

## **RESOLUTION NO.**

Date Adopted:

Date Published:

**A RESOLUTION TO AMEND THE WICHITA-SEDGWICK COUNTY UNIFIED BUILDING AND TRADE CODE BY ADDING A PROVISION TO LIMIT CODE ENFORCEMENT ACTIONS TO ANY LAWS, INCLUDING BUT NOT LIMITED TO STATUTES, REGULATIONS, CODES, RESOLUTIONS, AND ORDINANCES, THAT ARE APPLICABLE WITHIN THE JURISDICTION OF THE PROPERTY THAT IS THE SUBJECT OF THE CODE ENFORCEMENT ACTION.**

**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; and

**WHEREAS**, the Board of County Commissioners believes there is a need to limit code enforcement actions under the UBTC to any laws that might be applicable, and to prevent the enforcement of any requirements that may not be included within any such laws.

**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. Article 1, Section 4.1(f) is added and states as follows:**

**Sec. 4.1(f) – Limitation of code enforcement action.**

Code enforcement officers will only enforce the provisions contained or incorporated within the Unified Building and Trade Code or as otherwise required by applicable law. When the Unified Building and Trade Code, the provisions incorporated within it, and

any other applicable law do not address an issue that is presented, the code enforcement officers shall give prerogative of such issue to the contractor or homeowner who is completing the work. For purposes of this provision, "applicable law" shall include but not be limited to all statutes, regulations, codes, resolutions, and ordinances that might apply to the specific property in question.

## **SECTION 2. Publication and effective date.**

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 the first day of July, 2015.

Commissioners present and voting were:

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

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Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

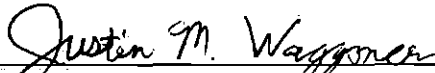
ATTEST:

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KELLY B. ARNOLD, County Clerk

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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

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TIM R. NORTON  
Commissioner, Second District

\_\_\_\_\_  
JAMES M. HOWELL  
Commissioner, Fifth District