

(First published in *The Wichita Eagle*, on April 29, 2016)

ORDINANCE NO. 50-188

AN ORDINANCE ADMENDING SECTIONS 11.22.010 AND 11.22.050 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO INTERSECTIONS AND REPEALING THE ORIGINALS THEREOF.

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

SECTION 1. Section 11.22.010 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

Sec. 11.22.010. - Obstructing view prohibited.

The Traffic Engineer or the Traffic Engineer's designee shall determine, based on engineering judgment, the AASHTO publication, "A Policy on Geometric Design of Highways and Streets," (current edition), and this Section, if a sight obstruction exists. Sight obstructions shall be prohibited at controlled and uncontrolled intersections of public streets.

Uncontrolled Intersections. In all areas, on private or public property at any corner formed by intersecting streets, it is unlawful to install, set out, maintain, allow to remain, or allow the installation, setting out or maintenance of any sign, fence, hedge, shrubbery, natural growth or any other obstruction to view, regardless of nature, within the vision triangle as determined by a triangle whose sides are ninety feet measured along the centerlines of the approach streets from their point of intersection.

Controlled Intersections. In all areas, on private or public property, at any corner formed by intersecting streets where the Right-of-Way is assigned to the major street and the minor street is stop-controlled, it is unlawful to install, set out, maintain, allow to remain, or allow the installation, setting out or maintenance of any sign, fence, hedge, shrubbery, natural growth or any other obstruction to view, regardless of nature, within the vision triangle. This vision triangle shall have its shorter side equal to one-half ($\frac{1}{2}$) the major street width plus fifteen (15) feet and the longer side equal to distance determined in the following tables:

Required Sight Distance
Sight Restriction to the Left (ft.)

Approximate Width of Major Street (ft.)	Major Street Number of Lanes	Major Street Parking	Major Street Speed Limit (mph)						
			25	30	35	40	45	50	55
30	2	No	165	200	230	265	300	330	365
40	2	Yes	185	220	260	295	330	365	405
50	4	No	185	220	260	295	330	365	405
44	2	Yes	190	225	265	300	340	375	415
44	4	No	190	225	265	300	340	375	415
48	2	Yes	190	230	270	305	345	380	420
48	4	No	190	230	270	305	345	380	420
64	4	Yes	200	240	280	320	365	405	445
64	4	No	200	240	280	320	365	405	445

Required Sight Distance
Sight Restriction to the Right (ft.)

Approximate Width of Major Street (ft.)	Major Street Number of Lanes	Major Street Parking	Major Street Speed Limit (mph)						
			25	30	35	40	45	50	55
30	2	No	195	235	270	310	350	390	430
40	2	Yes	205	245	280	325	365	405	445
40	4	No	215	255	300	340	385	425	470
44	2	Yes	210	250	295	335	375	420	460
44	4	No	220	265	310	350	395	440	485
48	2	Yes	215	255	300	340	385	425	470
48	4	No	230	270	320	365	410	455	500
64	4	Yes	255	305	355	405	455	505	560
64	4	No	265	320	370	425	475	530	580

SECTION 2. Section 11.22.050 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

Sec. 11.22.050. - 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 on the record of the hearing before the City Engineer.

(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 3. The original of Sections 11.22.010 and 11.22.050 of the Code of the City of Wichita, Kansas, are hereby repealed.

SECTION 4. 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 26th day of April, 2016.

Jeff Longwell, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Jennifer Magaña
Director of Law and City Attorney