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ORDINANCE NO.50-338

AN ORDINANCE AMENDING SECTIONS 10.24.010, 10.24.020, 10.24.030, 10.24.040, 10.24.050, 10.24.060, 10.24.070, 10.24.075 10.24.080, 10.24.090, 10.24.100, 10.24.130, 10.24.140, 10.24.150, 10.24.210, 10.24.220, 10.24.250, 10.24.260, 10.24.280 AND 10.24.300 AND CREATING SECTION 10.24.160 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE MOVING OF BUILDINGS

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.”

As used in this Chapter the following words and phrases shall have the meanings set forth below:

(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.

(d) Person. Means any individual, firm, association, company, partnership, or other legal entity.

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) 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 three hundred thousand (300,000) dollars from a company authorized to provide insurance in the State of Kansas and naming the City as an additional insured. Such insurance shall provide for compensation for all damages resulting from the moving of the Building, including but not limited to costs associated with the removal, cutting or raising of, and the replacement of wires, conduits, pipes or other equipment, all expenses or bills which may be incurred by reason of the damage, removal or relocation of such equipment to allow the passage of such Structure, and all necessary expenses which may be incurred by the Park Department (City of Wichita) in the

furnishing of protection to the city trees for the moving of the Structure over, along or upon any streets, alleys, and right of ways of the City.

(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) dollars, such application shall include a detailed description of the route for moving the Building, including the starting and ending points of such route, and for any Building being moved from outside the City, 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 Wichita/Sedgwick County Unified Building and Trade Code.

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

“Inspection of Building.”

Every person having complied with the requirements of Section 10.24.020, who desires to move any Building over, along or upon any of the streets, alleys, or rights of way of the City shall, before beginning the removal of such Building, file an application with MABCD for an inspection of the Building to be removed. Upon the filing of such application, such person shall pay a permit/inspection fee of one hundred (100) dollars. MABCD shall then inspect the Building to determine whether or not it is safe to move such Building, and also to determine if any structural changes should be made in such Building before or after moving. If it is unsafe to move such Building, the Director of MABCD, or designee, shall refuse to issue a removal permit, or if it is determined that certain changes are necessary before or after the Building is moved, a condition of the moving permit shall be an agreement that the permittee will comply with such conditions as may be imposed to protect the public. If the permit is denied, the applicant may appeal the Director’s denial to the Board of Code Standard and Appeals, by filing a notice of appeal within ten days of the Director’s decision.

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

“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 estimate of 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:

“Approval of route by Maintenance Engineer.”

Upon approval of the permit by the Director of MABCD, the Maintenance Engineer or designee shall review the proposed route to insure a route consistent with public safety and a minimum amount of damage. The Maintenance Engineer shall provide the moving contractor an estimate of costs for moving, modifying, or otherwise disturbing any existing City facilities. If the initial route proposed is determined by the Maintenance Engineer to not be feasible, the applicant shall be given an opportunity to submit an alternate route for review.

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

“Issuance of Permit.”

The moving permit shall be issued after approval has been granted by the Maintenance Engineer, the Director of MABCD and the Parks Director, the moving contractor has obtained a license under this Chapter and the moving contractor’s annual license is current and valid.

Denial of the permit may be appealed to the City Council pursuant to the provisions set forth in Section 2.04.235 of the Code of the City of Wichita.

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

“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.

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

“Licensing authority.”

The MABCD shall issue licenses to approved moving contractors as outlined in the Wichita/Sedgwick County Unified Building and Trade Code. Licenses may be revoked or suspended as outlined in the Wichita/Sedgwick County Unified Building and Trade Code. The moving contractor license shall entitle the holder thereof to contract for and perform any act as a moving contractor. The bi-annual license fee for a moving contractor shall be two hundred (200) dollars, which shall be valid for two calendar years 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.

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 Building being moved at all times and must be presented upon request. The Permittee shall notify emergency services (911) and Kansas One Call, prior to moving the Building.

SECTION 11. Section 10.24.100 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Duty to halt moving.”

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 is being done in a dangerous, careless or inefficient manner, likely to lead to serious damage to paving, curb, gutter or any other public Structures, due to a lack of proper equipment for such moving, inexperienced employees, lack of proper supervision, or from any other cause.

SECTION 12. 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 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 or Buildings shall be severed and sealed safely, subject to Section 16.04.020. The seal will be inspected by the Director of MABCD under the procedure established in Section 16.04.360.

SECTION 13. 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 Structures, garages, accessory, Structures.”

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.

No permit or bond shall be required for the moving of any small one-story Structures not over thirteen feet (13) high, such as garages or accessory Buildings, when such Structures have less than two hundred (200) square feet of floor area and at least one dimension does not exceed twelve (12) feet. Every person shall before moving any such Structure, notify Sedgwick County Emergency Communications (911). Every person shall, when moving any such Structure, use a reasonable degree of care so that no damage results to any person or property. In case damage to persons or property results from such moving, the City shall not be held liable for any such damage.

SECTION 14. 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. Every person shall, when moving any such Building or Structure, use a reasonable degree of care so that no damage results to any person or property. In case damage to persons or property results from such moving, the City shall not be held liable for any such damage.

SECTION 15. Section 10.24.160 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Compliance with Chapter required.”

Every person, when moving any Structure over, upon or along the streets, alleys, or public right of ways, shall observe the rules and regulations contained in this Chapter.

SECTION 16. Section 10.24.220 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Prevention of unnecessary damage to paving.”

Every person, when moving any Structure or Building over, along or upon the streets, alleys, or public right of ways of the City, shall use a reasonable degree of care to prevent any unnecessary damage, unless such damage is directed by the Maintenance or Traffic Engineer to expedite moving of the Building or Structure, to any paving, curb, gutter, sidewalk, catch basin or other public Structures.

SECTION 17. 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 Person or contractor 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 18. 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 amber lights shall be used to make the obstruction safe.

SECTION 19. 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 or Structure, it is unsafe for vehicles to pass by the Building or Structure or the public welfare is endangered, the Person moving the Building or Structure shall immediately inform Sedgwick County Emergency Communications by calling 911. The Person moving the Building or Structure shall also post flaggers at the intersecting streets ahead and behind of the Building to detour traffic.

SECTION 20. 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 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 21. 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 hundred (500) dollars and/or imprisonment up to six (6) months.

SECTION 22. 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, 10.24.075, 10.24.080, 10.24.090, 10.24.100, 10.24.130, 10.24.140, 10.24.150, 10.24.210, 10.24.220, 10.24.250, 10.24.260, 10.24.280, and 10.24.300 of the Code of the City of Wichita, Kansas, are hereby repealed.

SECTION 23. 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 October, 2016.

Jeff Longwell, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Jennifer L. Magaña
City Attorney and Director of Law