

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

ORDINANCE NO. 50-339

AN ORDINANCE AMENDING SECTION 11.22.050 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO INTERSECTIONS AND REPEALING THE ORIGINAL THEREOF.

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

SECTION 1. Section 11.22.050 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Authority of the City Engineer.”

(a) Appeals. The City Engineer shall have the power to hear and decide appeals where it is alleged that the Traffic Engineer's interpretation is in error in any order, requirement, decision or determination whereby the Traffic Engineer orders the abatement of a sight obstruction.

(b) Variances. The City Engineer may authorize, in specific cases, a variance from the specific terms of Section 11.22.010 which shall not be contrary to the public interest and where, owing to specific conditions, a literal enforcement of the conditions of Section 11.22.010, in an individual case, would result in unnecessary hardship; and provided, that the spirit of Section 11.22.010 shall be observed, public safety and welfare secured, and substantial justice done. A request for a variance may be granted upon the finding of the City Engineer that the following conditions have been met: (1) That the sight obstruction would not prevent a driver from taking evasive maneuvers to prevent an accident; (2) That a strict enforcement of Section 11.22.010 would result in an unnecessary hardship upon the individual requesting the variance; (3) That the

existing alleged sight obstruction does not prevent a clear and unobstructed crossview of persons or objects approaching the intersection; and (4) That granting the variance desired will not be opposed to the general spirit and intent of Section 11.22.010.

(c) Appeal. Any Person, official or governmental agency dissatisfied with any order or determination of the City Engineer may appeal such order or determination to the City Council within ten (10) days of the issuance of the order. An appeal taken to the City Council shall be conducted in accordance with the provisions of Section 2.04.235 of the Code of the City of Wichita.

(d) Review of Existing Variances. Any variance to the sight obstruction ordinance that has been granted in the past shall be subject to review by the City Engineer at any time after a one-year (1) period has passed from the date the variance was granted. In said review, the City Engineer shall determine if all necessary conditions upon which the first variance was granted still exist. If the conditions necessary for granting the variance do not exist, the City Engineer shall withdraw the variance. The property owner shall thereafter remove the sight obstruction within twenty (20) days after the City Engineer withdraws the variance or shall appeal the City Engineer's ruling to the City Council within twenty (20) days after the City Engineer withdraws the variance. The property owner shall be given notice of the fact that a hearing is to be held to review the variance previously granted by the City Engineer in the same manner as described in Section 11.22.040(a) and said notice shall be given at least twenty (20) days in advance of the date the hearing is scheduled. The Traffic Engineer shall have the authority to request the City Engineer to review any variance previously granted.

SECTION 2. The original of Section 11.22.050 of the Code of the City of Wichita, Kansas, are hereby repealed.

SECTION 3. 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