

(Published in the Wichita Eagle on December 16, 2016)

ORDINANCE NO.50-385

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

SECTION 1. Purpose of the Ordinance. It is declared to be the purpose of the act to promote the development of property by permitting the construction of public infrastructure projects through private contract and financing, and to have authority over private infrastructure deemed to have significant impact to City of Wichita infrastructure.

SECTION 2. Application of the Ordinance. This ordinance applies to all infrastructure improvements constructed under private contract. Two situations are addressed:

- 1) City of Wichita public infrastructure in public easement or right-of-way constructed by private contract and financing;
- 2) Private infrastructure consisting of either fire service lines, private utility service lines exceeding a certain size as defined in Table 1 in Section 3, private streets required to be built to City Standards by the Metropolitan Area Planning Commission (MAPC) or drainage improvements to meet NPDES requirements as defined in Ordinance 16.32;

All other private construction on private property must meet applicable building codes administered and inspected by the Metropolitan Area Building and Construction Department (MABCD).

This ordinance does not apply to sidewalk or driveway construction authorized and inspected under a valid permit issued by the City Engineer's Office defined in Title 10 of the Municipal Code.

SECTION 3. City plan review and approval. The owner/developer shall contract with a licensed professional engineer in the State of Kansas to have the necessary plans, drawings and supporting design calculations prepared for the project, meeting all City of Wichita design standards and special provisions. All plan submittals should be formatted with the standard coversheet for each project type. Any structure adjustment or fire hydrant assembly work as defined in Section 4 can be submitted on a single plan sheet with all necessary details sheets referenced as defined on the standard coversheet provided by the City Engineer's Office.

All public easement documents shall utilize the standard form provided by the City Engineer's Office. Any easement required for infrastructure construction shall be reviewed and approved by the City Engineer prior to recording. The recording of the approved document is the responsibility of the owner/developer. The owner/developer shall provide evidence the document has been recorded with the County prior to plan approval.

Table 1: Private Project Requirements

<u>Infrastructure Type</u>	<u>Application Thresholds</u>
Water	- plan/profile for any public water line - plan/profile of any fire service line from the tap to the building or furthest hydrant - plan/profile from main to vault on any domestic service over 2", plan of the rest of the line - plan/profile for any fire hydrant assembly or vault (structure) adjustment
Sewer	- plan/profile for any public or private sewer 8" and larger - any manhole adjustment
Drainage	- plan/profile for any public storm sewer - plan/profile for private storm sewer 12" and larger - any structure adjustment
Paving	- median cuts/construction of medians in right-of-way - all public street or any private street required by MAPC

SECTION 4. Fees. A plan review fee shall be required with the first submittal of the plans according to the fee schedule established in Table 2 below. Projects in excess of two reviews that fail to address City comments shall be subject to additional review fees as outlined in Table 3. The base fee listed in Table 2 is intended for the design of projects that install or adjust structure(s) or fire hydrant assemblies. All applicable fees shall be paid in full prior to final plan approval.

After the submittal of record drawings, no more than two field inspections by City staff will be completed without additional fees paid by the inspecting firm based on the fee schedule in Table 3. All fees shall be paid in full prior to issuance of the certificate of acceptance.

Review fees may be adjusted in an amount equal to the change in the Consumer Price Index for all Urban Consumers (CPI-U) for the preceding year or by new cost study completed by City of Wichita Finance staff. All fee adjustments will be approved by the City Council.

Table 2: Fees

<u>Water</u>		<u>Sewer</u>	
	Plan/Field Review*		Plan/Field Review*
100' or less	\$720	100' or less	\$770
100'-500'	\$1,045	100'-500'	\$1,030
500'-1000'	\$1,490	500'-1000'	\$1,450
Over 1000'	\$1,865	Over 1000'	\$1,860
<u>Drainage</u>		<u>Paving</u>	
	Plan/Field Review*		Plan/Field Review*
100' or less	\$690	100' or less	\$770
100'-500'	\$980	100'-500'	\$1,095
500'-1000'	\$1,230	500'-1000'	\$1,460
Over 1000'	\$1,655	Over 1000'	\$1,810
Base Fee (all structure adjustments)			\$250

*The plan/field review is limited to two reviews per project (preliminary/final plan review and initial/defect field inspection) and then additional fees listed in Table 3 will be charged.

Table 3: Additional Fees

Each Additional Review	Each Additional Inspection
\$150	\$185

SECTION 5. Bonding requirements for City of Wichita public infrastructure projects. After plans are approved, the required agreements and guarantees as listed below must be filed with the City Engineer a minimum of three (3) working days prior to any construction activity, subject to limitations described in Section 6.

A Performance and Maintenance Bond shall be provided by contractor completing/installing the work being bonded for 100% of the cost of the improvement to guarantee to the City the performance of the work as provided in the plans and specifications. The Maintenance provision guarantees to the City the correction of any defect in materials or workmanship, latent in character, and not discernible at the time of final acceptance; and guarantees against any damage to such improvements by reason of settling of the ground base or foundation thereof. This guarantee shall be held by the City for a period of two (2) years after the formal acceptance of the project and shall provide that the deposit may be applied by the City for any amounts incurred in correction of defects.

A Statutory Payment Bond shall be provided by the contractor completing/installing the work being bonded for 100% of the cost of the improvement to guarantee to the State of Kansas the payment of all materials, labor, machinery, and damage to property or persons. This bond must be filed with the Clerk of the District Court in the Sedgwick County Courthouse and the original receipt must be submitted to the City Engineer.

Any private infrastructure project that will be privately owned and maintained does not require Performance and Maintenance or Statutory Payment Bonds. Said bonds will be required for work in the right-of-way or easement including the connection point(s) of a private system into the public system.

SECTION 6. Construction. Construction may commence only after the required bonds and plans are submitted and approved by the City Engineer. Any unauthorized installation of improvements under this ordinance will be documented by the City Engineer and any buried work shall be exposed for inspection. Unauthorized activity and non-compliance with requirements shall cause the contractor to be listed as not financially responsible and therefore not eligible to bid or perform work on future City projects and will not be issued permits for work within the right-of-way until the unauthorized activity is remediated and all fees are paid.

All infrastructure improvements constructed under private contract must be inspected, certified by a professional engineer licensed in the State of Kansas, and approved by the City to assure compliance with approved plans. All inspection services shall be performed in accordance with City of Wichita standard construction engineering practices. The City reserves the right to complete construction inspection services of any work within the right-of-way or easement at the owner's expense. The City will inspect all private paving projects on major collectors and arterial streets as defined by the Wichita Area Metropolitan Planning Organization (WAMPO) at the owner's expense. An agreement between the owner and the City shall be approved by both parties prior to construction commencing.

Water samples shall be submitted to the City Water Utilities Lab for testing. All costs associated with testing, permits required for construction and taps are the responsibility of the owner/contractor. All applicable fees shall be paid in full prior to completion of said work.

Any pavement (street, curb, sidewalk, driveway approach, etc.) in public right-of-way removed or disturbed during construction of a private utility project shall be replaced through a pavement cut permit administered by the City Engineer's Office, unless said pavement is included in a Private Paving Project.

The owner/contractor shall coordinate a "start work" date with the City Engineer's Office and inspection firm in writing.

The City reserves the right to perform spot inspections at any time during construction. If construction is not being performed according to plans and specifications or not in an appropriate manner, the City reserves the right to 1) require the contractor to uncover for inspection any portion of the project already buried, 2) refuse to accept any of the completed work until acceptable remedial action has been taken, 3) stop construction until discrepancies are resolved, 4) complete construction inspection services of any work within the right-of-way or easement at the owner's expense and/or 5) hold an associated building permit or certificate of occupancy.

SECTION 7. Project Completion. Upon completion of all improvements, the engineering firm responsible for inspection shall conduct a final inspection of all improvements installed with said project. The inspecting firm shall provide the City Engineer Final Record Drawings (As-Builts) along with all applicable: inspection logs, test documentation, video documentation, daily work reports, TV Videos, tap records, pipe certifications, required measurements, and final walk through check list.

The City Engineer's Office will perform an inspection of visible structures and review the submitted documentation. If such inspection indicates that there are any defects or deficiencies in such improvements as installed the City shall confirm in writing and send to the inspecting firm with a copy to the contractor for corrective measures to be taken. Following the issuance of deficiencies notification, the contractor shall have thirty (30) days to correct said deficiencies. Defects or deficiencies not corrected by the contractor will be submitted to the bonding surety for correction. Submittal to a contractor's bonding company will deem them not financially responsible and unable to bid on City projects or perform work within the right-of-way.

The inspecting firm shall re-submit final documentation when all corrections have been made and will submit certification by a licensed professional engineer in the State of Kansas that all improvements have been constructed according to City of Wichita plans, standards and specifications. The City Engineer will then release the project through a Certificate of Acceptance at which time all warranties shall begin. Defects or deficiencies not corrected by the contractor will be submitted to the bonding surety for correction.

SECTION 8. Effective date. This Ordinance shall take effect and be in full force from and after its adoption by the City Council of the City, and publication once in the official newspaper of the City.

PASSED BY THE GOVERNING BODY, this 13th day of December, 2016.

Jeff Longwell, Mayor
City of Wichita

ATTEST:

Karen Sublett,
City Clerk

Approved as to Form:

Jennifer Magana City Attorney & Director of Law