

RESOLUTION NO.

Date Adopted:

Date Published/Effective:

A RESOLUTION TO AMEND THE BUILDING CODE WITHIN ARTICLE 2 OF THE WICHITA-SEDGWICK COUNTY UNIFIED BUILDING AND TRADE CODE, SUCH THAT PROVISIONS THAT ENHANCE, MODIFY, OR OTHERWISE EXCEED THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT OR EXPAND THE APPLICATION OF SUCH PROVISIONS THAT PERTAIN TO THE WICHITA-SEDGWICK COUNTY UNIFIED BUILDING AND TRADE CODE SHALL BE CONSIDERED NULL AND VOID WITHIN THE SEDGWICK COUNTY JURISDICTION.

WHEREAS, pursuant to K.S.A. 19-101d, the Kansas State Legislature granted the Board of County Commissioners of Sedgwick County the authority to enforce all resolutions passed pursuant to county home rule powers; and

WHEREAS, K.S.A. 19-4701 *et seq.* established the code for the enforcement of county codes and resolutions; and

WHEREAS, on the 25th day of August, 1993, the Board of County Commissioners adopted Resolution No. 159-1993, which resolution adopted the Sedgwick County Code; and

WHEREAS, the Board of County Commissioners and the City of Wichita consolidated code enforcement from their respective jurisdictions within the Metropolitan Area Building and Construction Department in Sedgwick County Resolution No. 135-2012 and City of Wichita Ordinance No. 49-333; and

WHEREAS, the Board of County Commissioners adopted the Wichita-Sedgwick County Unified Building and Trade Code ("UBTC") pursuant to Sedgwick County Resolution 175-2012;

WHEREAS, various provisions within the UBTC and various documents, codes, standards, and portions thereof impose requirements that enhance, modify, or otherwise exceed the provisions of the Americans with Disabilities Act, as applied to the UBTC;

WHEREAS, although the governing bodies of Sedgwick County and the City of Wichita adopted the same provisions that comprise the UBTC, pursuant to Article 1.E. of the UBTC, the UBTC shall, where appropriate, be considered the individual enactment of the respective jurisdictions;

WHEREAS, pursuant to Article 1.D of the UBTC, the "Wichita Jurisdiction" includes the defined area of the incorporated limits of the City of Wichita, Kansas; and

WHEREAS, pursuant to Article 1.D of the UBTC, the “Sedgwick County Jurisdiction” includes the unincorporated area of Sedgwick County, Kansas, as well as those second- and third-class cities within Sedgwick County that have, by action of their governing bodies, adopted the UBTC and entered into separate agreements with the County providing for the enforcement of the UBTC within their cities’ boundaries.

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, AMENDS THE WICHITA-SEDGWICK COUNTY UNIFIED BUILDING AND TRADE CODE AS FOLLOWS:

SECTION 1. *Section 2.2.1065 is added and states as follows:*

Sec. 2.2.1065. – Standards for accessibility to physically disabled persons within the Sedgwick County Jurisdiction.

Within the Sedgwick County Jurisdiction, the Americans with Disabilities Act, as codified within Title 42, chapter 126 of the United States Code, along with any amendments thereto, associated federal regulations, and additional requirements identified by the United States Department of Justice (hereinafter collectively referred to as “the ADA”), shall apply as the sole and exclusive provisions governing accessibility and use requirements for physically disabled persons and all other matters addressed within the ADA that pertain to any of the separate building and trades codes included within the UBTC. Within the Sedgwick County Jurisdiction, the provisions of the ADA shall supersede all provisions otherwise located within the UBTC and the documents, codes, standards, and portions thereof incorporated by reference into the UBTC. Within the Sedgwick County Jurisdiction, any such provisions that enhance, modify, or in any way exceed the requirements of the ADA or expand the application of ADA requirements beyond the scope required by the ADA shall be considered null and void.

Exceptions: An exception shall exist such that certain buildings, as indicated by federal statutes and regulations, may be required to comply with federal Fair Housing Act requirements. An additional exception exists pursuant to K.S.A. 58-1401 *et seq.*, which requires specific dwellings constructed with public financial assistance to follow certain accessibility standards.

SECTION 2. *Section 2.2.1070 entitled “Section 1101.2 amended” is amended to apply only within the Wichita Jurisdiction, but within the Sedgwick County Jurisdiction, the requirements of the Americans with Disabilities Act shall still apply.*

SECTION 3. *Section 2.2.1080 entitled “Accessible unisex toilet room in Group A” is amended to apply only within the Wichita Jurisdiction, but within the Sedgwick County Jurisdiction, the requirements of the Americans with Disabilities Act shall still apply.*

SECTION 4. *Section 2.2.1090 entitled “Group R occupancies: Hotels, motels, lodging houses, congregate residences and other transient lodging facilities” is amended to apply*

only within the Wichita Jurisdiction, but within the Sedgwick County Jurisdiction, the requirements of the Americans with Disabilities Act shall still apply.

SECTION 5. Section 2.2.1100 entitled “Self-service storage facilities” *is amended to apply only within the Wichita Jurisdiction, but within the Sedgwick County Jurisdiction, the requirements of the Americans with Disabilities Act shall still apply.*

SECTION 6. Section 2.2.1110 entitled “Signage” *is amended to apply only within the Wichita Jurisdiction, but within the Sedgwick County Jurisdiction, the requirements of the Americans with Disabilities Act shall still apply.*

SECTION 7. Section 2.2.1120 entitled “Parking: Location” *is amended to apply only within the Wichita Jurisdiction, but within the Sedgwick County Jurisdiction, the requirements of the Americans with Disabilities Act shall still apply.*

SECTION 8. Section 2.2.1130 entitled “Counters and bars” *is amended to apply only within the Wichita Jurisdiction, but within the Sedgwick County Jurisdiction, the requirements of the Americans with Disabilities Act shall still apply.*

SECTION 9. Section 2.2.1140 entitled “Parking space design” *is amended to apply only within the Wichita Jurisdiction, but within the Sedgwick County Jurisdiction, the requirements of the Americans with Disabilities Act shall still apply.*

SECTION 10. Publication.

Upon the adoption of this Resolution, the Clerk of Sedgwick County shall publish this Resolution once in the official county newspaper. This Resolution shall take effect upon said publication.

Commissioners present and voting were:

DAVID M. UNRUH	_____
TIM R. NORTON	_____
KARL PETERJOHN	_____
RICHARD RANZAU	_____
JAMES M. HOWELL	_____

Dated this _____ day of _____, 2015.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

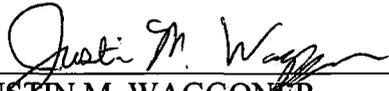
ATTEST:

KELLY B. ARNOLD, County Clerk

RICHARD RANZAU, Chairman
Commissioner, Fourth District

KARL PETERJOHN, Chair Pro Tem
Commissioner, Third District

APPROVED AS TO FORM:



JUSTIN M. WAGGONER
Assistant County Counselor

DAVID M. UNRUH
Commissioner, First District

TIM R. NORTON
Commissioner, Second District

JAMES M. HOWELL
Commissioner, Fifth District