

First Published in the Wichita Eagle on *February 13,* 2009

RESOLUTION NO. 4-09

A RESOLUTION ADOPTING BY REFERENCE THE WICHITA-SEDGWICK COUNTY SUBDIVISION REGULATIONS, DECEMBER 4, 2008, EDITION, PREPARED BY THE METROPOLITAN AREA PLANNING COMMISSION; PROVIDING FOR PENALTIES AND PROSECUTION OF VIOLATIONS THEREOF; AMENDING APPENDIX C OF THE SEDGWICK COUNTY CODE; AND REPEALING THE WICHITA-SEDGWICK COUNTY SUBDIVISION REGULATIONS WHICH WERE ADOPTED ON MARCH 17, 1999, BECAME EFFECTIVE ON JANUARY 28, 1999, AND WERE LAST AMENDED ON MAY 25, 2006.

WHEREAS, the Board of County Commissioners ("Board") is authorized by K.S.A. 12-741, et seq., to adopt subdivision regulations for all or any portion of the unincorporated area of Sedgwick County, Kansas, upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission ("MAPC"); and,

WHEREAS, the MAPC has held a public hearing as required by law and has made recommendations to the Board for the adoption of such regulations; and,

WHEREAS, the Board desires to adopt the recommendations of the MAPC and to enact and adopt the resulting subdivision regulations for a portion of the unincorporated area of Sedgwick County, Kansas, in the form of a standard code; and,

WHEREAS, the MAPC has prepared a standard code entitled the "Wichita-Sedgwick County, Kansas, December 4, 2008, Edition," which code incorporates all of the foregoing recommendations; and,

WHEREAS, the Board is authorized by K.S.A. 12-3301, et seq., to adopt by reference certain standard codes after notice and hearing.

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

SECTION 1. The Board hereby adopts and enacts in its entirety of a standard code of subdivision regulations for a portion of the unincorporated area of Sedgwick County, Kansas, entitled: "Wichita-Sedgwick County Subdivision Regulations, December 4, 2008, Edition," containing Articles 1-13. Said Code is hereby referred to as the "Subdivision Regulations." Said Code is hereby referred to as the "Subdivision Regulations."

SECTION 2. The Board finds that the notice of hearing on the adoption of the Subdivision Regulations was published in the official county newspaper as required by K.S.A. 12-3303.

SECTION 3. The Subdivision Regulations are hereby made applicable to the designated portion of the unincorporated area of Sedgwick County, Kansas, identified within the General Provisions of said Subdivision Regulations establishing jurisdiction thereof.

SECTION 4.

- (A) Except as otherwise provided, violations of the Subdivision Regulations are deemed Class I violations of the Sedgwick County Code and are punishable by a fine not exceeding five hundred dollars (\$500.00). With respect to violations of the Subdivision Regulations that are continuous as to time, each day's violation constitutes a separate offense.
- (B) The imposition of a penalty does not prevent revocation or suspension of a license, permit or franchise.
- (C) Violations of the Subdivision Regulations that are continuous as to time may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent equitable relief.
- (D) The Subdivision Regulations shall be enforced pursuant to the code for enforcement of county codes and resolutions (K.S.A. 19-4701, et seq.); applicable provisions of the Sedgwick County Code; and such other methods of enforcement available at law.
- (E) In this section, "violations of the Subdivision Regulations" shall mean: (i) doing an act that is prohibited or made or declared unlawful, an offense or a violation by resolution; (ii) failure to perform an act that is required by a resolution or by rule or regulation authorized by resolution; (iii) failure to perform an act if failure is declared a violation or an offense or unlawful by resolution or by rule or regulation authorized by resolution, including failure to abide by the plans and specifications, conditions and/or requirements of any permit issued pursuant to the Subdivision Regulations.
- (F) In this section, "violation(s) of the Subdivision Regulations" does not include the failure of a county officer or county employee to perform an official duty unless it is provided within the Subdivision Regulations that failure to perform the duty is to be punished as provided in this section.

SECTION 5. Appendix C of the Sedgwick County Code is hereby repealed, and the Wichita-Sedgwick County Subdivision Regulations, December 4, 2008, Edition, is hereby adopted in its place as new Appendix C.

SECTION 6. One copy of the Subdivision Regulations shall be marked in accordance with K.S.A. 12-3304 and deposited in the office of the County Clerk. A copy of this resolution shall be attached to each copy of the Subdivision Regulations.

SECTION 7. This Resolution shall be effective upon its adoption and publication once in the official County newspaper.

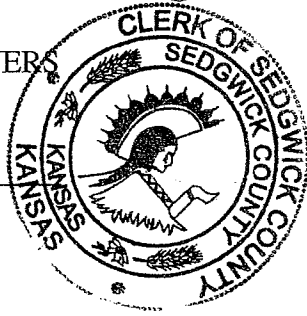
Commissioners present and voting were:

DAVID M. UNRUH	<u>Aye</u>
TIM R. NORTON	<u>Absent</u>
KARL PETERJOHN	<u>Aye</u>
KELLY PARKS	<u>Aye</u>
GWEN WELSHIMER	<u>Aye</u>

Dated this 21 day of January, 2009.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

Kelly Parks
KELLY PARKS, Chairman
Commissioner, Third District



ATTEST:

Kelly B. Arnold
Kelly B. Arnold, County Clerk

APPROVED AS TO FORM:

Robert W. Parnacott
Robert W. Parnacott,
Assistant County Counselor