvage material are screened in such a manner that the vehicles are not visible from ground level view from the street or neighboring property, as follows:
 1. Screening may be provided by decorative fencing or walls, evergreen vegetation, or landscaped earth berms, and shall be not less than 6 feet in height. Fences or walls shall not have cracks and openings in excess of five percent of the area of such fence or wall, and shall not be more than 8 feet in height. Landscaped earth berms must be placed in such a manner as to have a slope sufficient for mowing.
 2. Screening fences and walls shall be constructed of standard building materials customarily used for fence and wall construction such as brick, stone, concrete masonry, stucco, concrete, or wood, and shall be of neutral color so as to not be visually obtrusive.
 3. If adequate screening exists on either side of property line that meets or exceeds the standards of this section, additional screening shall not be required. However, if at any time the existing screening fails to meet the requirements of this section, compliance must be obtained by the property owner.
- d) All inoperable vehicles or salvage material must be properly screened behind the Front Setback, which is the area between the primary residence or structure and the street right-of-way line of the property; provided that for purposes of this subsection, the maximum distance of the Front Setback shall be 100 feet from the street right-of-way.

Sec. 19-23. Enforcement and penalties.

(a) This Article is enforceable under chapter 8. Any code enforcement officer or law enforcement officer being duly authorized and having jurisdiction in the county may issue a uniform complaint and notice to appear in county court to any person violating any provision of this Article.

(b) Violations of this article are punishable as provided for in Section 1-8.

(c) Violations listed in Section 19-22(a) are class F violations as described in Section 8-5(a).

Sec. 19-24. Other remedies unaffected.

Nothing in this Article shall be construed to limit or forbid the county or any other person from pursuing any other remedies available at law or in equity to enforce the provisions of this Article.

SECTION 2: EFFECTIVE DATE

This resolution shall take effect upon its publication once in the official county newspaper.

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