

OCA# 132019

(First published in *The Wichita Eagle*, on October 14, 2016)

ORDINANCE NO. 50-335

AN ORDINANCE AMENDING SECTIONS 10.08.040, 10.08.130, 10.08.135, 10.08.250 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO RIGHT-OF-WAY AND EASEMENT USE PERMITS.

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

SECTION 1. Section 10.08.040 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Permits for new privileges—Application.”

Application for Use Permits shall be submitted to the City Engineer with appropriate drawings, plans or photographs attached. The application shall be made only by the owner of land that holds an easement, or owner or the owner’s agent of a property adjacent to a City owned easement, or the public Right of Way requested for use. The application shall contain a notarized certification that the owner or agent has the authority to utilize the property and request the Use Permit.

SECTION 2. Section 10.08.130 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Unauthorized Use of Permit in the Easement or Right of Way, penalties.” The use of easement or Right of Way beyond that specified in the Use Permit is a misdemeanor.

SECTION 3. Section 10.08.135 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Notice of Abandonment; consequences.”

Any object placed or remaining in the easement or Right of Way without a required Use Permit shall be deemed abandoned and subject to removal after thirty (30) days’ notice by certified mail to the owner of record.

SECTION 4. Section 10.08.250 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Failure to obtain, maintain, or renew permit.”

If any Permittee fails to obtain, maintain, or renew a Use Permit, the City shall have the right to remove and dispose of any Encroachment on the easement or Right of Way. If the Encroachment is not an immediate hazard or nuisance, the Permittee may be given thirty (30) days written notice prior to the Encroachment’s removal. No compensation for the value of any Encroachment removed by the City or at the City’s direction shall be given under any circumstances. Any Encroachment existing on the easement or Right of Way without a valid Use Permit, for which the City Engineer has issued a notice to remove by certified mail, after thirty (30) days is deemed abandoned property, which may be disposed of by the City or any party at the City’s direction.

SECTION 5. The original of Sections 10.08.040, 10.08.130, 10.08.135 and 10.08.250 of the Code of the City of Wichita, Kansas, are hereby repealed.

SECTION 6. 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 Magaña
City Attorney and Director of Law