

LEGAL NOTICE

of floodwater.

(Ord. No. O-81-21, § 2, 6-24-2021)
Sec. 8-636. Construction inspections.

(a) Inspections. Regular inspections of the stormwater management system construction shall be the responsibility of the project designer (certifying professional engineer) or other owner's representative who has been approved by the county engineer. Inspection results of said inspections shall be forwarded to the county engineer. The property owner/developer shall notify the county engineer before beginning construction of any stormwater treatment facility and shall keep the county engineer advised as to the progress of the work and any changes in the schedule. For certain types and locations of stormwater treatment facilities, the county engineer may at their discretion require additional or parallel inspections by unified government staff. A final inspection will be required by the unified government before a certificate of occupancy and/or temporary certificate of occupancy can be released.

(b) The unified government may also require the property owner/developer to retain a third party inspector, if at the county engineer's discretion, the complexity of the stormwater treatment facility, inexperience by the property owner's contractor, or harsh site conditions warrant the need for full-time third party inspection staff.

(c) In addition to inspections established under previously adopted or subsequently amended unified government regulation of buildings and development, the county engineer may during the construction period inspect any stormwater treatment facility required under this article to ensure that it is correctly installed and adequately protected from construction phase sedimentation.

(Ord. No. O-81-21, § 2, 6-24-2021)
Sec. 8-638. Protection, maintenance and repair of facilities.

(a) Protection of stormwater treatment facilities. No person shall remove, destroy, or otherwise impair the effectiveness of any stormwater treatment facility either installed in compliance with this chapter or installed voluntarily not as part of a development or redevelopment activity.

(b) Maintenance responsibility. The property owner on whose land the stormwater treatment facility has been constructed pursuant to this chapter and any other person or agent in control of such land, shall maintain the stormwater treatment facility in good condition and promptly repair and restore all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sediment control measures, and other protective devices. Such repairs or restoration and maintenance shall be in accordance with relevant agreements, plans and reports accepted by the county engineer and any amendments thereto.

(c) Required maintenance agreement. Prior to issuance of any permit that includes construction of a stormwater treatment facility, the applicant or property owner of the site shall provide a maintenance agreement for approval by the county engineer. At a minimum, the maintenance agreement shall:

(1) Identify the responsible party

LEGAL NOTICE

(with contact information) for those individuals responsible for maintaining all stormwater treatment facilities;

(2) Include an attachment showing the locations and dimensions of all stormwater treatment facilities;

(3) Provide access for the responsible party to maintain all stormwater treatment facilities, as well as right of access to the unified government as provided in other sections of this chapter;

(4) Establish minimum frequency and levels of maintenance to be completed;

(5) Establish the frequency of inspections;

(6) Identify the unified government's rights in the event that the responsible party fails or is unable to perform the obligations of the maintenance agreement;

(7) Clarify how modifications or additions can be made to the maintenance agreement; and

(8) The maintenance agreement shall be recorded in the Wyandotte County Register of Deeds and associated with all lots with stormwater treatment facility maintenance responsibilities.

(d) Notice on plat or title. The final plat shall contain language approved by the county engineer to provide notice of facility presence and maintenance obligations. Said deed restriction shall be recorded with the unified government records and tax administration concurrent or prior to recording of the final plat or approval of final plans. The notice shall run with the land and failure to provide this notice to any purchaser prior to transferring any interest in the property shall be in violation of this chapter. The notice shall be in a form approved by the county engineer and substantially as set forth below:

(1) "Notice: This site includes Stormwater Treatment Facilities, as defined and regulated in the Unified Government Code. Restrictions on the use or alteration of the said Facilities may apply. This property is also subject to the obligations and requirements of the Stormwater Treatment Facility Maintenance Agreement approved by the County Engineer or his/her designee."

(2) When the development involves a final plat, this notice shall appear on the face of the plat, as recorded. When the proposals do not involve a final plat, a drainage easement shall be granted by separate instrument and be recorded at the Wyandotte County Register of Deeds, and shall include the legal description of the property, the current owner, and other reference to the project, and the notarized signature of the property owner or owners.

(e) Dedicated tracts or easements. All stormwater treatment facilities shall be located in a separate tract dedicated for this purpose; provided however, if the stormwater treatment facility serves lands from only one lot and is located on the lot served, then the stormwater treatment facility may be located within a drainage easement dedicated for this purpose. In all cases, the tract or drainage easement shall adjoin a public right-of-way or shall include provisions for access from a public right-of-way to the stormwater treatment facility for the benefit of the property owner, legally responsible for the facility and maintenance of facility, and the county engineer for

LEGAL NOTICE

periodic inspection of the stormwater treatment facility. The use of and the restrictions placed on all such tracts and drainage easements shall be binding on subsequent property owners on which the stormwater treatment facility is located. Whenever possible, a dedicated tract or drainage easement shall be made part of a final plat recorded at the Wyandotte County Register of Deeds. However, whenever it is not possible or practical as determined by the county engineer, a drainage easement shall be recorded by separate instrument by the property owner at the Wyandotte County Register of Deeds and recorded copy provided to the county engineer.

(f) Maintenance inspections and certifications by property owner. The property owners of all stormwater treatment facilities, except for distributed facilities serving individual residential lots, must submit a maintenance certification report to the county engineer on or before the first day of November of each year. The maintenance certification report shall be completed and sealed by a registered professional engineer, landscape architect in the State of Kansas or Certified Stormwater manager, unless the county engineer approves other qualified professionals to perform these duties. The person performing the inspection and certifying the stormwater treatment facilities must be an unaffiliated third party engaged in performing these duties and not a direct employee of the owner or the lessee of the property. Such maintenance certification report shall document each item including, but not limited to, the need for removal of silt, litter and other debris, grass cutting, removal of undesirable vegetation, and replacement of landscape vegetation or other specific items noted in the maintenance agreement. Any maintenance needs found must be documented and addressed in a timely manner, as determined by the county engineer, and the inspection and maintenance frequency required may be increased as deemed necessary to ensure proper functioning of the stormwater treatment facility.

(g) Inspection of stormwater treatment facilities by the unified government. The county engineer may establish an inspection program, including but not limited to routine inspections, random inspections, inspections based upon complaints or other notice of possible violations, inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants, inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the NPDES stormwater permit, and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records, sampling discharges, surface water, groundwater, and material or water in drainage control facilities, and evaluating the condition of drainage control facilities and other stormwater treatment practices.

(h) Right of entry for inspection. When any stormwater treatment

LEGAL NOTICE

facility is installed on private property, or when any new connection is made between private property and a public storm sewer system, the property owner shall grant to the unified government in a manner and form acceptable to the county engineer, the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this article is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this article.

(i) Records of installation and maintenance activities. Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation and of all maintenance and repairs and shall retain the records for at least five years. These records shall be made available to the county engineer during inspection of the facility and at other reasonable times upon request and at a minimum shall be submitted with the annual certification package.

(j) Failure to maintain practices. If a responsible party fails or refuses to meet the requirements of the maintenance agreement, the county engineer, after reasonable notice, may correct a violation of the stormwater treatment standards or maintenance needs by performing all necessary work to place the facility in proper working condition.

(k) Public safety threat. In the event that the stormwater management facility becomes a danger to public safety or public health, the county engineer shall notify the party responsible for maintenance of the stormwater management facility in writing. Upon receipt of that notice, the responsible person shall have 30 days to effect maintenance and repair of the facility in an approved manner. In the event of an emergency, when the county engineer determines that the facility poses an immediate danger to life or property, no notification period shall be required prior to beginning mitigation work. After proper notice, the county engineer will enforce the maintenance provisions of this chapter with any or all of the following enforcement measures:

(1) Notice of violation. The county engineer is authorized to serve a notice of violation or order on any person or entity responsible for maintaining the facility. Such notice shall order abatement of the violation by the responsible person or entity.

(2) Lien on property. The county engineer may assess the property owner(s) of the facility for the cost of repair work and any penalties as authorized by law; and the cost of the work shall be a lien on the property, or assessed against the property owners defined on the plat or other registered document, and may be placed on the tax bill and collected as ordinary taxes by the unified government.

(Ord. No. O-81-21, § 2, 6-24-2021)
Section 2. This ordinance shall take effect and be in full force from and after the passage, approval, and publication in the official Unified Government newspaper.

PASSSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE

LEGAL NOTICE

COUNTY/KANSAS CITY, KANSAS,
THIS 7th DAY OF May, 2025.

Attest:

Unified Government Clerk

Approved As To Form:

Daniel Kuhn, Assistant Counsel
(First published 5-28-26)

1t-The Wyandotte Echo-5-28-26

ORDINANCE NO. O-57-26

An ordinance amending Chapter 19, article VII – Alarm Businesses and Systems of the Code of Ordinances for the Unified Government of Wyandotte County / Kansas City, Kansas.

WHEREAS, the Unified Government Code of Ordinances currently provides for the registration of alarm systems and fines for excessive false alarms;

WHEREAS, the Kansas City, Kansas Police Department and Kansas City, Kansas Fire Department have found that the current number of false alarms places a significant burden on their time and resources;

WHEREAS, certain sections of Chapter 10, article VII – Alarm Businesses and Systems of the Code of Ordinances for the Unified Government of Wyandotte County / Kansas City, Kansas no longer reflect current alarm usage and technologies;

WHEREAS, the reduction of false alarms and clearly defined alarm user responsibilities benefit residents as well as the Unified Government;

NOW THEREFORE,

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY / KANSAS CITY, KANSAS:

Section 1. That Chapter 19 – Licenses, Permits and Miscellaneous Business Regulations, article VII – Alarm Businesses and Systems, of the Code of Ordinance for the Unified Government of Wyandotte County / Kansas City, Kansas, is amended to read as follows:

Sec. 19-182. Purpose.

The purpose of this article is to encourage alarm users and alarm businesses to maintain the mechanical reliability of and to properly use alarm systems, to prevent unnecessary police and fire emergency response to false alarms, and to protect the emergency response capability of the city from misuse.

(Code 1988, § 19-461; Ord. No. 65971, § 1, 12-22-1994)

Sec. 19-183. Definitions.

The following words, terms, and phrases, when used in this article, have the following meanings, except where the context clearly indicates a different meaning.

Alarm business means the business of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, monitoring, or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system.

Alarm coordinator means the individual or contractor designated by the police chief and/or fire chief to administer the provisions of this article.

Alarm dispatch request means a notification to the police communications center or to the fire department that an alarm, either manual or automatic, has been activated at a particular location.

Alarm signal means a detectable