

CITY OF MISSION, KANSAS
COMMUNITY DEVELOPMENT COMMITTEE

WEDNESDAY, AUGUST 2, 2017

7:30 p.m.

(or immediately following 6:30 p.m. Finance & Administration Committee Meeting)

Mission City Hall

PUBLIC COMMENTS

PUBLIC PRESENTATIONS / INFORMATIONAL ONLY

ACTION ITEMS

1. Rental Licensing Ordinance Changes - Brian Scott ([page 2](#))

In light of a state statute that was enacted July 1, 2016 prohibiting the inspection of residential dwelling units without the consent of the occupant, staff has reviewed the City's Rental Dwelling license code and developed changes that would bring Mission's code into compliance. Discussions have occurred about instituting inspections for single-family rental dwellings, but the proposed changes do not include this at this time. Staff recommends we proceed with the proposed changes to ensure that the existing multi-family dwelling inspection program is compliant with the state statute.

2. Community Center Parking Lot Improvements - John Belger ([page 35](#))

This contract will replace deteriorated pavement, maintain the newer pavement, and improve the ADA accessibility in the parking lots surrounding the Community Center with funding from the Parks & Recreation Sales Tax Fund. O'Donnell Way is recommended as the lowest and most responsive bidder in the amount of \$174,752.85.

DISCUSSION ITEMS

OTHER

3. Department Updates - Laura Smith

Kristin Inman, Chairperson
Suzie Gibbs, Vice-Chairperson
Mission City Hall, 6090 Woodson
913-676-8350

City of Mission	Item Number:	1.
ACTION ITEM SUMMARY	Date:	July 27, 2017
Administration	From:	Brian Scott

Action items require a vote to recommend the item to full City Council for further action.

RE: An Ordinance Amending Chapter 635, Rental Dwellings, of the Code of Mission.

RECOMMENDATION: Adopt the proposed Ordinance Amending Chapter 635, Rental Dwellings, of the Code of Mission.

DETAILS: K.S.A 12-16,138 provides that:

No city or county shall adopt, enforce or maintain a residential property licensing ordinance or resolution which includes a requirement for periodic interior inspections of privately owned residential property for city or county code violations unless the lawful occupant has consented to such interior inspections.

This statute became effective July 1, 2016.

The City's staff has reviewed the City's current rental license code, Chapter 635 - Rental Dwellings - for changes that would ensure conformance with the new legislation. This is primarily reflected in Section 635.090 - Periodic Inspection of Apartment Buildings - which now provides that the City shall obtain the signed consent of the lawful occupant of a rental dwelling unit prior to performing an inspection, and that the occupant shall have the right to refuse such inspection pursuant to the new state statute.

In conducting this review, staff has also taken the opportunity to make a number of proposed changes throughout the code that would provide better terms and add clarification to various provisions.

Discussion has ensued about applying the interior inspection provisions of the code to single-family rental dwelling units. A meeting was held recently with owners of such units to gain their input, and a follow-up meeting will be held in the near future for further discussion.

In the meantime, staff recommends proceeding with the proposed changes (applicable only to multi-family rental dwelling units) so as to ensure that the City's current rental license program is compliant with the state statute.

The proposed changes, as presented, DO NOT provide for inspections of single-family rental dwelling units.

CFAA CONSIDERATIONS/IMPACTS: The City's rental dwelling license code provides for the health, safety, and welfare of those that occupy rental properties in the City of Mission, and helps to ensure safe and stable neighborhoods for residents of all ages.

Related Statute/City Ordinance:	N/A K.S.A 12-16, 138 / Chapter 635 of Code of Mission
Line Item Code/Description:	N/A
Available Budget:	N/A

CITY OF MISSION
ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 635 THE CODE OF THE CITY OF MISSION, KANSAS TO REFLECT CHANGES THAT BRING THE ORDINANCE INTO COMPLIANCE WITH K.S.A 12-16,138.

WHEREAS, Chapter 635 – Rental Dwellings – of the code of Mission was adopted December 13, 2006 for the purpose of protecting the public health, safety and general welfare of the residents of Mission in rental dwellings; and

WHEREAS, K.S.A 12-16,138, which prohibits the periodic inspection of residential property without the prior consent of the occupant, became law effective July 1, 2016; and

WHEREAS, The City has review Chapter 635 and developed amendments to bring the code into compliance with K.S.A 12-16,138, as well as to provide clarification to terms provisions of the code.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Mission, Kansas:

SECTION I: Chapter 635 of the code of the City of Mission is amended as follows:

Section 635.020 Applicability.

The provisions of this Chapter shall apply to all dwellings and dwelling units offered for rent or occupancy, including single-family dwellings, multi-family dwellings and dwelling units in owner-occupied dwellings. The provisions of this Chapter shall not apply to dwellings and dwelling units occupied by the owner, and/or the owner's immediate family (whether that relationship is by blood, marriage, or adoption). Furthermore, the provisions of this Chapter shall not apply to hotels and motels licensed by the State of Kansas, convents, monasteries, parish houses or rectories, mosques, temples, synagogues, hospitals, nursing homes, jails and residential dwelling units owned and operated by any housing authority of the City.

Section 635.030 License Requirement.

No person shall allow to be occupied or rent to another for occupancy any dwelling or dwelling unit unless the owner has first obtained a license under the terms of this Chapter. This applies to people who allow to be occupied or rent to another for occupancy at the time this Chapter is implemented. Failure to obtain a required license shall be unlawful. Each day that a person fails to have a license as required by this Section shall constitute a separate offense. Upon conviction, a person may be fined up to five hundred dollars (\$500.00) or sentenced up to five (5) days in jail or both.

Section 635.040 Definitions.

As used in this Chapter, the following terms shall have these prescribed meanings:

APARTMENT BUILDING

A building or structure containing more than six (6) rental dwelling units.

DWELLING

A building or structure, or portion of a building or structure, designed for or used for human habitation.

DWELLING UNIT

Any room or group of rooms located within a dwelling and forming a single habitable unit with cooking, living, sanitary and/or sleeping facilities.

IMMEDIATE FAMILY

One's spouse, child or adopted child, father, mother, brother, sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, grandparents, or grandparent-in-law, grandchild, or any natural or adopted child or grandchild of one's spouse.

LAWFUL OCCUPANT

The occupant(s) of a dwelling or dwelling unit; or the owner of such that is unoccupied.

MANAGER

Any person who, alone or jointly or severally with others, does any of the following: shows rental dwelling units to prospective tenants; enters lease agreements on the owner's behalf; receives rent from tenants; and / or otherwise supervises the maintenance or management of the premises.

OCCUPANT

Any person(s) living, sleeping, cooking, eating or actually having possession or control of a dwelling or dwelling unit.

OCCUPANCY

The act of living, sleeping, cooking, eating or actually having possession or control of a dwelling or dwelling unit.

OWNER

Any person who, alone or jointly or severally with others:

1. Has legal title to any building with or without accompanying actual possession thereof; or
2. Has charge, care or control of any building or structure or part thereof as agent or personal representative of the person having legal title to the building or structure or part thereof; or
3. Has possession or right to possession under a contract for deed.

PERSON

Any individual, firm, corporation, association, partnership, cooperative or governmental agency.

PREMISES

The building(s) in which the rental dwelling unit(s) is located and all land appurtenant to such building(s) on a single parcel.

REGISTERED AGENT

The person designated by the owner to be the agent required by Section 635.060(1) of this Code.

RENT

To provide or to offer for possession or occupancy a dwelling or dwelling unit to a tenant for consideration, pursuant to a written, oral, or implied agreement.

RENTAL DWELLING

A dwelling or dwelling unit(s) designed for or used for human habitation and offered to a non-owner or third-party for rent and/or occupancy.

RENTAL DWELLING LICENSE

A license issued by the City permitting a dwelling or dwelling unit to be rented and/or occupied by persons other than the owner and the owner's immediate family (as related by blood, marriage, or adoption) subject to the terms of this Chapter.

SUBSTANDARD

As defined in Section 635.110.

TENANT

Any person who occupies a dwelling or dwelling unit, other than the owner, the owner's immediate family (as related by blood, marriage, or adoption), or any person residing with the owner.

Section 635.050 What The License Covers.

- A. One (1) rental dwelling license shall be issued for each premises with one or more rental dwelling units and shall be deemed to cover all such dwelling units under common ownership on the premises.
- B. The City shall have authority to exercise its licensing powers under this Chapter including the power to issue, renew, deny, revoke and suspend a rental dwelling license with respect to an entire premises or only a specific dwelling unit(s) found to be in violation of this Code.

Section 635.060 Application For Rental Dwelling License.

- A. The owner of each rental dwelling shall make written application to the City for a rental dwelling license to carry on the business of renting residential dwellings. In addition, the owner of such rental dwelling(s) constructed or converted to rental usage shall make written application to the City for a rental dwelling license as herein provided prior to initial occupancy. Such application, including application for a provisional license, shall be made on a form furnished by the City for such purpose and shall set forth the following information:

1. Owner's name, address, telephone number and date of birth. If the owner is a partnership, the name of the partnership and the name, residence address, telephone number and date of birth of the managing partner. If the owner is a corporation, the name and address of the corporation and the name, residence address, telephone number and date of birth of the chief operating officer. A post office box is not acceptable as a mailing address for any such person.
2. In cases where the owner of a rental dwelling resides outside of Johnson County, the owner shall designate a Registered Agent who shall reside within the limits of Johnson County. That registered agent's name, address and telephone number must be included on the application. A post office box is not acceptable as a mailing address for a Registered Agent. The registered agent shall be jointly and severally responsible with the owner for:
 - a. The upkeep and maintenance of the premises;
 - b. Compliance with this Chapter and all other Codes regulating the premises; and
 - c. Acceptance, service or process of all notices under this Chapter.
3. Manager's name, address, telephone number and date of birth. If some natural person other than the owner, or Registered Agent is actively involved in and responsible for the maintenance and management of the premises, that person's name, address, telephone number and date of birth must be given in the application. A post office box is not acceptable as a mailing for any person.
4. Address identifying location of the rental dwelling.
5. Number and type of rental dwelling units in any building(s)
6. Year of construction of the building(s).

No application shall be considered without payment of the fee prescribed by Section **635.220**.

Section 635.070 Expiration — Renewal.

All rental dwelling licenses issued under this Chapter shall be renewed by January first (1st) of each year and shall be subject to renewal year to year as described in this Chapter. All licensees shall apply for renewal on a form provided by the City. The renewal application may be abbreviated as deemed sufficient by the City. No renewal shall be granted without payment of the required annual license fee.

Section 635.080 Licensing Standards.

- A. The following standards and conditions shall be met in order to hold a rental dwelling license under this Chapter:
 1. The licensee or applicant shall have paid the required license fee;

2. The licensee or applicant shall have paid any and all required inspection and re-inspection fees;
3. If the licensee is a business entity required to register with the Secretary of State, then such entity shall be and remain in good standing with the Kansas Secretary of State.
4. The rental dwelling units shall not exceed the maximum number of dwelling units permitted by the zoning;
5. No rental dwelling or unit shall be over occupied or illegally occupied in violation of Title IV or Title V of this Code; 6. The rental dwelling shall not be under a condemnation as hazardous or unfit for human habitation under this Code or a State Statute;
6. The rental dwelling shall not be maintained in a substandard condition, as defined in Section 635.110. The owner shall not suffer or allow weeds, vegetation, junk, debris or rubbish to accumulate repeatedly on the exterior of the premises so as to create a nuisance condition; and
7. Rental dwellings shall remain in compliance with any and all other applicable City Codes/Buildings Codes.

Section 635.090 Periodic Inspections of Apartment Buildings.

The City shall be empowered to periodically inspect the interior and exterior of apartment buildings within the City to ensure compliance with this Chapter and other applicable Chapters, as set forth in Section 635.010. The City shall endeavor to inspect at least five percent (5%) of units in each apartment building annually, provided that a minimum of one (1) unit shall be inspected annually in each apartment building. The selection of individual units to be inspected shall be by the City pursuant to its policies.

The City shall provide reasonable prior notice and obtain the signed consent of the lawful occupant prior to performing a periodic interior inspection. The lawful occupant of a rental unit shall have the right to refuse entry for a periodic interior inspection pursuant to K.S.A. 12-16,138. If entry is refused, the City may request to enter and inspect a substitute unit within the same building or property. The City shall not seek an administrative search warrant or exercise other lawful means to enter a property solely for refusing a periodic interior inspection, but may otherwise seek entry for cause as set forth in Section 635.130.

Section 635.100 Minimum Inspection Standards.

- A. The minimum standard to be used for inspections shall be compliance with the International Property Maintenance Code, International Building Code, International Existing Building Code, International Residential Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Energy Conservation Code, and the National Electrical Code as adopted in Chapter 500 of this Code.

Section 635.110 Substandard Dwellings and Dwelling Units.

The City shall determine if a rental dwelling structure or any rental dwelling unit therein shall be considered substandard. In doing so, the City shall utilize the definitions, criteria and standards for building safety and maintenance adopted in the Municipal Code of the City of Mission or incorporated therein by reference. Pursuant to the foregoing, the City shall establish a written guideline upon which the determination will be based. A copy of said guideline shall be available for review and inspection in the City Clerk's office.

Upon a determination that a dwelling or dwelling unit is substandard, the City shall give notice of the substandard conditions found and the corrective actions to be taken, and will specify the period of time the owner or registered agent has to perform those actions before further action is taken. Owners who fail to correct substandard conditions within the allotted time may be subject to denial, non-renewal, or revocation of their license to rent the substandard dwelling or dwelling unit pursuant to Section 635.140.

Section 635.120 Hazardous or Unfit Dwellings.

When a rental dwelling or dwelling unit is determined to be unfit or hazardous pursuant to this Code or applicable Kansas Statutes, the rental dwelling license shall be revoked on the effective date of said determination. The dwelling shall be eligible to hold a rental dwelling license only after inspection and approval pursuant to the conditions established by the City.

Section 635.130 Inspections for Cause; Right of Entry.

The City's representative responsible for the administration and enforcement of this Chapter may enter a building or premises at all reasonable times to conduct exterior and interior inspections of any rental dwelling:

- A. Having received three (3) or more notices of violation of the International Property Maintenance Code during the annual rental licensing period;
- B. When the lawful occupant of the dwelling requests an inspection;
- C. When a dwelling unit within the same building or property has been determined to be substandard pursuant to Section 635.110; or
- D. Where probable cause exists to believe that an unsafe, dangerous, or hazardous condition exists in such building or premises.

The City shall provide reasonable prior notice of entry to the lawful occupant and the owner, manager, or registered agent of the property. The City shall attempt to obtain entry from the lawful occupant and a consent form signed by the lawful occupant. If entry is refused, the City shall have the authority to seek entry pursuant to an administrative search warrant or other lawful means.

Section 635.140 Denial — Non-Renewal — Revocation — Suspension of License.

- A. Failure to comply with the licensing standards as set forth in Section 635.080 shall be unlawful. If the City determines that any rental dwelling or rental

dwelling unit fails to comply with the licensing standards, the City shall give notice of the violation. The notice shall provide:

1. That the City has determined that the building fails to comply with the licensing standards for the rental dwelling as set forth in Section **635.080** and the particulars thereof;
 2. The specific reasons why the building fails to meet licensing standards, including copies of applicable inspection reports;
 3. That the City will deny, refuse to renew, revoke or suspend the license or provisional license unless the owner appeals the determination within fifteen (15) days after receipt of the notice in the manner provided in Section **635.170**;
 4. That after any denial, non-renewal, revocation or suspension, the rental dwelling or the affected rental dwelling units therein must be vacated and shall not be reoccupied until a license is issued after approval by the City; and
 5. A description of how an appeal may be filed under Section **635.170**.
- B. The City shall cause a notice to tenants to be prominently posted on the building. The notice shall indicate that the rental dwelling license for the building has been denied, revoked or suspended, whichever is applicable; that the action will become final on a specific date unless the building owner appeals and requests a hearing; that tenants may be required to vacate the building when the action becomes final.
- C. The owner and/or owner's agent may be charged in Municipal Court for failure to comply with the licensing standards. If the Municipal Court determines that the violations of the licensing standards do in fact exist, then the owner and/or owner's agent may be fined in accordance with Section 100.100 of the City's Municipal Code. Each day that the violation exists shall constitute a separate offense. Any such conviction in Municipal Court shall result in immediate revocation of the rental dwelling license owner and owner's agent.
- D. If the tenant fails to vacate the residence for which the license has been revoked, the tenant may be charged in Municipal Court for unlawful possession of a rental dwelling. Upon conviction, the tenant may be fined five hundred dollars (\$500.00) or sentenced up to five (5) days in jail or both. Each such day that the tenant remains unlawfully in possession of the rental dwelling shall constitute a separate offense.

Section 635.150 Notices.

Whenever a notice is required to be sent to or served upon the licensee of a rental dwelling under this Chapter, notice shall be deemed sufficient if sent by first class mail to the owner or owner's registered agent at the address specified in the last license application filed. Notice may also be sent to the manager of the premises. If the dwelling unit is not licensed pursuant to this Chapter, notice is deemed sufficient if sent by first class mail to the person listed for the purposes

of paying taxes on the property. Notices so mailed are sufficient whether actually received or returned.

Section 635.160 Duties of Licensee.

- A. Every holder of a rental dwelling license shall:
1. Receive a rental dwelling license certificate which shall contain the name and address of the owner of the rental property. Said certificate shall be maintained by the licensee on the premises, if possible, or at the licensee's principal place of business or with the registered agent, and shall be made available, upon request, to any tenant of a dwelling unit or to any official of the City.
 3. Notify the City in writing of any changes of information contained in the last license application filed within thirty (30) days of such change.
 4. Maintain a current register of all tenants and other persons with a lawful right of occupancy to a dwelling unit within the building. The register shall be kept current at all times. The licensee shall designate the person who has possession of the register. The register shall be available for inspection by the City at all times.
- B. The owner of any dwelling that is required to be licensed by this Chapter shall, prior to the time of transfer of title of the dwelling, notify the new owner in writing of all unabated orders and violations issued by the City pertaining to such dwelling, as well as the requirement of law that the dwelling, upon transfer to a new owner, must be licensed with the City. A copy of the notification shall be mailed to the City within five (5) days of furnishing the notification to the buyer. If a corporation owns the dwelling, an officer of the corporation shall carry out the notification required by this Section. Time of transfer is the time upon the execution of any document providing for the conveyance of a dwelling required to be licensed.

Section 635.170 Appeals Procedure.

- A. Any person wishing to appeal the determination, denial, non-renewal, revocation or suspension of a license or provisional license shall file a written notice of appeal with the City within fifteen (15) days after receipt of the notice of denial, non-renewal, revocation or suspension. The notice of appeal shall contain a statement of the grounds for the appeal and shall be accompanied by a fee of one hundred dollars (\$100.00).
- B. The appeal will be heard by a board comprised of one (1) City employee designated by the City Administrator, , one (1) owner or manager of a licensed rental property not party to an appeal, two (2) residents of the City of Mission, one (1) member of the Mission Planning Commission and two (2) Code Officials from two (2) cities in Johnson County, Kansas. The board shall establish meetings on an as-needed basis.
- C. The hearing will be held no later than forty-five (45) days after the receipt of the written notice of appeal.
- D. At the hearing, the board shall hear all relevant evidence and argument. The

board may admit and give effect to evidence that possesses value commonly accepted by reasonably prudent persons in the conduct of their affairs.

- E. The board shall render its decision in writing within fifteen (15) days after the close of the hearing. The decision shall determine whether the building or the dwelling units therein, meets the licensing standards of this Chapter and shall specify the factual basis for the determination.
- F. The board may affirm, modify or reverse the action appealed.
- G. Notice of the final decision of the board shall be served upon the license holder or applicant.
- H. A notice of the final decision shall be mailed to each occupant and prominently posted on the building. The notice shall indicate the date upon which tenants must vacate the building, if applicable, and shall clearly indicate which dwelling units are affected.

Section 635.180 Vacation of Affected Dwelling Units.

When an application for a rental dwelling license has been denied or a rental dwelling license or provisional license has been revoked, suspended or not renewed, the City shall order the dwelling or the affected dwelling units therein vacated, giving tenants a reasonable time to arrange new housing and to move their possessions.

Section 635.190 Operation of Rental Dwelling Without License A Misdemeanor.

A person who allows to be occupied or rents to another any rental dwelling unit without a license as required in Section **635.030** of this Code is guilty of a misdemeanor punishable as provided in Section **100.100** of the Municipal Code of Mission.

Section 635.200 License Non-Transferable.

- A. A license issued hereunder is non-transferable. A new license application shall be required for each change of ownership of a rental dwelling.
- B. A new owner shall submit an application for a rental dwelling license in accordance with this Chapter (including rental license fee) no more than 30 days from the date of taking title to the property, provided a rental license is still required for the property.

Section 635.210 Remedies in This Chapter Are Not Exclusive.

The remedies provided in this Chapter are not exclusive. They are in addition to and do not supersede or pre-empt other remedies such as condemnation, written violation orders and warnings and criminal charges for violation of substantive provisions of any City or State Code relating to housing maintenance, fire safety, building codes, zoning, health and the like. Further, the remedies in this Chapter do not supersede or affect the legal rights and remedies of tenants provided under State law or this Code.

Section 635.220 License and Inspection Fees — Same To Act As Lien On Real

Property.

- A. Annual license fees shall be assessed according to the following schedule:
1. Single-family/duplex property: \$62.00.
 2. Tri-plex property: \$30.00 per unit.
 3. Apartments and all other multi-family: \$10.00 per unit.
- B. The initial periodic inspections described in Section **635.100** shall be at no cost to the owner. The City shall be empowered to recover part or all of its actual cost to perform all other inspections, including a reasonable administrative fee, from the rental property's owner. Inspections that the owner may be held financially liable for include, but are not limited to, inspections for cause pursuant to Section 635.130 and repeat inspections of property previously found substandard, unsafe, or dangerous. The administrative fee shall be in the amount set by Section 103.110 for the administrative costs of nuisance abatement. All license, inspection, abatement or other fees that remain unpaid thirty (30) days after the City has demanded the same shall act as a lien on the subject real property and be entered on the County tax roll when consistent with, and in a manner allowed by, the laws of the State of Kansas.

SECTION II: This Ordinance shall take effect and be in full force from and after its publication as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL this 16th day of August 2017.

APPROVED BY THE MAYOR this 16th day of August 2017.

(SEAL)

Steve Schowengerdt, Mayor

ATTEST:

Martha M. Sumrall, City Clerk

APPROVED AS TO FORM:

PAYNE & JONES, CHTD.

David K. Martin, City Attorney
11000 King, Suite 200
P. O. Box 25625
Overland Park, KS 66225-5625
Tel: (913) 469-4100
Fax: (913) 469-8182

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Chapter 635

Rental Dwellings

Editor's Note — Ord. no. 1225 §2, adopted December 13, 2006, superseded ch. 635 and enacted new provisions set out herein. Former ch. 635 derived from ord. no. 953 §1, 10-22-97; CC 2000 §§4-1801 — 4-1818; ord. no. 987 §4(4-1806), 1-12-00.

Section 635.010 Statement of Purpose.

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

- A. The purpose of this Chapter is to protect the public health, safety and general welfare of the residents of Mission in rental dwellings. The object of this Chapter is to:
1. Protect the character and stability of residential areas;
 2. Correct and prevent housing conditions that adversely affect the safety, health and welfare of residents of rental properties;
 3. To enforce minimum standards for heating, sanitary equipment, light and ventilation necessary for health and safety;
 4. To preserve the value of land and buildings throughout the City;
 5. To prevent the overcrowding of dwellings by enforcing minimum standards per occupant for each dwelling unit;
 6. To enforce minimum standards for the maintenance of existing residential buildings and thus to prevent slums and blight;
 7. To protect the public from increased criminal activity that tends to occur in residential areas that are unstable due to dwellings that are blighted or substandard; and
 8. To provide a mechanism for enforcement and the administration of the City Code and ordinances to insure that the above purposes are accomplished.

It is not the intention of the Council to intrude upon contractual relationships between tenant and landlords. The Council does not intend to intervene as an advocate of either party, nor to act as an arbiter, nor to hear complaints by landlord or tenant that do not clearly relate to the provisions of this Chapter.

Section 635.020 Applicability.

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

The provisions of this Chapter shall apply to all ~~rental~~ dwellings and dwelling units offered for rent or occupancy, including ~~rented~~ single-family dwellings, multi-family dwellings and ~~rented~~ dwelling units in owner-occupied dwellings. The provisions of this Chapter shall not apply to dwellings and dwelling units occupied by the owner, and/or the owner's parents, wife or husband, children, brothers, or sisters immediate family (whether that relationship is by blood, marriage, or adoption). Furthermore, ~~the~~

provisions of this Chapter shall not apply to hotels and motels licensed by the State of Kansas, convents, monasteries, parish houses or rectories, mosques, temples, synagogues, hospitals, nursing homes, jails and residential dwelling units owned and operated by any housing authority of the City.

Section 635.030 License Requirement.

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

No person shall allow to be occupied or rent to another for occupancy any dwelling or dwelling unit unless the owner has first obtained a license under the terms of this Chapter. This applies to people who allow to be occupied or rent to another for occupancy at the time this Chapter is implemented. Failure to obtain a required license shall be unlawful. Each day that a person fails to have a license as required by this Section shall constitute a separate offense. Upon conviction, a person may be fined up to five hundred dollars (\$500.00) or sentenced up to five (5) days in jail or both.

Section 635.040 Definitions.

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

As used in this Chapter, the following terms shall have these prescribed meanings:

APARTMENT BUILDING

A building or structure containing more than six (6) rental dwelling units.

~~**DEPARTMENT**~~

~~The Neighborhood Services Department.~~

~~**DIRECTOR**~~

~~The Neighborhood Services Coordinator.~~

DWELLING

A building or structure, or portion of a building or structure, designed for or used for human habitation.

DWELLING UNIT ~~OR UNIT~~

Any room or group of rooms located within a dwelling and forming a single habitable unit with cooking, living, sanitary and or sleeping facilities.

~~**INSPECTOR**~~

~~The City appointed official known as the Housing Inspector or other designated person.~~

IMMEDIATE FAMILY

One's spouse, child or adopted child, father, mother, brother, sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, grandparents, or grandparent-in-law, grandchild, or any natural or adopted child or grandchild of one's spouse.

LAWFUL OCCUPANT

The occupant(s) of a dwelling or dwelling unit; or the owner of such that is unoccupied.

MANAGER

Any person who, alone or jointly or severally with others, does any of the following: shows rental dwelling units to prospective tenants; ~~and/or~~ enters lease agreements on the owner's behalf ~~and/or~~; receives rent from tenants; ~~and / or otherwise~~ supervises the maintenance or management of the premises.

~~NEW CONSTRUCTED DWELLINGS~~

~~A dwelling constructed after 1994. This measurement may be determined from the date of the certificate of occupancy issued by Codes Administration upon completion of construction.~~

OCCUPANT

Any person(s) living, sleeping, cooking, ~~or~~ eating or actually having possession or control of a dwelling or dwelling unit ~~or a rooming unit~~.

OCCUPANCY

The act of living, sleeping, cooking, eating or actually having possession or control of a dwelling or dwelling unit.

OWNER

Any person who, alone or jointly or severally with others:

1. Has legal title to any building with or without accompanying actual possession thereof; or
2. Has charge, care or control of any building or structure or part thereof as agent or personal representative of the person having legal title to the building or structure or part thereof; or
3. Has possession or right to possession under a contract for deed.

PERSON

Any individual, firm, corporation, association, partnership, cooperative or governmental agency.

PREMISES

The building(s) in which the rental dwelling unit(s) is located and all land appurtenant to such building(s) on a single parcel.

~~PUBLIC OFFICER~~

~~The Housing Inspector.~~

REGISTERED AGENT

The person designated by the owner to be the agent required by Section 635.060(1) of this Code.

RENT

To provide or to offer for possession or occupancy a dwelling or dwelling unit to a tenant for consideration, pursuant to a written, oral, or implied agreement.

RENTAL DWELLING

A dwelling or dwelling unit(s) designed for or used for human habitation and offered to a non-owner or third-party for rent and/or occupancy.

RENTAL DWELLING LICENSE

A license issued by the City permitting a dwelling or dwelling unit to be rented and/or occupied by persons other than the owner and the owner's immediate family (as related by blood, marriage, or adoption) subject to the terms of this Chapter.

~~ROOMING HOUSE~~

~~Any building or portion thereof containing not more than three (3) sleeping rooms that are used by not more than three (3) occupants where rent is paid in money, goods, labor or otherwise.~~

ROOMING UNIT

~~Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking purposes.~~

SUBSTANDARD

~~As set forth defined in Section 635.1420.~~

TENANT

~~**Any person who occupies a dwelling or dwelling unit, other than the owner, the owner's immediate family (as related by blood, marriage, or adoption), or any person residing with the owner.**~~

UNIT

~~Any dwelling unit or rooming unit.~~

Section 635.050 What The License Covers.

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

- A. One (1) rental dwelling license shall be issued for each building premises with one or more rental dwelling units and shall be deemed to cover all such dwelling units under common ownership on the premises.
- B. The City shall have authority to exercise its licensing powers under this Chapter including the power to issue, renew, deny, revoke and suspend a rental dwelling license with respect to an entire building premises or only a specific dwelling unit(s) found to be in violation of this Code.

Section 635.060 Application For Rental Dwelling License.

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

- A. The owner of each rental dwelling shall make written application to the City for a rental dwelling license to carry on the business of renting residential dwellings. In addition, the owner of such rental dwelling(s) constructed or converted to rental usage shall make written application to the City for a rental dwelling license as herein provided prior to initial occupancy. Such application, including application for a provisional license, shall be made on a form furnished by the ~~Neighborhood Services Department~~ City for such purpose and shall set forth the following information:
 1. Owner's name, address, telephone number and date of birth. If the owner is a partnership, the name of the partnership and the name, residence address, telephone number and date of birth of the managing partner. If the owner is a corporation, the name and address of the corporation and the name, residence address, telephone number and date of birth of the chief operating officer. A post office box is not acceptable as a mailing address for any such person.
 2. In cases where the owner of a rental dwelling resides outside of Johnson County, the owner shall designate a ~~resident~~ Registered a Agent who shall reside within the limits of Johnson County. That registered agent's name, address and telephone number must be included on the application. A post office box is not acceptable as a mailing address for a Registered Agent. -The registered agent shall be jointly and severally responsible with the owner for:
 - a. The upkeep and maintenance of the premises;
 - b. Compliance with this Chapter and all other Codes regulating the premises; and
 - c. Acceptance, service or process of all notices under this Chapter.

2. Manager's name, address, telephone number and date of birth. If some natural person other than the owner, manager or Registered aAgent is actively involved in and responsible for the maintenance and management of the premises, that person's name, address, telephone number and date of birth must be given in the application. A post office box is not acceptable as a mailing for any person.

~~3. Agent's name, address and telephone number.~~

4. Address identifying location of the rental dwelling.

5. Number and type of rental dwelling units in any building(s) (~~dwelling units, rooming units or shared bath units~~).

6. Year of construction of the building(s).

No application shall be considered without payment of the fee prescribed by Section ~~635.230~~220.

Section 635.070 Expiration — Renewal.

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

All rental dwelling licenses issued under this Chapter shall be renewed by January first (1st) of each year and shall be subject to renewal year to year as described in this Chapter. All licensees shall apply for renewal on a form provided by the ~~Neighborhood Services Department~~City. The renewal application may be abbreviated as deemed sufficient by the ~~Neighborhood Services Coordinator~~City. No renewal shall be granted without payment of the required annual license fee.

Section 635.080 Licensing Standards.

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

A. The following standards and conditions shall be met in order to hold a rental dwelling license under this Chapter:

1. The licensee or applicant shall have paid the required license fee;

2. The licensee ~~of~~r applicant shall have paid any and all required inspection and re-inspection fees;

3. If the licensee is a business entity required to register with the Secretary of State, then such entity shall be and remain in good standing with the Kansas Secretary of State.

~~4.~~ The rental dwelling units shall not exceed the maximum number of dwelling units permitted by the zoning;

~~45.~~ No rental dwelling or unit shall be over occupied or illegally occupied in violation of Title IV or Title V of this Code;

~~56.~~ The rental dwelling shall not be under a condemnation as hazardous or unfit for human habitation under this Code or a State Statute;

~~6.~~ ~~The rental dwelling shall not have been used or converted to rooming units in violation of the Zoning Code;~~ The rental dwelling shall not be maintained in a substandard condition, as set forth defined in Section 635.120;

7. The owner shall not suffer or allow weeds, vegetation, junk, debris or rubbish to accumulate repeatedly on the exterior of the premises so as to create a nuisance condition; and

8. Rental dwellings shall remain in compliance with any and all other applicable City Codes/Buildings Codes.

Section 635.090 Identifying Guidelines: Periodic Inspections of Apartment Buildings
[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

The ~~Inspectors of the~~ City shall be empowered to periodically inspect the interior and exterior of apartment buildings within the City to ensure compliance with this Chapter and other applicable Chapters, as set forth in Section 635.010. The City shall endeavor to inspect at least five percent (5%) of units in each apartment building annually, provided that a minimum of one (1) unit shall be inspected annually in each apartment building. The selection of individual units to be inspected shall be by the City pursuant to its policies.

The ~~Inspector~~ City shall provide reasonable prior notice and obtain the signed consent of the lawful occupant prior to performing a periodic interior inspection. The lawful occupant of a rental unit shall have the right to refuse entry for a periodic interior inspection pursuant to K.S.A. ~~Supp.~~ 12-16,138 *et seq.* If entry is refused, the ~~City~~ Inspector may request to enter and inspect a substitute unit within the same building or property. The ~~City~~ Inspector shall not seek an administrative search warrant or exercise other lawful means to enter a property solely for refusing a periodic interior inspection, but may otherwise seek ~~to de-~~ entry for cause as set forth in Section 635.130.

~~The City inspector shall provide reasonable prior notice prior to performing a periodic exterior inspection. If entry is refused to perform the inspection, the City Inspector shall have the authority to seek entry pursuant to an administrative search warrant or other lawful means.~~

~~A. — The Neighborhood Services Department shall adopt a policy for inspecting all rental dwellings which are required to be licensed under this Chapter. The policy shall contain objectives for the systematic inspection of all rental dwellings and priorities for the use of scarce inspection resources. The guidelines shall be based upon the following factors in addition to any other factors deemed by the Neighborhood Services Coordinator to promote an efficient inspections program:~~

- ~~1. — Property identified by the inspections department as having an excessive number of housing code violations or a history of non-compliance or slow compliance with code enforcement standards;~~
- ~~2. — Rental dwellings for which no license or provisional license has been applied;~~
- ~~3. — Rental dwellings with an excessive number of Police calls for drug offenses, crimes of force, violence or disorderly conduct;~~
- ~~4. — Rental dwellings with delinquent property taxes;~~
- ~~5. — Geographic distribution and concentration of rental dwellings; and~~
- ~~6. — Sale of the equitable interest in a rental dwelling property.~~

~~The Housing Inspector or his/her designated agent may conduct interior inspections of any rental dwelling that has received three (3) or more exterior maintenance code violation notices during the annual rental licensing period. Exterior maintenance violations will be defined as violations of the City's adopted International Property Maintenance Code. In the event that the rental dwelling to be inspected is occupied, the Neighborhood Services Department shall obtain the occupant's written consent prior to the Inspector's entry into or upon such dwelling; provided, however, that nothing herein contained shall be construed to prohibit an inspection of any dwelling by the Housing Inspector or his/her designated agent when any such inspection is requested by the tenant or occupant of the dwelling or unit.~~

Section 635.100 Minimum Inspection Standards.
[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

A. The minimum standard to be used for inspections shall be compliance with the International Property Maintenance Code, International Building Code, International Existing Building Code, International Residential Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Energy Conservation Code, and the National Electrical Code as adopted in Chapter 500 of this Code.

~~A.~~

~~A. The minimum standard to be used for inspections, pursuant to Section 635.090, for compliance with the International Property Maintenance Code, International Building Code, International Residential Code, International Fire Code, International Plumbing Code, International Electrical Code shall include the inspection of the building exterior, the common areas and the basement. If there are five (5) or more individual dwelling units in the building, the City shall endeavor to inspect at least five percent (5%) of such units annually, provided that a minimum of one (1) unit shall be inspected annually. The specific individual dwelling units to be chosen for inspections shall be vacant made-ready units, provided that a minimum of five percent (5%) of total units are inspected on an annual basis.~~

~~B. If any unit in the rental dwelling building is determined to be "substandard" as defined in this Chapter, the Housing Inspector or his/her designee may inspect additional or all of the units in the building.~~

Section 635.110 Substandard Dwellings and Dwelling Units.

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

The ~~Housing~~ City Inspector shall determine if a rental dwelling structure or any rental dwelling unit therein shall be considered substandard. In doing so, the ~~Housing~~ City Inspector shall utilize the definitions, criteria and standards for building safety and maintenance adopted in the Municipal Code of the City of Mission or incorporated therein by reference. Pursuant to the foregoing, the ~~Neighborhood Services Coordinator~~ City shall establish a written guideline upon which the determination will be based. A copy of said guideline shall be available for review and inspection in the City Clerk's office ~~and the office of the Neighborhood Services Department.~~

Upon a determination that a dwelling or dwelling unit is substandard, the City Inspector shall give notice of the substandard conditions found and the corrective actions to be taken, and will specify the period of time the owner or registered agent has to perform those actions before further action is taken. Owners ~~or registered agents~~ who fail to correct substandard conditions within the allotted time may be subject to denial, non-renewal, or revocation of their license to rent the substandard dwelling or dwelling unit pursuant to Section 635.140.

Section 635.120 Hazardous or Unfit Dwellings.

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

When a rental dwelling or dwelling unit is determined to be unfit or hazardous pursuant to this Code or applicable Kansas Statutes, the rental dwelling license shall be ~~cancelled~~ revoked on the effective date of said determination. The dwelling shall be eligible to hold a rental dwelling license only after inspection and approval pursuant to the conditions established by the ~~Housing~~ City Inspector.

Section 635.130 Right of Entry—Unlawful Interference—Penalty. Inspections for Cause; Right of Entry.

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

The City's representative responsible for the administration and enforcement of this Chapter Inspectors may enter a building or premises at all reasonable times to conduct exterior and interior inspections of any rental dwelling:

- A. Having received three (3) or more notices of violation of the International Property Maintenance Code during the annual rental licensing period;
- B. When the lawful occupant of the dwelling requests an inspection;
- C. When a dwelling unit within the same building or property has been determined to be substandard pursuant to Section 635.110; or
- D. Where probable cause exists to believe that an unsafe, dangerous, or hazardous condition exists in such building or premises.

The ~~City~~Inspector shall provide reasonable prior notice of entry to the lawful occupant and the owner, manager, or registered agent of the property. The ~~Inspector~~City shall attempt to obtain entry from the lawful occupant and a consent form signed by the lawful occupant. If entry is refused, the ~~Inspector~~City shall have the authority to seek entry pursuant to an administrative search warrant or other lawful means.

- ~~A. Absent exigent or emergency circumstances, whenever necessary to make an inspection to enforce any of the provisions of this Chapter or whenever the Neighborhood Services Coordinator or his/her designated official has reasonable cause to believe that there exists in any dwelling unit or upon any premises any condition or Code violation that makes such building or premises unsafe, dangerous or hazardous, the Housing Inspector or his/her designated official may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed by this Chapter, provided that if such building or premises be occupied, he/she shall first present proper credentials, a signed entry consent form and request entry, giving reasonable prior notice of entry to the tenant or other occupant; and if such building or premises be unoccupied, he/she shall first provide notice and request entry with notice pursuant to Section 635.150. If such entry is refused, the Housing Inspector and/or designated official shall have recourse to every remedy provided by law to secure entry.~~
- ~~B. It shall be unlawful for any person to interfere with a public officer or agent of the City in performing his/her duties pursuant to this Section. Any person who interferes with an officer or agent of the City pursuant to this Chapter shall be punished by a fine of up to five hundred dollars (\$500.00) or by jail term not to exceed five (5) days or both.~~

**Section 635.140 Denial — Non-Renewal — Revocation — Suspension of License.
[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]**

- A. Failure to comply with the licensing standards as set forth in Section **635.080** shall be unlawful. If the ~~Housing City~~ Inspector under the direction of the ~~Neighborhood Services Department~~ determines that any rental dwelling or rental dwelling unit fails to comply with the licensing standards, the ~~Neighborhood Services Department~~ City shall mail give notice ~~the owner or owner's agent a notice~~ of the violation. The notice shall provide:
 1. That the ~~Housing Inspector~~City has determined that the building fails to comply with the licensing standards for the rental dwelling as set forth in Section **635.080** and the particulars thereof;
 2. The specific reasons why the building fails to meet licensing standards, including copies of applicable inspection reports;
 3. That the ~~Neighborhood Services Coordinator~~City ~~will deny, refuse to renew, revoke or suspend the license or provisional license unless the owner appeals the determination within fifteen (15) days after receipt of the notice in the manner provided in Section 635.170;~~
 4. That after any denial, non-renewal, revocation or suspension, the rental dwelling or the affected rental dwelling units therein must be vacated and shall not be reoccupied until a license is issued after approval by the ~~Neighborhood Services Department~~City; and

5. A description of how an appeal may be filed under Section **635.170**.
- B. The ~~Housing Inspector~~City shall cause a notice to tenants to be prominently posted on the building. The notice shall indicate that the rental dwelling license for the building has been denied, revoked or suspended, whichever is applicable; that the action will become final on a specific date unless the building owner appeals and requests a hearing; that tenants may be required to vacate the building when the action becomes final.
 - C. The owner and/or owner's agent may be charged in Municipal Court for failure to comply with the licensing standards. If the Municipal Court determines that the violations of the licensing standards do in fact exist, then the owner and/or owner's agent may be fined ~~up to five hundred dollars (\$500.00) or sentenced up to five (5) days in jail or both~~ in accordance with Section 100.100 of the City's Municipal Code. Each day that the violation exists shall constitute a separate offense. Any such conviction in Municipal Court shall result in immediate revocation of the rental dwelling license owner and owner's agent.
 - D. If the tenant fails to vacate the residence for which the license has been revoked, the tenant may be charged in Municipal Court for unlawful possession of a rental dwelling. Upon conviction, the tenant may be fined five hundred dollars (\$500.00) or sentenced up to five (5) days in jail or both. Each such day that the tenant remains unlawfully in possession of the rental dwelling shall constitute a separate offense.

Section 635.150 Notices.

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

A. —Whenever a notice is required to be sent to or served upon the licensee of a rental dwelling under this Chapter, notice shall be deemed sufficient if sent by first class mail to the owner or owner's ~~designated registered~~ agent at the address specified in the last license application filed. Notice may also be sent to the ~~person identified as responsible for the maintenance and management of the premises~~ identified managers of the premises. If the dwelling unit is not licensed pursuant to this Chapter, notice is deemed sufficient if sent by first class mail to the person listed for the purposes of paying taxes on the property. Notices so mailed are sufficient whether actually received or returned.

~~B. —On or about March first (1st) of each year, the City will mail or deliver to tenants of licensed residential rental property information on the City's minimum life, health and safety standards and contact information for the Neighborhood Services Coordinator.~~

~~C. —At the time of the issuance of a license pursuant to Section **635.030**, the City will provide to the applicant information on the minimum code requirements for exterior and interior maintenance of rental dwellings.~~

Section 635.160 Duties of Licensee.

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

A. Every holder of a rental dwelling license shall:

1. Receive a rental dwelling license certificate which shall contain the name and address of the owner of the rental property. Said certificate shall be maintained by the licensee on the premises, if possible, or at the licensee's principal place of business or with the registered agent, and shall be made available, upon request, to any tenant of a dwelling unit or to any official of the City.
- ~~2. —Permit the Housing Inspector or an authorized representative to enter the premises for the purpose of conducting inspections to verify compliance with this Chapter. The licensee or an authorized representative shall be present during the inspection. Such inspections shall be made in accordance with the enforcement provisions of this Code.~~

3. ~~Promptly n~~Notify the ~~Neighborhood Services Department~~ City in writing of any changes of information contained in the last license application filed within thirty (30) days of such change.
 4. Maintain a current register of all tenants and other persons with a lawful right of occupancy to a dwelling unit within the building. The register shall be kept current at all times. The licensee shall designate the person who has possession of the register. The register shall be available for inspection by the ~~Neighborhood Services Department~~ City at all times.
- B. The owner of any dwelling that is required to be licensed by this Chapter shall, prior to the time of sale- transfer of title of the dwelling, notify the buyer- new owner in writing of all unabated orders and violations issued by the City pertaining to such dwelling, as well as the requirement of law that the dwelling, upon acquisition-by- transfer to a new owner, must be licensed with the City. A copy of the notification shall be mailed to the ~~Neighborhood Services Coordinator~~ City within five (5) days of furnishing the notification to the buyer. If ~~the dwelling is owned by a corporation~~ a corporation owns the dwelling, an officer of the corporation shall carry out the notification required by this Section. Time of sale- transfer is the time ~~when a written purchase agreement is executed by the buyer or, in the absence of a purchase agreement,~~ upon the execution of any document providing for the conveyance of a dwelling required to be licensed.

Section 635.170 Appeals Procedure.

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

- A. Any person wishing to appeal the determination, denial, non-renewal, revocation or suspension of a license or provisional license shall file a written notice of appeal with the ~~Neighborhood Services- CityDepartment~~ -within fifteen (15) days after receipt of the notice of denial, non-renewal, revocation or suspension. The notice of appeal shall contain a statement of the grounds for the appeal and shall be accompanied by a fee of one hundred dollars (\$100.00).
- B. The appeal will be heard by a board comprised of one (1) City employee designated by the City Administrator, the Community Development Director, one (1) licensed landlord owner or manager of a licensed rental property not party to an appeal, two (2) residents of the City of Mission, one (1) member of the Mission Planning Commission and two (2) Code Officials from two (2) cities in Johnson County, Kansas. The board shall establish meetings on an as-needed basis.
- C. The hearing will be held no later than forty-five (45) days after the receipt of the written notice of appeal.
- ~~CD.~~ At the hearing, the board shall hear all relevant evidence and argument. The board may admit and give effect to ~~evidence which~~ evidence that possesses value commonly accepted by reasonably prudent persons in the conduct of their affairs.
- ~~DE.~~ The board shall render its decision in writing within fifteen (15) days after the close of the hearing. The decision shall determine whether the building or the dwelling units therein, meets the licensing standards of ~~Section 635.080 and Section 635.100 of this Code~~ this Chapter and shall specify the factual basis for the determination.
- ~~EF.~~ The board may affirm, modify or reverse the action appealed. ~~by representatives of the Neighborhood Services Department.~~
- ~~FG.~~ ~~The final decision of the board shall be mailed to the license holder or applicant~~ Notice of the final decision of the board shall be served upon the license holder or applicant.
- ~~GH.~~ A notice ~~to tenants~~ of the final decision shall be mailed to each occupant and prominently posted on the building. The notice shall indicate the date upon which tenants must vacate the building, if

applicable, and shall clearly indicate which dwelling units are affected.

Section 635.180 Vacation of Affected Dwelling Units.

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

When an application for a rental dwelling license has been denied or a rental dwelling license or provisional license has been revoked, suspended or not renewed, the ~~Neighborhood Services Coordinator~~City shall order the dwelling or the affected dwelling units therein vacated, giving tenants a reasonable time to arrange new housing and to move their possessions.

Section 635.190 Operation of Rental Dwelling Without License A Misdemeanor.

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

A person who allows to be occupied or rents to another any rental dwelling unit without a license as required in Section **635.030** of this Code is guilty of a misdemeanor punishable as provided in Section **100.100** of the Municipal Code of Mission.

Section 635.200 License Non-Transferable.

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

A. A license issued hereunder is non-transferable. A new license application shall be required for each change of ownership of a rental dwelling.

B. A new owner shall submit an application for a rental dwelling license in accordance with this Chapter (including rental license fee) no more than 30 days from the date of taking title to the property, provided a rental license is still required for the property.

Section 635.210 Remedies in This Chapter Are Not Exclusive.

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

The remedies provided in this Chapter are not exclusive. They are in addition to and do not supersede or pre-empt other remedies such as condemnation, written violation orders and warnings and criminal charges for violation of substantive provisions of any City or State Code relating to housing maintenance, fire safety, building codes, zoning, health and the like. Further, the remedies in this Chapter do not supersede or affect the legal rights and remedies of tenants provided under State law or this Code.

~~**Section 635.220 Report.**~~

~~**[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]**~~

~~A Landlord Reference Report shall be compiled by searching rental unit license records and maintained by the City. This report lists the total number of units licensed by the landlord and the number that have outstanding allegations of code violations.~~

Section 635.230-220 License and Inspection Fees — Same To Act As Lien On Real Property.

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

A. Annual license fees shall be assessed according to the following schedule:

1. Single-family/duplex property: \$62.00.
2. Tri-plex property: \$30.00 per unit.
3. Apartments and all other multi-family: \$10.00 per unit.

B. The initial annual-periodic inspections described in Section **635.100** shall be at no cost to the owner.-

~~Any reinspections of units found substandard by the inspections described in Section 635.100 shall be paid by the owner of the inspected property.~~

The City shall be empowered to recover part or all of its~~The City's~~ actual cost to perform all other inspections, including a reasonable administrative fee, of inspections from the rental property's owner. Inspections that the owner may be held financially liable for include, but are not limited to, inspections for cause pursuant to Section 635.130 and repeat inspections of property previously found substandard, unsafe, or dangerous of residences or dwellings requested by tenants or based upon observation of the exterior thereof as described in Section 635.090 shall be paid by the owner of the inspected property. The administrative fee shall be in the amount set by Section 103.110 for the administrative costs of nuisance abatement. All license, inspection, abatement or other fees that remain unpaid thirty (30) days after the City has demanded the same shall act as a lien on the subject real property and be entered on the County tax roll when consistent with, and in a manner allowed by, the laws of the State of Kansas.

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Chapter 635

Rental Dwellings

Editor's Note — Ord. no. 1225 §2, adopted December 13, 2006, superseded ch. 635 and enacted new provisions set out herein. Former ch. 635 derived from ord. no. 953 §1, 10-22-97; CC 2000 §§4-1801 — 4-1818; ord. no. 987 §4(4-1806), 1-12-00.

Section 635.010 **Statement of Purpose.**

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

- A. The purpose of this Chapter is to protect the public health, safety and general welfare of the residents of Mission in rental dwellings. The object of this Chapter is to:
1. Protect the character and stability of residential areas;
 2. Correct and prevent housing conditions that adversely affect the safety, health and welfare of residents of rental properties;
 3. To enforce minimum standards for heating, sanitary equipment, light and ventilation necessary for health and safety;
 4. To preserve the value of land and buildings throughout the City;
 5. To prevent the overcrowding of dwellings by enforcing minimum standards per occupant for each dwelling unit;
 6. To enforce minimum standards for the maintenance of existing residential buildings and thus to prevent slums and blight;
 7. To protect the public from increased criminal activity that tends to occur in residential areas that are unstable due to dwellings that are blighted or substandard; and
 8. To provide a mechanism for enforcement and the administration of the City Code and ordinances to insure that the above purposes are accomplished.

It is not the intention of the Council to intrude upon contractual relationships between tenant and landlords. The Council does not intend to intervene as an advocate of either party, nor to act as an arbiter, nor to hear complaints by landlord or tenant that do not clearly relate to the provisions of this Chapter.

Section 635.020 **Applicability.**

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

The provisions of this Chapter shall apply to all dwellings and dwelling units offered for rent or occupancy, including single-family dwellings, multi-family dwellings and dwelling units in owner-occupied dwellings. The provisions of this Chapter shall not apply to dwellings and dwelling units occupied by the owner, and/or the owner's immediate family (whether that relationship is by blood, marriage, or adoption). Furthermore, the provisions of this Chapter shall not apply to hotels and motels licensed by the State of Kansas, convents, monasteries, parish houses or rectories, mosques, temples, synagogues, hospitals, nursing homes, jails and residential dwelling units owned and operated by any

housing authority of the City.

Section 635.030 License Requirement.

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

No person shall allow to be occupied or rent to another for occupancy any dwelling or dwelling unit unless the owner has first obtained a license under the terms of this Chapter. This applies to people who allow to be occupied or rent to another for occupancy at the time this Chapter is implemented. Failure to obtain a required license shall be unlawful. Each day that a person fails to have a license as required by this Section shall constitute a separate offense. Upon conviction, a person may be fined up to five hundred dollars (\$500.00) or sentenced up to five (5) days in jail or both.

Section 635.040 Definitions.

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

As used in this Chapter, the following terms shall have these prescribed meanings:

APARTMENT BUILDING

A building or structure containing more than six (6) rental dwelling units.

DWELLING

A building or structure, or portion of a building or structure, designed for or used for human habitation.

DWELLING UNIT

Any room or group of rooms located within a dwelling and forming a single habitable unit with cooking, living, sanitary and/or sleeping facilities.

IMEDIATE FAMILY

One's spouse, child or adopted child, father, mother, brother, sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, grandparents, or grandparent-in-law, grandchild, or any natural or adopted child or grandchild of one's spouse.

LAWFUL OCCUPANT

The occupant(s) of a dwelling or dwelling unit; or the owner of such that is unoccupied.

MANAGER

Any person who, alone or jointly or severally with others, does any of the following: shows rental dwelling units to prospective tenants; enters lease agreements on the owner's behalf; receives rent from tenants; and / or otherwise supervises the maintenance or management of the premises.

OCCUPANT

Any person(s) living, sleeping, cooking, eating or actually having possession or control of a dwelling or dwelling unit.

OCCUPANCY

The act of living, sleeping, cooking, eating or actually having possession or control of a dwelling or dwelling unit.

OWNER

Any person who, alone or jointly or severally with others:

1. Has legal title to any building with or without accompanying actual possession thereof; or

2. Has charge, care or control of any building or structure or part thereof as agent or personal representative of the person having legal title to the building or structure or part thereof; or
3. Has possession or right to possession under a contract for deed.

PERSON

Any individual, firm, corporation, association, partnership, cooperative or governmental agency.

PREMISES

The building(s) in which the rental dwelling unit(s) is located and all land appurtenant to such building(s) on a single parcel.

REGISTERED AGENT

The person designated by the owner to be the agent required by Section 635.060(1) of this Code.

RENT

To provide or to offer for possession or occupancy a dwelling or dwelling unit to a tenant for consideration, pursuant to a written, oral, or implied agreement.

RENTAL DWELLING

A dwelling or dwelling unit(s) designed for or used for human habitation and offered to a non-owner or third-party for rent and/or occupancy.

RENTAL DWELLING LICENSE

A license issued by the City permitting a dwelling or dwelling unit to be rented and/or occupied by persons other than the owner and the owner's immediate family (as related by blood, marriage, or adoption) subject to the terms of this Chapter.

SUBSTANDARD

As defined in Section 635.110.

TENANT

Any person who occupies a dwelling or dwelling unit, other than the owner, the owner's immediate family (as related by blood, marriage, or adoption), or any person residing with the owner.

Section 635.050 What The License Covers.

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

- A. One (1) rental dwelling license shall be issued for each premises with one or more rental dwelling units and shall be deemed to cover all such dwelling units under common ownership on the premises.
- B. The City shall have authority to exercise its licensing powers under this Chapter including the power to issue, renew, deny, revoke and suspend a rental dwelling license with respect to an entire premises or only a specific dwelling unit(s) found to be in violation of this Code.

Section 635.060 Application For Rental Dwelling License.

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

- A. The owner of each rental dwelling shall make written application to the City for a rental dwelling license to carry on the business of renting residential dwellings. In addition, the owner of such rental dwelling(s) constructed or converted to rental usage shall make written application to the City for a rental dwelling license as herein provided prior to initial occupancy. Such application, including

application for a provisional license, shall be made on a form furnished by the City for such purpose and shall set forth the following information:

1. Owner's name, address, telephone number and date of birth. If the owner is a partnership, the name of the partnership and the name, residence address, telephone number and date of birth of the managing partner. If the owner is a corporation, the name and address of the corporation and the name, residence address, telephone number and date of birth of the chief operating officer. A post office box is not acceptable as a mailing address for any such person.
2. In cases where the owner of a rental dwelling resides outside of Johnson County, the owner shall designate a Registered Agent who shall reside within the limits of Johnson County. That registered agent's name, address and telephone number must be included on the application. A post office box is not acceptable as a mailing address for a Registered Agent. The registered agent shall be jointly and severally responsible with the owner for:
 - a. The upkeep and maintenance of the premises;
 - b. Compliance with this Chapter and all other Codes regulating the premises; and
 - c. Acceptance, service or process of all notices under this Chapter.
3. Manager's name, address, telephone number and date of birth. If some natural person other than the owner, or Registered Agent is actively involved in and responsible for the maintenance and management of the premises, that person's name, address, telephone number and date of birth must be given in the application. A post office box is not acceptable as a mailing for any person.
4. Address identifying location of the rental dwelling.
5. Number and type of rental dwelling units in any building(s)
6. Year of construction of the building(s).

No application shall be considered without payment of the fee prescribed by Section **635.220**.

Section 635.070 Expiration — Renewal.

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

All rental dwelling licenses issued under this Chapter shall be renewed by January first (1st) of each year and shall be subject to renewal year to year as described in this Chapter. All licensees shall apply for renewal on a form provided by the City. The renewal application may be abbreviated as deemed sufficient by the City. No renewal shall be granted without payment of the required annual license fee.

Section 635.080 Licensing Standards.

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

- A. The following standards and conditions shall be met in order to hold a rental dwelling license under this Chapter:
 1. The licensee or applicant shall have paid the required license fee;
 2. The licensee or applicant shall have paid any and all required inspection and re-inspection fees;
 3. If the licensee is a business entity required to register with the Secretary of State, then such entity shall be and remain in good standing with the Kansas Secretary of State.
 4. The rental dwelling units shall not exceed the maximum number of dwelling units permitted by the

zoning;

5. No rental dwelling or unit shall be over occupied or illegally occupied in violation of Title IV or Title V of this Code; 6. The rental dwelling shall not be under a condemnation as hazardous or unfit for human habitation under this Code or a State Statute;
6. The rental dwelling shall not be maintained in a substandard condition, as defined in Section 635.110. The owner shall not suffer or allow weeds, vegetation, junk, debris or rubbish to accumulate repeatedly on the exterior of the premises so as to create a nuisance condition; and
7. Rental dwellings shall remain in compliance with any and all other applicable City Codes/Buildings Codes.

Section 635.090 Periodic Inspections of Apartment Buildings

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

The City shall be empowered to periodically inspect the interior and exterior of apartment buildings within the City to ensure compliance with this Chapter and other applicable Chapters, as set forth in Section 635.010. The City shall endeavor to inspect at least five percent (5%) of units in each apartment building annually, provided that a minimum of one (1) unit shall be inspected annually in each apartment building. The selection of individual units to be inspected shall be by the City pursuant to its policies.

The City shall provide reasonable prior notice and obtain the signed consent of the lawful occupant prior to performing a periodic interior inspection. The lawful occupant of a rental unit shall have the right to refuse entry for a periodic interior inspection pursuant to K.S.A. 12-16,138. If entry is refused, the City may request to enter and inspect a substitute unit within the same building or property. The City shall not seek an administrative search warrant or exercise other lawful means to enter a property solely for refusing a periodic interior inspection, but may otherwise seek entry for cause as set forth in Section 635.130.

Section 635.100 Minimum Inspection Standards.

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

- A. The minimum standard to be used for inspections shall be compliance with the International Property Maintenance Code, International Building Code, International Existing Building Code, International Residential Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Energy Conservation Code, and the National Electrical Code as adopted in Chapter 500 of this Code.

Section 635.110 Substandard Dwellings and Dwelling Units.

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

The City shall determine if a rental dwelling structure or any rental dwelling unit therein shall be considered substandard. In doing so, the City shall utilize the definitions, criteria and standards for building safety and maintenance adopted in the Municipal Code of the City of Mission or incorporated therein by reference. Pursuant to the foregoing, the City shall establish a written guideline upon which the determination will be based. A copy of said guideline shall be available for review and inspection in the City Clerk's office.

Upon a determination that a dwelling or dwelling unit is substandard, the City shall give notice of the substandard conditions found and the corrective actions to be taken, and will specify the period of time the owner or registered agent has to perform those actions before further action is taken. Owners who fail to correct substandard conditions within the allotted time may be subject to denial, non-renewal, or revocation of their license to rent the substandard dwelling or dwelling unit pursuant to Section 635.140.

Section 635.120 **Hazardous or Unfit Dwellings.**

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

When a rental dwelling or dwelling unit is determined to be unfit or hazardous pursuant to this Code or applicable Kansas Statutes, the rental dwelling license shall be revoked on the effective date of said determination. The dwelling shall be eligible to hold a rental dwelling license only after inspection and approval pursuant to the conditions established by the City.

Section 635.130 **Inspections for Cause; Right of Entry.**

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

The City's representative responsible for the administration and enforcement of this Chapter may enter a building or premises at all reasonable times to conduct exterior and interior inspections of any rental dwelling:

- A. Having received three (3) or more notices of violation of the International Property Maintenance Code during the annual rental licensing period;
- B. When the lawful occupant of the dwelling requests an inspection;
- C. When a dwelling unit within the same building or property has been determined to be substandard pursuant to Section 635.110; or
- D. Where probable cause exists to believe that an unsafe, dangerous, or hazardous condition exists in such building or premises.

The City shall provide reasonable prior notice of entry to the lawful occupant and the owner, manager, or registered agent of the property. The City shall attempt to obtain entry from the lawful occupant and a consent form signed by the lawful occupant. If entry is refused, the City shall have the authority to seek entry pursuant to an administrative search warrant or other lawful means.

Section 635.140 **Denial — Non-Renewal — Revocation — Suspension of License.**

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

- A. Failure to comply with the licensing standards as set forth in Section **635.080** shall be unlawful. If the City determines that any rental dwelling or rental dwelling unit fails to comply with the licensing standards, the City shall give notice of the violation. The notice shall provide:
 - 1. That the City has determined that the building fails to comply with the licensing standards for the rental dwelling as set forth in Section **635.080** and the particulars thereof;
 - 2. The specific reasons why the building fails to meet licensing standards, including copies of applicable inspection reports;
 - 3. That the City will deny, refuse to renew, revoke or suspend the license or provisional license unless the owner appeals the determination within fifteen (15) days after receipt of the notice in the manner provided in Section **635.170**;
 - 4. That after any denial, non-renewal, revocation or suspension, the rental dwelling or the affected rental dwelling units therein must be vacated and shall not be reoccupied until a license is issued after approval by the City; and
 - 5. A description of how an appeal may be filed under Section **635.170**.
- B. The City shall cause a notice to tenants to be prominently posted on the building. The notice shall indicate that the rental dwelling license for the building has been denied, revoked or suspended,

whichever is applicable; that the action will become final on a specific date unless the building owner appeals and requests a hearing; that tenants may be required to vacate the building when the action becomes final.

- C. The owner and/or owner's agent may be charged in Municipal Court for failure to comply with the licensing standards. If the Municipal Court determines that the violations of the licensing standards do in fact exist, then the owner and/or owner's agent may be fined in accordance with Section 100.100 of the City's Municipal Code. Each day that the violation exists shall constitute a separate offense. Any such conviction in Municipal Court shall result in immediate revocation of the rental dwelling license owner and owner's agent.
- D. If the tenant fails to vacate the residence for which the license has been revoked, the tenant may be charged in Municipal Court for unlawful possession of a rental dwelling. Upon conviction, the tenant may be fined five hundred dollars (\$500.00) or sentenced up to five (5) days in jail or both. Each such day that the tenant remains unlawfully in possession of the rental dwelling shall constitute a separate offense.

Section 635.150 Notices.

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

Whenever a notice is required to be sent to or served upon the licensee of a rental dwelling under this Chapter, notice shall be deemed sufficient if sent by first class mail to the owner or owner's registered agent at the address specified in the last license application filed. Notice may also be sent to the manager of the premises. If the dwelling unit is not licensed pursuant to this Chapter, notice is deemed sufficient if sent by first class mail to the person listed for the purposes of paying taxes on the property. Notices so mailed are sufficient whether actually received or returned.

Section 635.160 Duties of Licensee.

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

- A. Every holder of a rental dwelling license shall:
 - 1. Receive a rental dwelling license certificate which shall contain the name and address of the owner of the rental property. Said certificate shall be maintained by the licensee on the premises, if possible, or at the licensee's principal place of business or with the registered agent, and shall be made available, upon request, to any tenant of a dwelling unit or to any official of the City.
 - 3. Notify the City in writing of any changes of information contained in the last license application filed within thirty (30) days of such change.
 - 4. Maintain a current register of all tenants and other persons with a lawful right of occupancy to a dwelling unit within the building. The register shall be kept current at all times. The licensee shall designate the person who has possession of the register. The register shall be available for inspection by the City at all times.
- B. The owner of any dwelling that is required to be licensed by this Chapter shall, prior to the time of transfer of title of the dwelling, notify the new owner in writing of all unabated orders and violations issued by the City pertaining to such dwelling, as well as the requirement of law that the dwelling, upon transfer to a new owner, must be licensed with the City. A copy of the notification shall be mailed to the City within five (5) days of furnishing the notification to the buyer. If a corporation owns the dwelling, an officer of the corporation shall carry out the notification required by this Section. Time of transfer is the time upon the execution of any document providing for the conveyance of a dwelling required to be licensed.

Section 635.170 Appeals Procedure.

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

- A. Any person wishing to appeal the determination, denial, non-renewal, revocation or suspension of a license or provisional license shall file a written notice of appeal with the City within fifteen (15) days after receipt of the notice of denial, non-renewal, revocation or suspension. The notice of appeal shall contain a statement of the grounds for the appeal and shall be accompanied by a fee of one hundred dollars (\$100.00).
- B. The appeal will be heard by a board comprised of one (1) City employee designated by the City Administrator, one (1) owner or manager of a licensed rental property not party to an appeal, two (2) residents of the City of Mission, one (1) member of the Mission Planning Commission and two (2) Code Officials from two (2) cities in Johnson County, Kansas. The board shall establish meetings on an as-needed basis.
- C. The hearing will be held no later than forty-five (45) days after the receipt of the written notice of appeal.
- D. At the hearing, the board shall hear all relevant evidence and argument. The board may admit and give effect to evidence that possesses value commonly accepted by reasonably prudent persons in the conduct of their affairs.
- E. The board shall render its decision in writing within fifteen (15) days after the close of the hearing. The decision shall determine whether the building or the dwelling units therein, meets the licensing standards of this Chapter and shall specify the factual basis for the determination.
- F. The board may affirm, modify or reverse the action appealed.
- G. Notice of the final decision of the board shall be served upon the license holder or applicant.
- H. A notice of the final decision shall be mailed to each occupant and prominently posted on the building. The notice shall indicate the date upon which tenants must vacate the building, if applicable, and shall clearly indicate which dwelling units are affected.

Section 635.180 Vacation of Affected Dwelling Units.

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

When an application for a rental dwelling license has been denied or a rental dwelling license or provisional license has been revoked, suspended or not renewed, the City shall order the dwelling or the affected dwelling units therein vacated, giving tenants a reasonable time to arrange new housing and to move their possessions.

Section 635.190 Operation of Rental Dwelling Without License A Misdemeanor.

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

A person who allows to be occupied or rents to another any rental dwelling unit without a license as required in Section **635.030** of this Code is guilty of a misdemeanor punishable as provided in Section **100.100** of the Municipal Code of Mission.

Section 635.200 License Non-Transferable.

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

- A. A license issued hereunder is non-transferable. A new license application shall be required for each change of ownership of a rental dwelling.
- B. A new owner shall submit an application for a rental dwelling license in accordance with this

Chapter (including rental license fee) no more than 30 days from the date of taking title to the property, provided a rental license is still required for the property.

Section 635.210 Remedies in This Chapter Are Not Exclusive.
[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

The remedies provided in this Chapter are not exclusive. They are in addition to and do not supersede or pre-empt other remedies such as condemnation, written violation orders and warnings and criminal charges for violation of substantive provisions of any City or State Code relating to housing maintenance, fire safety, building codes, zoning, health and the like. Further, the remedies in this Chapter do not supersede or affect the legal rights and remedies of tenants provided under State law or this Code.

Section 635.220 License and Inspection Fees — Same To Act As Lien On Real Property.
[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

A. Annual license fees shall be assessed according to the following schedule:

1. Single-family/duplex property: \$62.00.
2. Tri-plex property: \$30.00 per unit.
3. Apartments and all other multi-family: \$10.00 per unit.

B. The initial periodic inspections described in Section **635.100** shall be at no cost to the owner. The City shall be empowered to recover part or all of its actual cost to perform all other inspections, including a reasonable administrative fee, from the rental property's owner. Inspections that the owner may be held financially liable for include, but are not limited to, inspections for cause pursuant to Section 635.130 and repeat inspections of property previously found substandard, unsafe, or dangerous. The administrative fee shall be in the amount set by Section 103.110 for the administrative costs of nuisance abatement. All license, inspection, abatement or other fees that remain unpaid thirty (30) days after the City has demanded the same shall act as a lien on the subject real property and be entered on the County tax roll when consistent with, and in a manner allowed by, the laws of the State of Kansas.

City of Mission	Item Number:	2.
ACTION ITEM SUMMARY	Date:	July 24, 2017
PUBLIC WORKS	From:	John Belger

Action items require a vote to recommend the item to full City Council for further action.

RE: Sylvester Powell, Jr. Community Center (SPJCC) Parking Lot Maintenance

RECOMMENDATION: Approve the contract with O'Donnell-Way Construction for the Community Center Parking Lot Maintenance project in an amount not to exceed \$174,752.85.

DETAILS: Funds were budgeted in the 2017 Capital Improvement Program (CIP) to replace deteriorated pavement, maintain the newer pavement, and improve the ADA accessibility in the parking lots surrounding the Community Center. Earlier this year, the Council authorized Olsson Associates to prepare contract documents and provide construction inspection services for the project. After working through the design process, staff believed the budgeted figure was low, but proceeded to bid the project to determine our options.

The project was advertised and bids were opened on June 29th, 2017. There were three (3) bidders, with O'Donnell Way Construction being the lowest and most responsive.

Bidder	Total Bid
O'Donnell Way (adjusted)	\$174,752.85
Little Joe's Asphalt	\$220,396.14
McAnany	\$229,183.40

Despite the fact the project significantly exceeds the original budget (\$100,000), staff is recommending to proceed with the project. Funds are available in the Parks & Recreation Sales Tax Fund to cover the costs. The project could be phased over multiple years, but will only continue to defer the required maintenance, and could potentially end up costing more in the future.

Staff worked with O'Donnell Way to develop some alternatives to the cape seal treatment originally proposed which resulted in savings of approximately \$4,267.84. The plans and contract documents are included in the packet.

CFAA CONSIDERATIONS/IMPACTS: The Community Center is utilized by persons of all ages and abilities. This project will bring the parking areas into compliance with Americans with Disabilities Act (ADA) Standards and repair pavement that is disrepair.

Related Statute/City Ordinance:	
Line Item Code/Description:	Parks and Recreation Sales Tax Fund 45-90-805-09
Available Budget:	\$174,752.85

BID

Sylvester Powell Community Center Parking Lot Rehab

TO: CITY OF MISSION,
JOHNSON COUNTY, KANSAS

Neither the City nor Consultant shall be responsible for the accuracy, completeness, or sufficiency of any bid documents obtained from any source other than the source indicated in the Notice to Bidders. Obtaining copies of plans, specifications, bid documents and other contract documents from any other source(s) may result in obtaining incomplete and inaccurate information. Obtaining these documents from any source other than directly from the source listed in the Notice to Bidders may also result in failure to receive any addenda, corrections, or other revisions to these documents that may be issued.

The undersigned bidder hereby proposes to mobilize and furnish all materials, supplies, transportation, tools, equipment and plant, perform all necessary labor and construct, install and complete all work stipulated in, required by, and in conformity with the proposed contract documents (including all documents referred to therein) and any and all addenda thereto, for and in consideration of prices as follows:

ITEM NO.	ITEM DESCRIPTION	UNIT	QUANTITY	UNIT COST \$	COST \$
1	Force Account (Set)	Lump Sum	1	10,000.00	10,000.00
2	Unclassified Excavation *	Cu. Yd.	799	46.38	37,062.00
3	Compaction of Earthwork (All types)	Cu. Yd.	34	80.00	2,720.00
4	2" Milling	Sq. Yd.	1333	5.12	6,832.50
5	Cape Seal	Sq. Yd.	2156	5.64	12,159.84
6	2" Asphaltic Concrete (Intermediate Course)(North Parking lot)	Ton	150	66.73	10,008.00
7	6" Asphaltic Concrete (Intermediate Course)(South Parking lot)	Ton	924	54.15	50,034.00
8	Concrete Pavement (4")(Stamped Color)	Sq. Yd.	84	90.00	7,560.00
9	Concrete Entrance Pavement (8")	Sq. Yd.	42	81.00	3,402.00
10	Aggregate for Base (AB-3)	Ton	696	17.87	12,440.00
11	Curb & Gutter (Type B)	Lin. Ft.	431	25.00	10,775.00

12	Sidewalk Ramp (6")	Sq. Ft.	75	7.00	525.00
13	Sidewalk Ramp With Detectable Warning Surface	Sq. Ft.	27	7.00	189.00
14	Detectable Warning Surface	Sq. Ft.	24	50.00	1,200.00
15	4" White Thermoplastic	Lin. Ft.	2893	.75	2,169.75
16	30" White Pre-Formed Thermoplastic	Lin. Ft.	117	28.00	3,276.00
17	White ADA Handicap Marking Pre-Formed Thermoplastic	Each	16	230.00	3,680.00
18	Wheel Stop	Each	12	100.00	1,200.00
19	Remove and Reset Sign	Each	7	100.00	700.00
20	Remove & Reset Electrical Box	Each	1	500.00	500.00
21	ADA Accessible Parking Sign	Each	4	100.00	100.00
22	Contractor Construction Staking	Lump Sum	1	800.00	800.00
23	Traffic Control	Lump Sum	1	400.00	400.00
24	Sod (Fescue)	Sq. Yd.	15	26.66	400.00
25	Topsoil	Cu. Yd.	3	200.00	600.00

TOTAL BID \$ 178,733.09

Remainder of page intentionally left blank.

1. The undersigned further agrees to begin upon the date stated in the Notice to Proceed and to complete the work, if this bid is accepted, no later than **October 31st, 2017**.

The undersigned also declares that it understands that if not preset by the City the time to begin construction and to complete the work will be one factor considered in determining the lowest and best responsible bidder.

The undersigned also declares that he/she understands that liquidated damages based on the full bid price of the contract shall be assessed against Contractor, as stipulated liquidated damages and not as a penalty, in an amount as set forth in paragraph GC-46 of the General Conditions for each and every calendar day the work remains incomplete over the specified completion time(s).

2. In submitting this bid, the undersigned declares that it is of lawful age and executed the accompanying bid on behalf of the bidder therein named, and that it had lawful authority so to do. The undersigned further declares that it has not directly or indirectly entered into any agreement, expressed or implied, with any bidder or bidders, having for its object the controlling of the price or amount of such bid or any bids, the limiting of the bid or bidders, the parceling or farming out to any bidder or bidders, or other persons, of any part of the contract or any part of the subject matter of the bid or bids or of the profits thereof, and that it has not and will not divulge the sealed bid to any person whomsoever, except those having a partnership or other financial interest with bidder in said bid or bids, until after sealed bid or bids are opened.
3. The undersigned further declares that it has carefully examined the Notice to Bidders, Instructions to Bidders and other contract documents, and that it has inspected the actual location of the work, together with the local sources of supply, and has satisfied itself as to all conditions and quantities, and understands that in signing this Bid it waives all right to plead any misunderstanding regarding the same.
4. The undersigned hereby agrees to furnish the required bonds and insurance certificates and execute an agreement within ten (10) calendar days from and after notice of the award of the contract, and failure of the bidder to do so shall constitute a default, and the City may thereafter take such steps to protect its legal rights as it deems in its best interest, including, but not limited to, enforcement of its rights as to bid security.
5. It is understood that the City will pay in a prompt and timely manner pay estimates when submitted and approved by the Architect/Engineer and further approved by the City staff coordinator for the project, all as provided in the contract documents.
6. Undersigned acknowledges receipt of the Plans and Specifications for the project including the following addenda (complete) No.1 - 6.26.2017

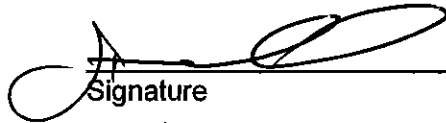
Enclosed is a certified check, cashier's check or bid bond in the amount of

DOLLARS (\$ _____) which the undersigned agrees is subject to being forfeited to and becoming the property of the City as liquidated damages and not as a penalty, together with other legal remedies the City may choose to invoke, all as set forth in the Instructions to Bidders Section IB-9, should this Bid be accepted and the contract be awarded to this bidder and it should fail to enter into an agreement in the form prescribed and to furnish the required insurance, bonds and other required documents within ten (10) calendar days as above stipulated, otherwise the bid security shall be returned to the undersigned upon signing of the agreement and delivery of the approved bonds and other required documents to the City of Mission, Kansas.

DATED in MERCIAM this 29 day of JUNE, 2017

(SEAL)

ODONNELL-WAY CONSTRUCTION
Contractor


Signature

John T. O'Donnell
Printed Name

President
Title

5238 MERCIAM DR.
Street Address or P.O. Box

MERCIAM, KS. 66203
City, State, Zip

913-498-3355
Telephone Number

913-498-3377
Fax Number

AIA® Document A310™ – 2010

Bid Bond

CONTRACTOR:

(Name, legal status and address)

O'Donnell - Way Construction Co., Inc.
5238 Merriam Dr.
Merriam, KS 66203

SURETY:

(Name, legal status and principal place of business)

Granite Re, Inc.
14001 Quailbrook Dr.
Oklahoma City, OK 73134

OWNER:

(Name, legal status and address)

City of Mission, Kansas
6090 Woodson
Mission, KS 66202

BOND AMOUNT: Five percent (5%) of amount bid*

PROJECT:

(Name, location or address, and Project number, if any)

Sylvester Powell Community Center Parking Lot Rehab

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

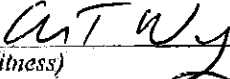
Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

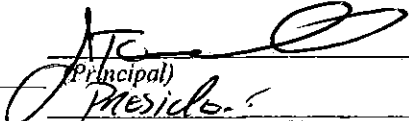
If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

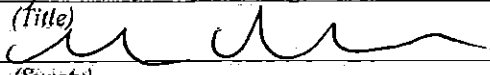
When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this 29th day of June, 2017


(Witness)


(Witness)


(Principal) (Seal)
President


(Surety) (Seal)
Attorney in fact, David S. Salavitch
(Title)

Int.

GRANITE RE, INC.
GENERAL POWER OF ATTORNEY

Know all Men by these Presents:

That GRANITE RE, INC., a corporation organized and existing under the laws of the State of OKLAHOMA and having its principal office at the City of OKLAHOMA CITY in the State of OKLAHOMA does hereby constitute and appoint:

DAVID SALAVITCH; ROBERT L. COX II its true and lawful Attorney-in-Fact(s) for the following purposes, to wit:

To sign its name as surety to, and to execute, seal and acknowledge any and all bonds, and to respectively do and perform any and all acts and things set forth in the resolution of the Board of Directors of the said GRANITE RE, INC. a certified copy of which is hereto annexed and made a part of this Power of Attorney; and the said GRANITE RE, INC. through us, its Board of Directors, hereby ratifies and confirms all and whatsoever the said:

DAVID SALAVITCH; ROBERT L. COX II may lawfully do in the premises by virtue of these presents.


In Witness Whereof, the said GRANITE RE, INC. has caused this instrument to be sealed with its corporate seal, duly attested by the signatures of its President and Secretary/Treasurer, this 23rd day of June, 2014.

STATE OF OKLAHOMA)
) SS:
COUNTY OF OKLAHOMA)





Kenneth D. Whittington, President



Kyle P. McDonald, Treasurer

On this 23rd day of June, 2014, before me personally came Kenneth D. Whittington, President of the GRANITE RE, INC. Company and Kyle P. McDonald, Secretary/Treasurer of said Company, with both of whom I am personally acquainted, who being by me severally duly sworn, said, that they, the said Kenneth D. Whittington and Kyle P. McDonald were respectively the President and the Secretary/Treasurer of GRANITE RE, INC., the corporation described in and which executed the foregoing Power of Attorney; that they each knew the seal of said corporation; that the seal affixed to said Power of Attorney was such corporate seal, that it was so fixed by order of the Board of Directors of said corporation, and that they signed their name thereto by like order as President and Secretary/Treasurer, respectively, of the Company.

My Commission Expires:
August 8, 2017
Commission #: 01013257





Notary Public

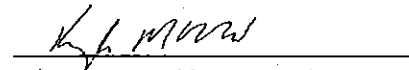
GRANITE RE, INC.
Certificate

THE UNDERSIGNED, being the duly elected and acting Secretary/Treasurer of Granite Re, Inc., an Oklahoma Corporation, HEREBY CERTIFIES that the following resolution is a true and correct excerpt from the July 15, 1987, minutes of the meeting of the Board of Directors of Granite Re, Inc. and that said Power of Attorney has not been revoked and is now in full force and effect.

"RESOLVED, that the President, any Vice President, the Secretary, and any Assistant Vice President shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the Company in the course of its business. On any instrument making or evidencing such appointment, the signatures may be affixed by facsimile. On any instrument conferring such authority or on any bond or undertaking of the Company, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

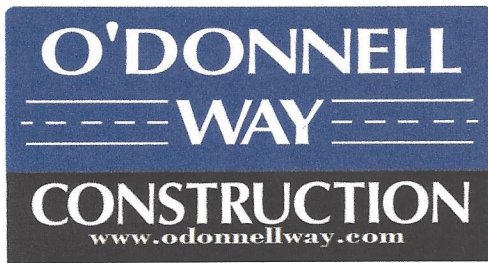
IN WITNESS WHEREOF, the undersigned has subscribed this Certificate and affixed the corporate seal of the Corporation this 29th day of June, 2014.





Kyle P. McDonald, Secretary/Treasurer

Item No.	Description	Unit	Quantity	Unit Cost	Total
1	Force Account	LS	1	\$10,000.00	\$10,000.00
2	Unclassified Exc	CY	799	\$46.38	\$37,057.62
3	Compaction of E	CY	34	\$80.00	\$2,720.00
4	2" Milling	SY	1333	\$5.12	\$6,824.96
5	Cape Seal	SY	2156	\$5.64	\$12,159.84
6	2" Asphalt Surf	TON	150	\$66.73	\$10,009.50
7	6" Asphalt Base	TON	924	\$54.15	\$50,034.60
8	Stamped Concre	SY	84	\$90.00	\$7,560.00
9	Concrete Entranc	SY	42	\$81.00	\$3,402.00
10	Aggregate Base	TON	696	\$17.87	\$12,437.52
11	Curb & Gutter	LF	431	\$25.00	\$10,775.00
12	Sidewalk Ramp	SF	75	\$7.00	\$525.00
13	Sidewalk Ramp v	SF	27	\$7.00	\$189.00
14	Warning Surface	SF	24	\$50.00	\$1,200.00
15	4" Thermo	LF	2893	\$0.75	\$2,169.75
16	30" Thermo	LF	117	\$28.00	\$3,276.00
17	Handicap Markin	EACH	16	\$230.00	\$3,680.00
18	Wheel Stops	EACH	12	\$100.00	\$1,200.00
19	R&R Sign	EACH	7	\$100.00	\$700.00
20	R&R Electrical	EACH	1	\$500.00	\$500.00
21	ADA Sign	EACH	4	\$100.00	\$400.00
22	Staking	LS	1	\$800.00	\$800.00
23	Traffic Control	LS	1	\$400.00	\$400.00
24	Sod	SY	15	\$26.66	\$399.90
25	Topsoil	CY	3	\$200.00	\$600.00
					\$179,020.69
					\$ 287.60



- asphalt paving
- asphalt & concrete & maintenance
- new construction
- asphalt walking/bike trails
- parking lot stripping & signs

July 24, 2017

City of Mission, KS
6090 Woodson
Mission, KS 66202

Attn: John Belger
Re: Sylvester Powell Community Center –Mission, KS: Value Engineering

Gentlemen,

Please find value engineering ideas below.

1) **Crack Filling, Sealcoat:** Approx. 1,638 SY

- Pre-Construction meeting with owner – establish limits of construction and traffic control plan – Based on 3 Mobilizations
 - Install Safety/Traffic Control Barricades
 - Clean asphalt and fill all cracks ¼” and wider with hot pour rubberized crackfiller
 - Apply two coats Mac Pro-Blend Coal Tar Sealer
 - Sealer has 4 lb.s of silica sand added per gallon
-Approx. 1,650 SY @ \$.94/SY = \$ 1,540.00

1) **2” Milling & 2” Asphalt Patching:** Approx. 504 SY

- Mill deteriorated areas in parking lot per plan to a depth of 2”
 - Apply tack-oil
 - Lay 2” of BM-2 ILC Frap Asphalt Surface and compact
-Approx. 504 SY @ \$ 10.77/SY = \$ 5,428.00

2) **6” Reinforced Concrete:** Approx. 132 SF

- Remove damaged asphalt
 - Grade and compact area
 - # 4 rebar at 2’ center
 - Pour 6” KCMMB Concrete and finish with light broom
-Approx. 132 SF @ \$ 7.00/SF = \$ 924.00

Total Cost: \$ 7,892.00

Credit for Cape Seal: (\$ 12,159.84)

Total Savings: \$ 4,267.84

Please let me know if you would like to meet on site to go over the work and please call with any questions.

Sincerely,

Jack O'Donnell



Crackfill & Double Sealcoat

2" Mill & 2" Asphalt Patching - 340 SY

Crackfill & Double Sealcoat

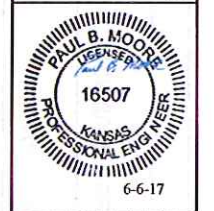
6" Reinforced Concrete

Crackfill & Double Sealcoat

2" Mill & 2" Asphalt Patching - 188 SY

PUBLIC IMPROVEMENT PLANS FOR SYLVESTER POWELL COMMUNITY CENTER PARKING LOT REHAB CITY OF MISSION, KANSAS JOHNSON COUNTY, KANSAS

OLSSON ASSOCIATES
TEL 913.381.1170
FAX 913.381.1174
www.olssonassociates.com



REV. NO.	DATE	REVISIONS DESCRIPTION	BY
		NOT FOR CONSTRUCTION	
		REVISIONS	

TITLE SHEET	SYLVESTER POWELL COMMUNITY CENTER	2017
MISSION, KANSAS		

LEGEND

<ul style="list-style-type: none"> ▲ CIP SURVEY CONTROL POINT ▲ SURVEY BENCHMARK ▲ TBM SURVEY TEMPORARY BENCHMARK □ GAS METER □ GAS RISER ○ GAS MANHOLE □ GAS REGULATOR □ TELEVISION PEDESTAL □ FIBER BOX ○ FIBER PEDESTAL □ CABLE BOX □ CABLE VAULT □ TELEPHONE PEDESTAL ○ STORM MANHOLE ○ STORM GRATE ○ SANITARY MANHOLE ○ YARD LIGHT ○ LIGHT POLE □ POWER POLE □ POWER POLE W/ LIGHT ← GUY WIRE ○ STUMP ○ BUSH ○ EVERGREEN TREE ○ DECIDUOUS TREE 	<ul style="list-style-type: none"> □ TRAFFIC SIGNAL BOX ○ TRAFFIC SIGNAL MANHOLE ○ TRAFFIC SIGNAL POLE W/ ARM ○ TRAFFIC SIGNAL POLE □ TRAFFIC SIGNAL CONTROL BOX □ TRAFFIC SIGNAL PEDESTAL ○ ELECTRIC MANHOLE □ ELECTRIC METER □ ELECTRIC RISER □ ELECTRIC BOX □ ELECTRIC CABINET □ ELECTRIC JUNCTION BOX ○ SPRINKLER HEAD ○ SPRINKLER CONTROL VALVE ○ WATER METER PIT ○ FIRE HYDRANT ○ WATER METER ○ WATER VALVE ○ FLAG POLE ○ SIGN ○ BOLLARD ○ WOOD POST ○ STEEL POST ○ COLUMN ○ BORE HOLE
--	---

<ul style="list-style-type: none"> --- SECTION LINE --- PROPERTY LINE --- CENTER LINE --- PROPOSED ROW LINE --- EXISTING ROW LINE --- UTILITY EASEMENT --- 1371 EXISTING MAJOR CONTOUR --- 1371 EXISTING MINOR CONTOUR --- 1371 PROPOSED MAJOR CONTOUR --- 1371 PROPOSED MINOR CONTOUR --- TEL EXISTING TELEPHONE LINE --- SS EXISTING SANITARY LINE --- EXISTING STORM LINE --- GAS EXISTING GAS LINE --- W EXISTING WATER LINE --- CHE EXISTING CHAIN LINK FENCE --- EXISTING OVERHEAD ELECTRIC --- P EXISTING PIPE LINE --- GRADING LIMITS --- TEMPORARY CONSTRUCTION EASEMENT --- PROPOSED CHAIN LINK FENCE --- PROPOSED WOOD PRIVACY FENCE --- EXISTING TREELINE --- CONSTRUCTION LIMITS --- UNDERDRAIN ■ ASPHALT ■ CONCRETE ■ CAPE SEAL 	
---	--

ABBREVIATION TABLE

MG	MATCH GRADE
P	PAVEMENT
TC	TOP OF CURB
BC	BACK OF CURB
EP	EDGE OF PAVEMENT
R/W	RIGHT-OF-WAY
TCE	TEMPORARY CONSTRUCTION EASEMENT
PROP.	PROPOSED
EXIST.	EXISTING
TYP.	TYPICAL
(R)	REMOVAL
CONST.	CONSTRUCT
TBM	TEMPORARY BENCHMARK
C.G.	CONTROL POINT
D.N.D.	DO NOT DISTURB
U.I.P.	USE IN PLACE
ADJ.	ADJUST
EL.	ELEVATION
ESMT.	EASEMENT
B-B	BACK OF CURB TO BACK OF CURB DIMENSION

PROJECT LOCATION



LOCATION MAP

NOT TO SCALE



INDEX OF SHEETS

SHEET NO. TITLE

1	TITLE SHEET
2	GENERAL LAYOUT, TYPICAL SECTION & SURVEY CONTROL
3	GENERAL NOTES & SUMMARY OF QUANTITIES
4	DEMOLITION & REMOVAL PLANS
5	PLAN SHEET
6	ISLAND DETAIL
7-9	STANDARD DETAILS
10	TRAFFIC CONTROL DETAILS

USER: cjcarrall
 F:\PROJECTS\014-3299\71-Sylvester Powell Community Center\40-Design\AutoCAD\Final Plans\Sheets\ROBR\GENERAL\T_TTL_171_43299.dwg
 DATE: Jun 06, 2017 4:14pm
 XREFS: T_AERL_170_43299
 T_PTELK_171_43299



KANSAS CALL BEFORE YOU DIG:
1-800-DIG-SAFE (1-800-344-7233)

PREPARED & SUBMITTED BY:
OLSSON ASSOCIATES
7301 W. 133RD STREET, SUITE 200
OVERLAND PARK, KANSAS 66213

Paul B. Moore 6-6-17
PAUL B. MOORE DATE

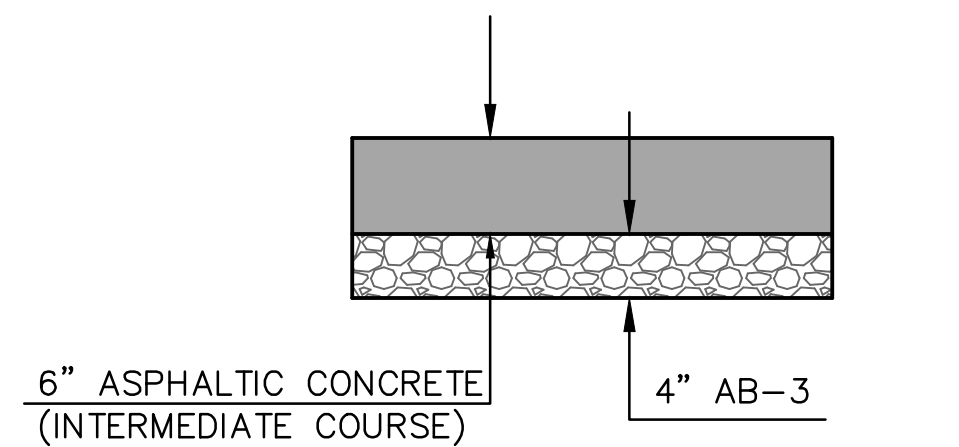
I CERTIFY THESE PLANS WERE PREPARED BY ME OR UNDER MY IMMEDIATE PERSONAL SUPERVISION.

APPROVED BY:
CITY OF MISSION, KANSAS

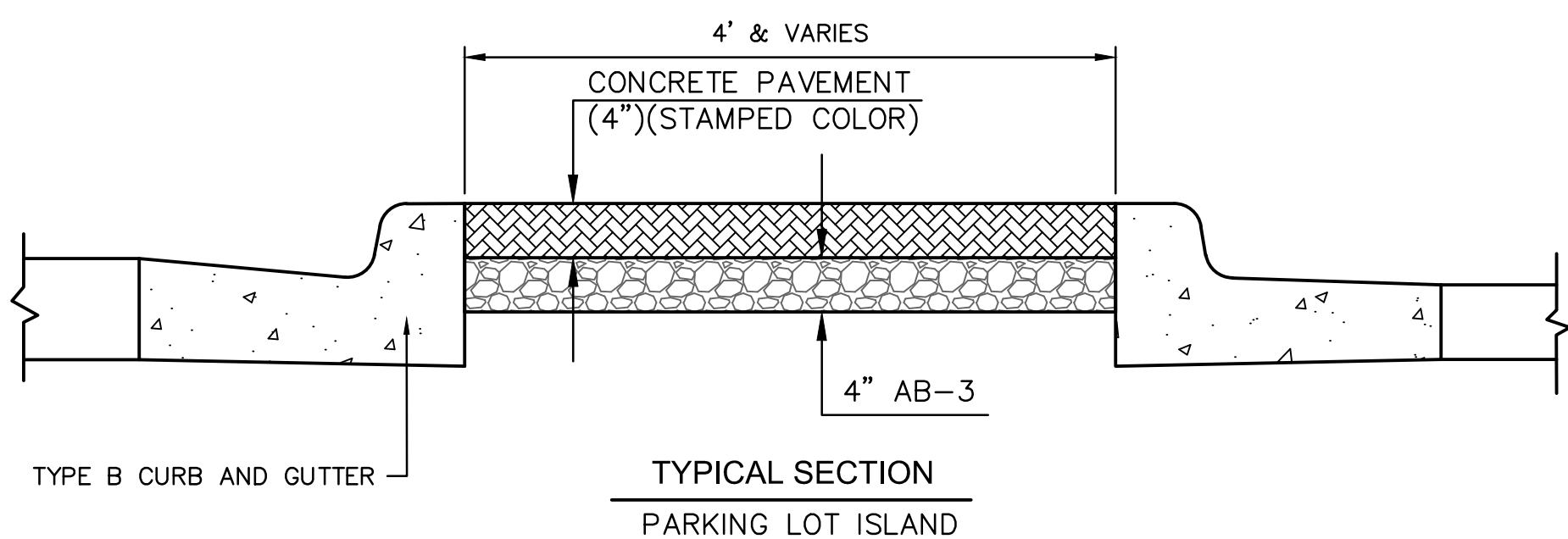
Jan Bl 6-8-17
PUBLIC WORKS DIRECTOR DATE

drawn by:	AKU
checked by:	RBC
approved by:	PBM
QA/QC by:	JMF
project no.:	014-3299
drawing no.:	T TTL 171 43299
date:	6/9/2017

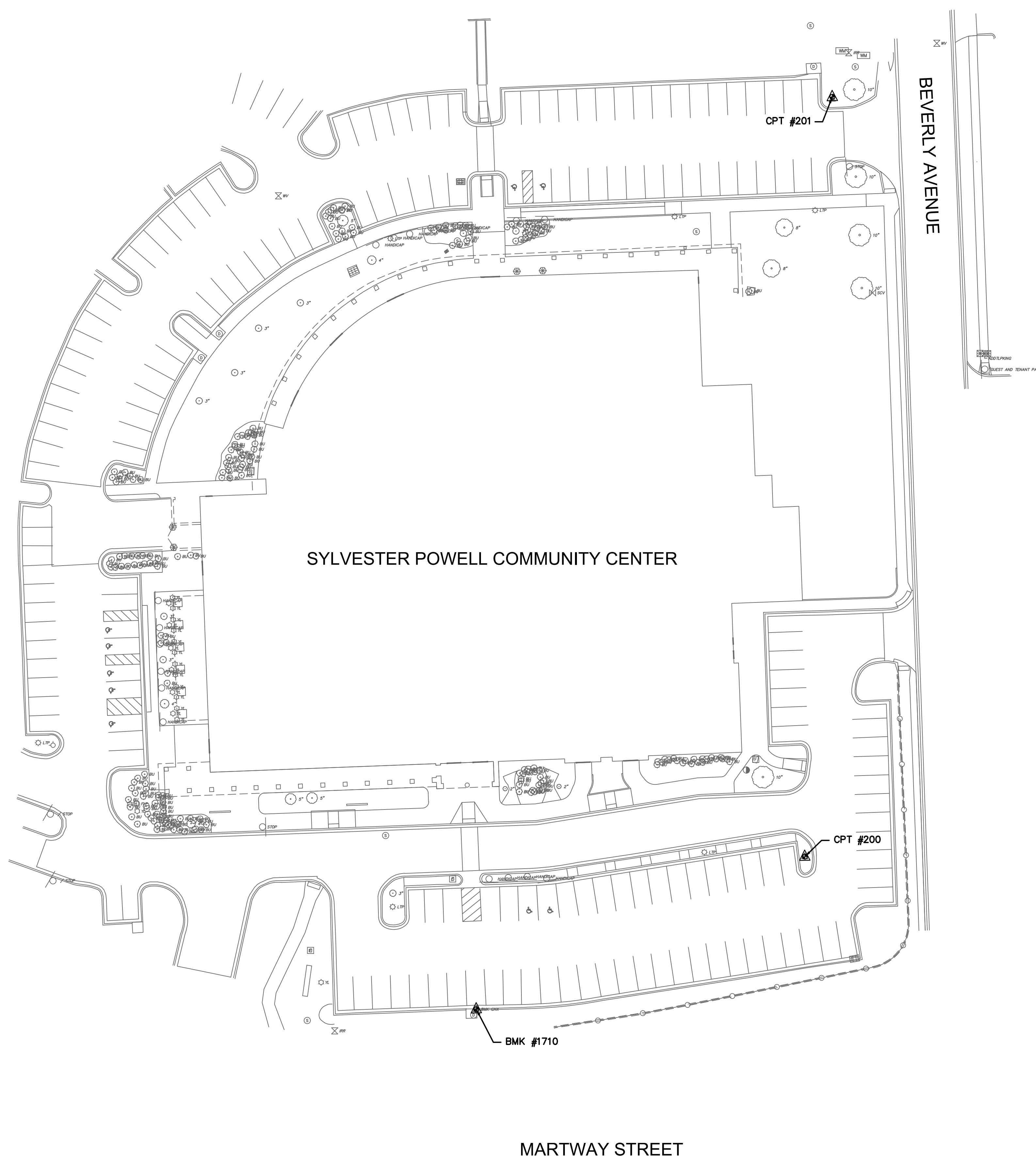
DWG: F:\PROJECTS\014-3299\171-Sylvester Powell Community Center\40-Design\AutoCAD\Final Plans\Sheets\RD\GENERAL\T_LAY_171_43299.dwg
 DATE: Jun 07, 2017 11:14am XREFS: T_P\BLK_171_43299 T_V\TOP_171_43299
 USER: aurbonek



TYPICAL SECTION
FULL DEPTH PARKING LOT REPLACEMENT



TYPICAL SECTION
PARKING LOT ISLAND



Control: Horizontal & Vertical Control is based on the Kansas Coordinate System 1983, North Zone.
 Coordinate Datum: Modified State Plane Ground, US Survey Feet

CPT #200: Set 3/8" Rebar in Grass in East End of Island in Southeast Parking Lot of 6200 Martway

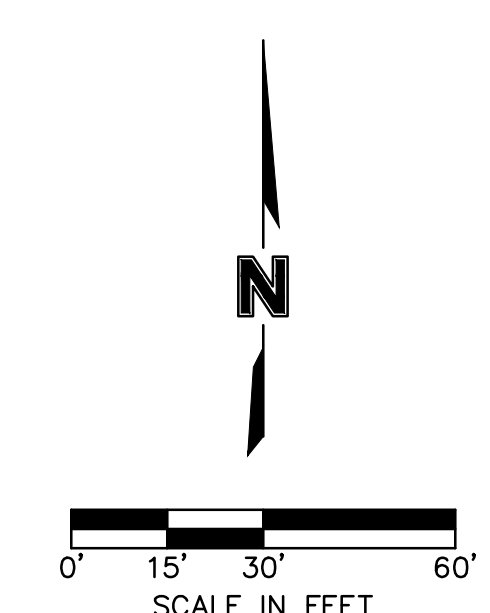
- 1. Found Back of Curb 3.6' East
- 2. Found Back of Curb 2.8' West
- 3. Found Southeast Corner of Decorative Brick in Island 8.5' Northwest
- N: 267649.91
- E: 2262122.63

CPT #201: Set 3/8" Rebar in Grass on North side of Northeast Entrance to 6200 Martway

- 1. Found Center of Sanitary Sewer Manhole 18.8' Northeast
- 2. Found Back of Curb 4.1' South
- 3. Found Back of Curb 5.1' West
- 4. Found Southeast Corner of Curb Inlet 13.4' Northwest
- N: 268012.44
- E: 2262135.79

Elevations Datum: NAVD 1988

Bench Mark #1710: Chiseled "X" Cut on Northeast Corner of Curb Inlet Northeast of Powell Center Westbound Bus Stop On North Side of Martway Street at 6200 Martway
 Elevation=964.99'



REV. NO.	DATE	REVISIONS DESCRIPTION	BY
		NOT FOR CONSTRUCTION	

GENERAL LAYOUT, TYPICAL SECTION AND SURVEY CONTROL	
SYLVESTER POWELL COMMUNITY CENTER	
MISSION, KANSAS	2017
REVISIONS	

drawn by: AKU
 checked by: RSC
 approved by: PBM
 QA/QC by: JAF
 project no.: 014-3299
 drawing no.: T_LAY_171_43299
 date: 6/6/2017

DWG: F:\PROJECTS\014-3299\171-Sylvester Powell Community Center\40-Design\AutoCAD\Final Plans\Sheets\RD\B\GENERAL\T_GEN_171_43299.dwg
 DATE: Jun 07, 2017 11:22am XREFS: T_P\TBLK_171_43299
 USER: ourbonek

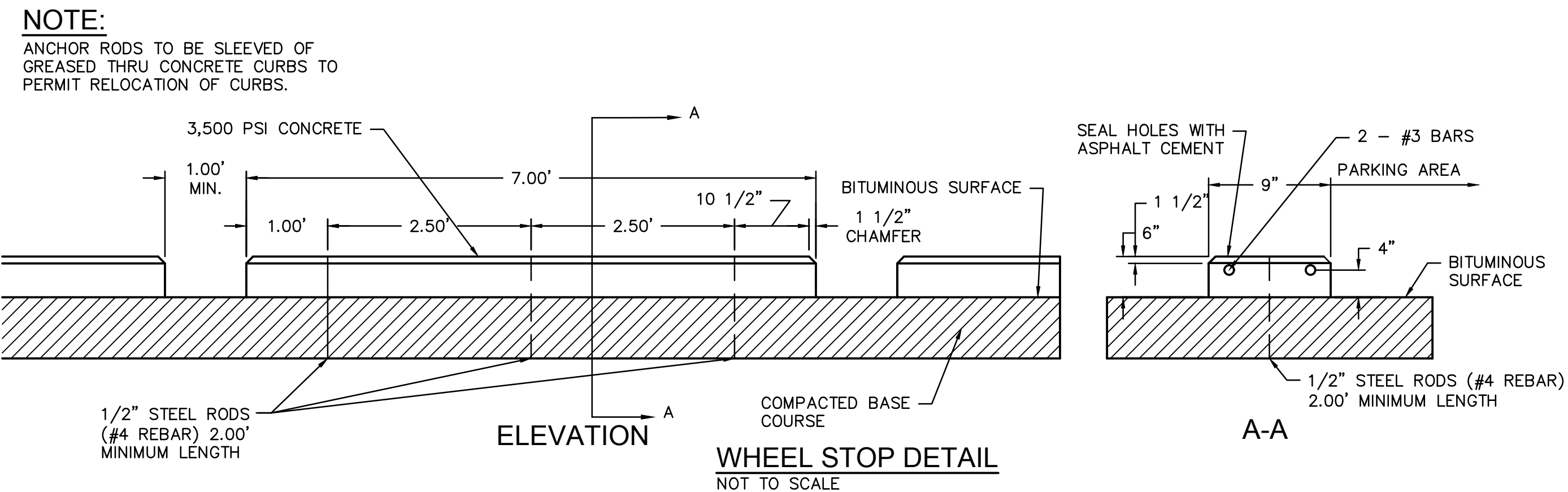
General Notes:

- Borrow Areas Provided By The Contractor Shall Be Approved By The Engineer As To Suitability Of Material And Location. Special Care Shall Be Taken In This Approval To Minimize The Increase Of Siltation And Turbidity Of Streams, Lakes And Reservoirs And To Avoid Interference With The Movement Of Migratory Fish. Areas Which, In The Opinion Of The Engineer, May Leave An Unsightly Appearance To The Project Will Not Be Approved.
- All Disposal Sites Must Be Approved By The Kansas Department Of Health And Environment. Material Either Stockpiled Or Disposed Of In A Flood Plain Would Require A Kansas State Board Of Agriculture Permit. Any Material Dumped In Waters Of The United States Of Wetlands Is Subject To U.s. Corps Of Engineers Permitting Regulations.
- Any Material Buried Or Stockpiled Beyond Approved Construction Limits Would Require Additional Archeological Investigations Unless Buried In A Previously Approved Borrow Location.
- All excavation shall be unclassified. No separate or additional payment will be made for any rock excavation required for these improvements. Trench excavation shall be subsidiary to other items of work.
- The Contractor shall thoroughly review and become familiar with the Specifications and Special Conditions of the Contract Documents prior to beginning construction on this project.
- All workmanship and materials shall be subject to the inspection and approval by City personnel.
- The Traffic Control Requirements Shown On These Plans. In No Way Do The Requirements Shown On These Plans Relieve The Contractor Of His Responsibility For Selecting The Proper Traffic Control Devices And Implementation Procedures That Will Insure The Safety Of Motorists, Pedestrians, And Workers At All Times. All Traffic Control Shall Be In Conformance With The Current Edition Of The Manual On Uniform Traffic Control Devices (mutcd).
- The Contractor Shall Be Responsible For The Restoration Of Right-of-way And For Damaged Improvements Such As Curbs, Sidewalks, Driveways, Street Light And Traffic Signal Boxes, Traffic Signal Loop Lead-ins, Signal Poles, Etc. Damaged Improvements Shall Be Repaired In Conformance With The Latest City Standards And To The City's Satisfaction At The Contractor's Expense.
- The Contractor Shall Be Responsible For Maintaining And, If Damaged, Restoring Mailboxes, Driveway Markers, Yard Lights, Basement Drains, Roof Drains, Sprinkler Systems, Utility Service Line Connections And Septic Systems To A Condition Equal To That Before Damage Occurred.
- The Contractor is responsible for providing berms, silt fences, or other approved means to prevent eroded materials from entering streets open to traffic, the storm sewer systems, or properties adjacent to the project. In the event the preventative measures are not effective, the Contractor shall remove any debris, silt, or mud and restore the effected area to its original or better condition.

- All concrete used in this work shall meet the requirements of the OPMC. KCMMB Concrete shall be used throughout, unless otherwise noted. The Contractor shall, at the Contractor's expense, submit and receive approval of a concrete mix design by the City Engineer prior to placement of any concrete. The mix design shall include certified test results by an independent laboratory for the aggregate tests required by the Overland Park Municipal Code. All ready-mix concrete delivered to the job site shall be so certified. Any reference(s) made to JCCB shall be hereto revised to KCMMB.
- The Contractor Shall Install Lighting Conduit And Signal Conduit Prior To Constructing Pavement. All Non-evasive Loops Shall Be Trenched In And Backfilled With Flowable Fill Prior To Installation Of Subgrade. Boring Of Loops Will Not Be Allowed After Subgrade Has Been Installed.
- All existing property signs shall be removed and reset by the Contractor at his own expense.
- Any existing signs removed by the Contractor for construction purposes other than stop signs, yield signs, and street name signs shall be stockpiled in one location for pick up by the City sign crews. Stop signs, yield signs, and street name signs removed shall be temporarily erected in reflectorized drums (no less than 7' from grade) until City sign crews can be notified and re-installation is accomplished. Any temporary stop or yield sign installation to be left in place overnight will require prior approval from the Engineer. Contact John Belger at 913-676-8381 to arrange pick up of stockpiled signs.
- All Trees To Be Grubbed Are Marked Thus "x". Spare All Trees That Are Marked (SAVE) Or Any Trees Not Marked At All. Exceptionally Good Trees Shall Be Spared By Adjusting Backslope Lines During Construction, As Directed By The Engineer. All Trees Within The Construction Limits To Be Saved Shall Have Their Trunks Physically Protected Prior To Construction Operations By Methods Approved By The Engineer.
- All utility valves, and meter pits shall be adjusted or rebuilt to grade as required and set in concrete if in roadway for field adjustment. This work shall be subsidiary to all other bid items unless otherwise noted.
- Saw Cuts Shall Be Full Depth. This Shall Be Subsidiary To Paving Items.
- All Existing Structures Within The Construction Limits Shall Be Removed, Unless Otherwise Noted On The Plans. This Work Shall Be Paid For Under The Bid Item "Removal Of Existing Structures".

- The Contractor Shall Notify All Property Owners A Minimum 2 Days In Advance Of All Work Pertaining To Their Entrances.
- Police, Fire, Med-act And School Bus Companies Shall Be Notified Prior To Closing Of Any Street With Approval Of The City Engineer.
- The Contractor Shall Sod All Disturbed Areas Within The Project Limits, Unless Noted Otherwise On The Plans.
- The Information Shown On These Plans Concerning The Type And Location Of Underground Utilities Is Not Guaranteed To Be Accurate Or All Inclusive. The Contractor Is Responsible For Contacting All Utility Companies For Field Location Of All Underground Utility Lines Prior To Any Excavation And For Making His Own Verification As To The Type And Location Of Underground Utilities As May Be Necessary To Avoid Damage Thereto.
- Public And Private Utility Facilities Shall Be Moved Or Adjusted As Necessary By The Owners To Fit The New Construction, Unless Otherwise Noted On The Plans.
- Any existing and/or temporary storm sewer pipes or culverts to be abandoned in place shall be completely filled using a flowable fill mixture. The flowable fill mixture of cement, fine aggregate, forming agents and water shall be approved by the Engineer and shall possess adequate flow characteristics to completely fill all voids. The cost of flowable fill shall be considered subsidiary to other items of work.
- Flowable Fill (low Strength) Shall Be Used To Backfill Around All Storm Sewer Structures (within 2' Of Finish Grade) And Any Trenches Under Pavement Areas.
- The Contractor Shall At No Time Leave Equipment, Materials Or Debris At Locations That Could Obstruct Intersection Sight Distance, Obstruct Any Existing Capacity Of Storm Sewer System, Or Cause Flooding Or Erosion To Residences.
- The Contractor Shall Pothole And Survey All Utility Crossings Prior To Construction Of Any Portion Of Storm Sewer, Underdrains, Conduit, And Any Other Subsurface Elements Of The Project. This Survey Information Shall Be Forwarded To The Project Engineer For Review. The Contractor Shall Not Begin Construction On Any Subsurface Element On The Project Without The Approval Of The Project Engineer. This Item Shall Be Subsidiary To Other Bid Items.

RECAPITULATION OF QUANTITIES			
ITEM NO.	ITEM DESCRIPTION	UNIT	QUANTITY
1	Force Account (Set)	Lump Sum	1
2	Unclassified Excavation *	Cu. Yd.	799
3	Compaction of Earthwork (All types)	Cu. Yd.	34
4	2" Milling	Sq. Yd.	1333
5	Cape Seal	Sq. Yd.	2156
6	2" Asphaltic Concrete (Intermediate Course)(North Parking lot)	Ton	150
7	6" Asphaltic Concrete (Intermediate Course)(South Parking lot)	Ton	924
8	Concrete Pavement (4") (Stamped Color)	Sq. Yd.	84
9	Concrete Entrance Pavement (8")	Sq. Yd.	42
10	Aggregate for Base (AB-3)	Ton	696
11	Curb & Gutter (Type B)	Lin. Ft.	431
12	Sidewalk Ramp (6")	Sq. Ft.	75
13	Sidewalk Ramp With Detectable Warning Surface	Sq. Ft.	27
14	Detectable Warning Surface	Sq. Ft.	24
15	4" White Thermoplastic	Lin. Ft.	2893
16	30" White Pre-Formed Thermoplastic	Lin. Ft.	117
17	White ADA Handicap Marking Pre-Formed Thermoplastic	Each	16
18	Wheel Stop	Each	12
19	Remove and Reset Sign	Each	7
20	Remove & Reset Electrical Box	Each	1
21	ADA Accessible Parking Sign	Each	4
22	Contractor Construction Staking	Lump Sum	1
23	Traffic Control	Lump Sum	1
24	Sod (Fescue)	Sq. Yd.	15
25	Topsoil	Cu. Yd.	3
* Existing pavement thickness assumed to be 6 inches			



OLSSON ASSOCIATES

TEL: 913.381.1170
 FAX: 913.381.1174
 7301 West 133rd Street, Suite 200
 Overland Park, KS 66213-4750
 www.olssonassociates.com

REV. NO.	DATE	REVISIONS DESCRIPTION	BY

NOT FOR CONSTRUCTION

GENERAL NOTES AND SUMMARY OF QUANTITIES

SYLVESTER POWELL COMMUNITY CENTER

REVISIONS

MISSION, KANSAS


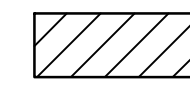
2017

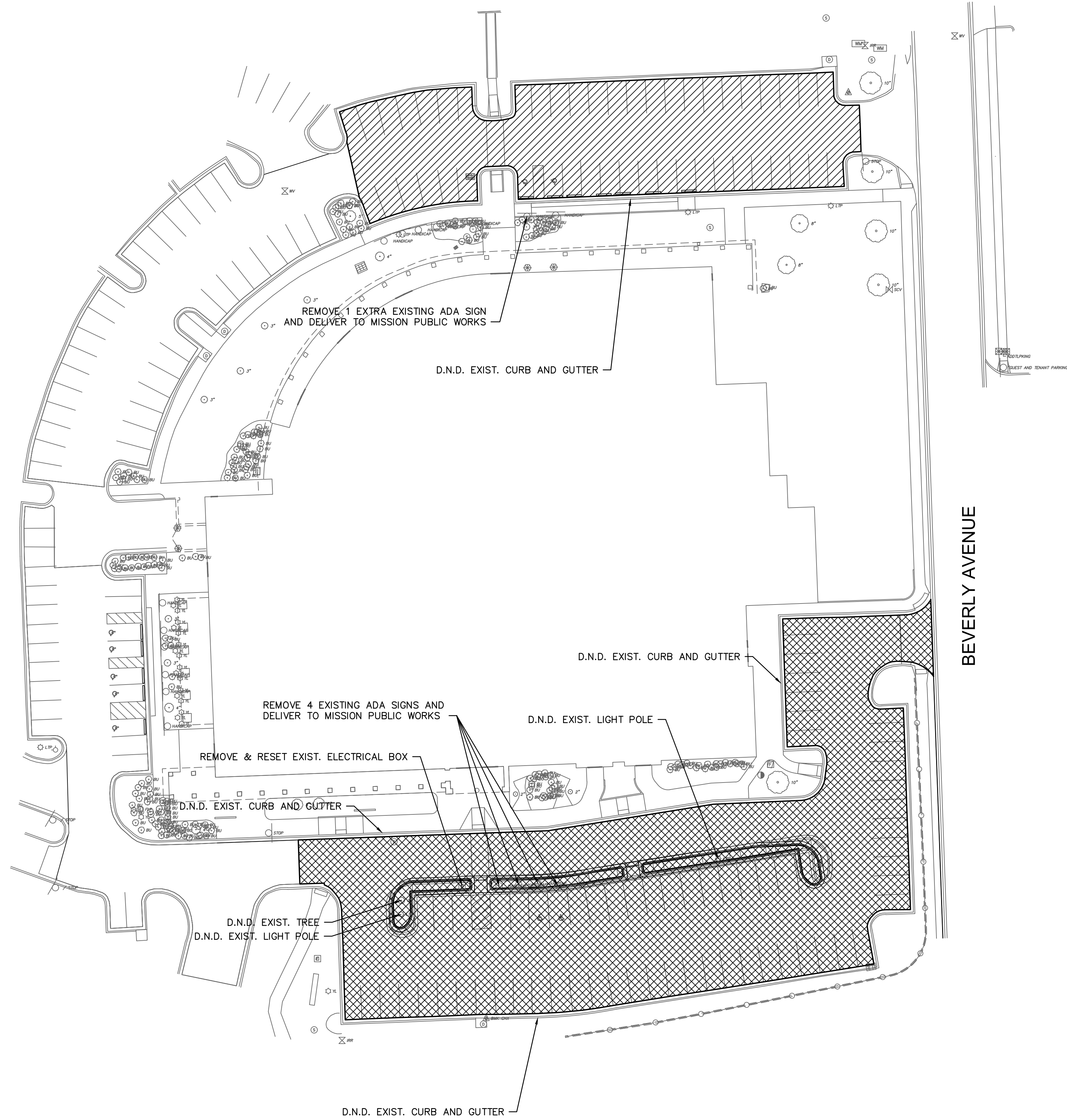
drawn by: AKU
 checked by: RSC
 approved by: PBM
 QA/QC by: JAF
 project no.: 014-3299
 drawing no.: T_GEN_171_43299
 date: 6/6/2017

SHEET
 3 of 10

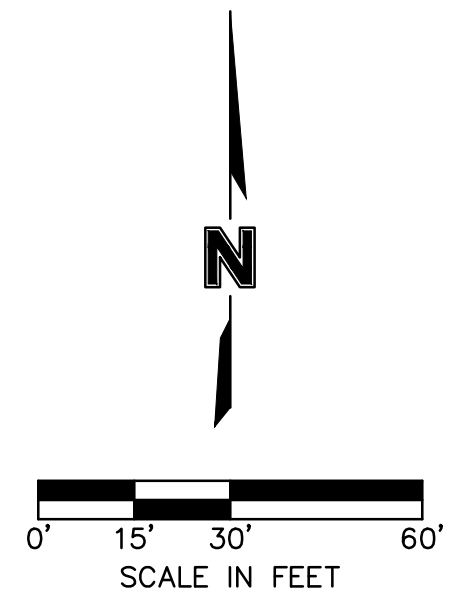
DWG: F:\PROJECTS\014-3299\171-Sylvester Powell Community Center_40-Design\AutoCAD\Final Plans\Sheets\RD\DEMOLITION & REMOVALS\T_DEM_171_43299.dwg
 DATE: Jun 07, 2017 11:31am XREFS: T_PTBK_171_43299 T_VTOP02_171_43299 T_PBASE_171_43299 T_VTOPO_171_43299 USER: aurbonek

LEGEND

-  FULL DEPTH REMOVAL
-  2" MILL



BEVERLY AVENUE



MOLSSON
ASSOCIATES

7301 West 133rd Street, Suite 200
Overland Park, KS 66213-4750
TEL 913.381.1170
FAX 913.381.1174
www.olssonassociates.com

REV. NO.	DATE	REVISIONS DESCRIPTION	BY
		NOT FOR CONSTRUCTION	
		REVISIONS	

DEMOLITION & REMOVALS

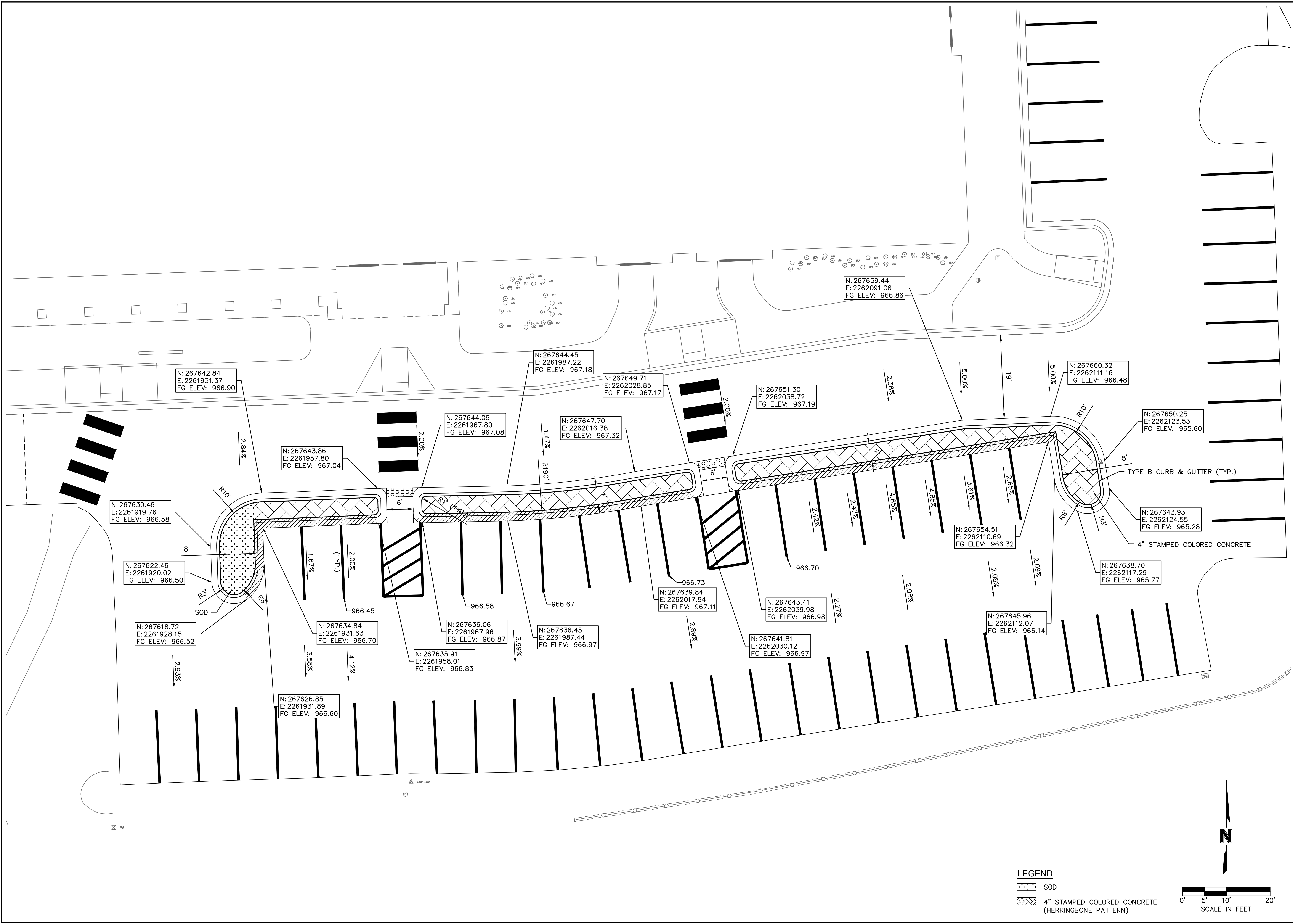
SYLVESTER POWELL COMMUNITY CENTER

MISSION, KANSAS

2017

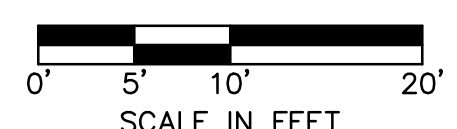
drawn by:	AKU
checked by:	RSC
approved by:	PBM
QA/QC by:	JAF
project no.:	014-3299
drawing no.:	T_DEM_171_43299
date:	6/6/2017

DWG: F:\PROJECTS\014-3299\171-Sylvester Powell Community Center\40-Design\AutoCAD\Final Plans\Sheets\RD\BR\MEDIAN DETAIL_T_MED_171_43299.dwg USER: aurbaneh
 DATE: Jun 07, 2017 11:19am XREFS: T_P\BLK_171_43299 T_V\TOP_171_43299 T_P\BASE_171_43299 T_PPATT_171_43299



LEGEND

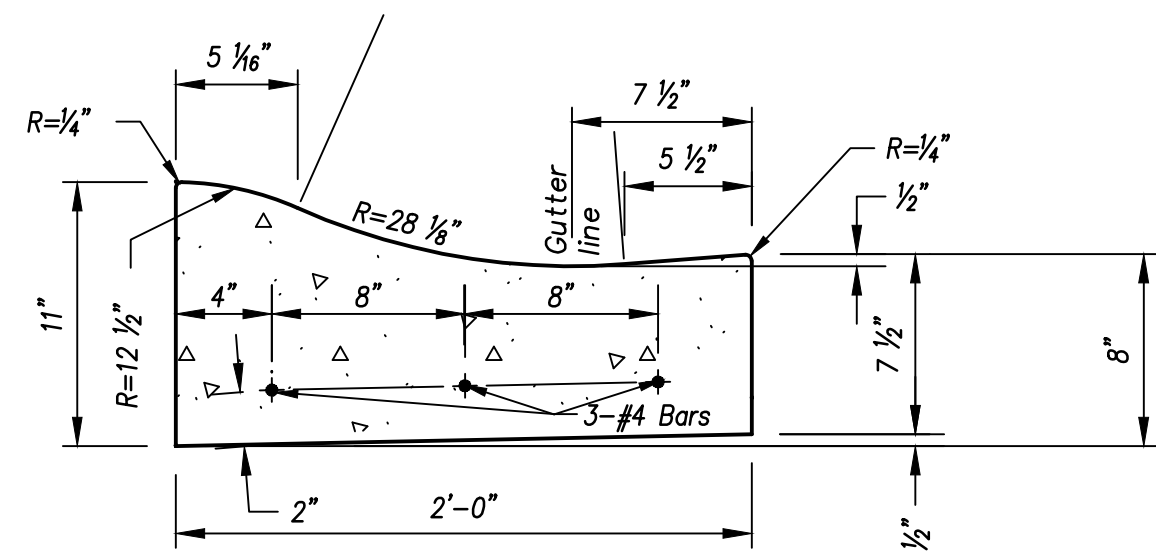
- SOD
- 4" STAMPED COLORED CONCRETE (HERRINGBONE PATTERN)



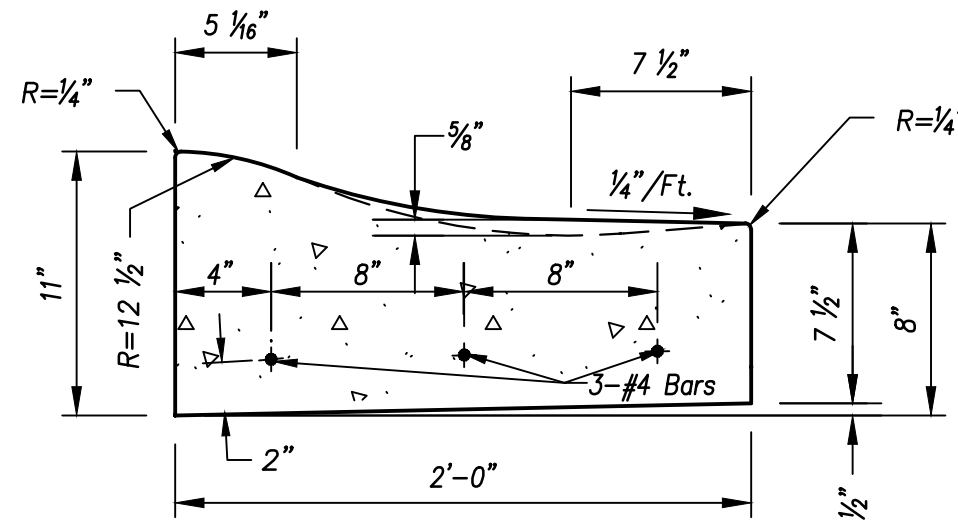
REV. NO.	DATE	REVISIONS DESCRIPTION	BY
		NOT FOR CONSTRUCTION	

ISLAND DETAIL - SOUTH PARKING LOT
 SYLVESTER POWELL COMMUNITY CENTER
 MISSION, KANSAS

drawn by: AKU
 checked by: RSC
 approved by: PBM
 QA/QC by: JAF
 project no.: 014-3299
 drawing no.: T_MED_171_43299
 date: 6/6/2017



Standard Type "A" Curb



Type "A - Dry" Curb

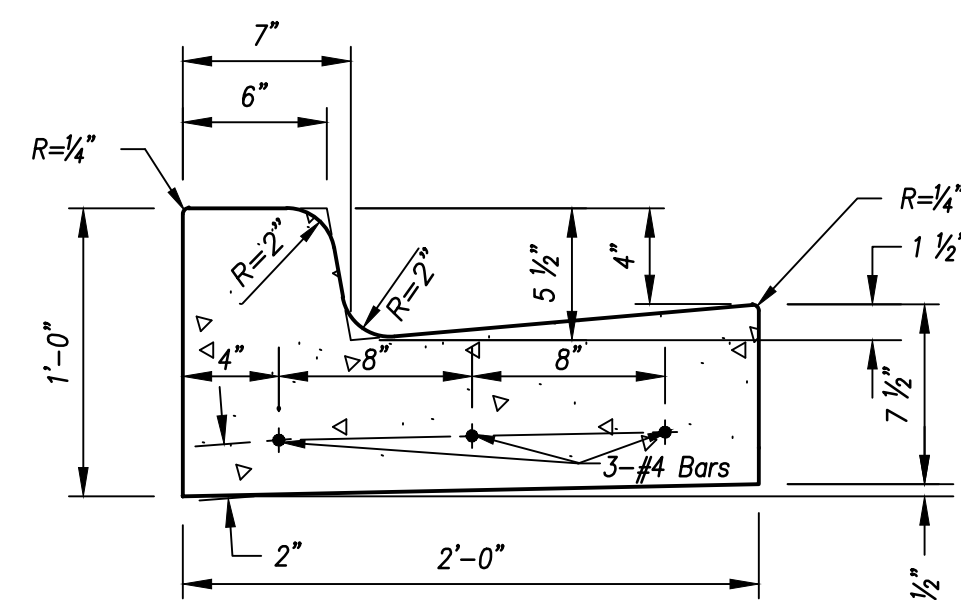
NOTE: in transitions, water shall flow from the gutter of Type "A" curb to the lip of Type "A-Dry" curb at 0.5% min. slope.

Curb & Gutter Notes:

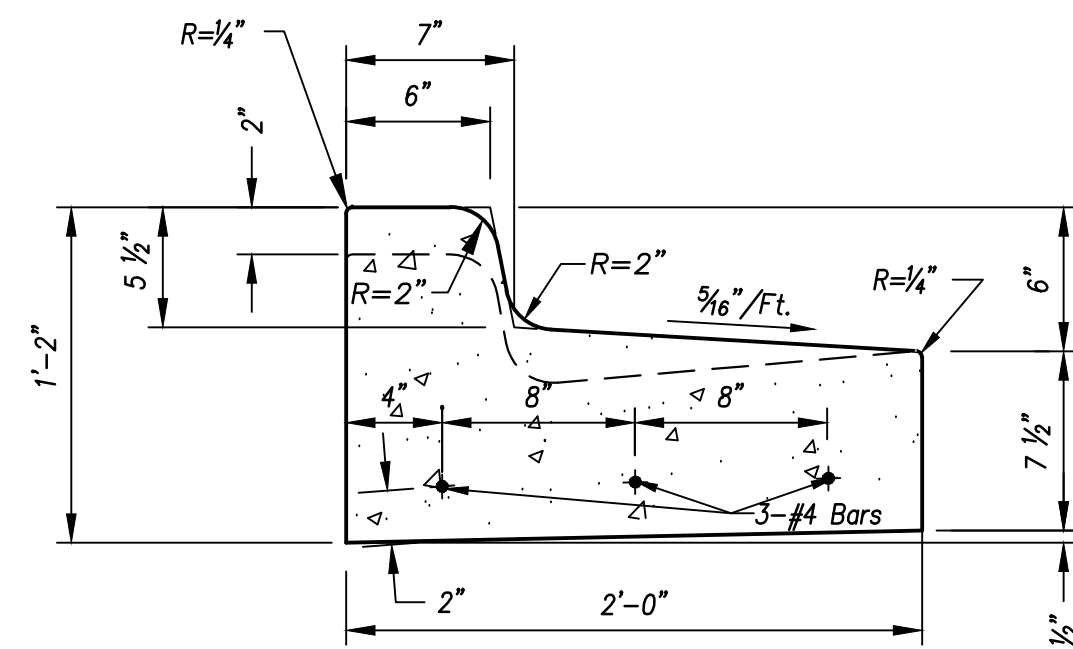
1. The Overland Park Municipal Code (OPMC) and Overland Park Design and Construction Standards Manual (OPDCSM) are incorporated, except as otherwise noted.
2. 1/2" preformed expansion joints shall be placed at points of curvature, curb returns, curb inlets, and at 250' centers. The expansion joints shall be sealed in accordance with OPDCSM. Contraction joints shall be 2" deep, and placed at 15' intervals equally spaced between expansion joints.
3. All concrete used in this work shall meet the requirements of the OPMC. KCMMB4K Concrete shall be used throughout.
4. For hand-formed curb all reinforcing steel shall be supported on fabricated steel bar supports @ 3'-0" maximum spacing, or as directed by the City Engineer.
5. See sidewalk ramp details for typical sidewalk ramp curb & gutter sections.

CONCRETE CURB & GUTTER

Not to Scale



Standard Type "B" Curb



Type "B - Dry" Curb

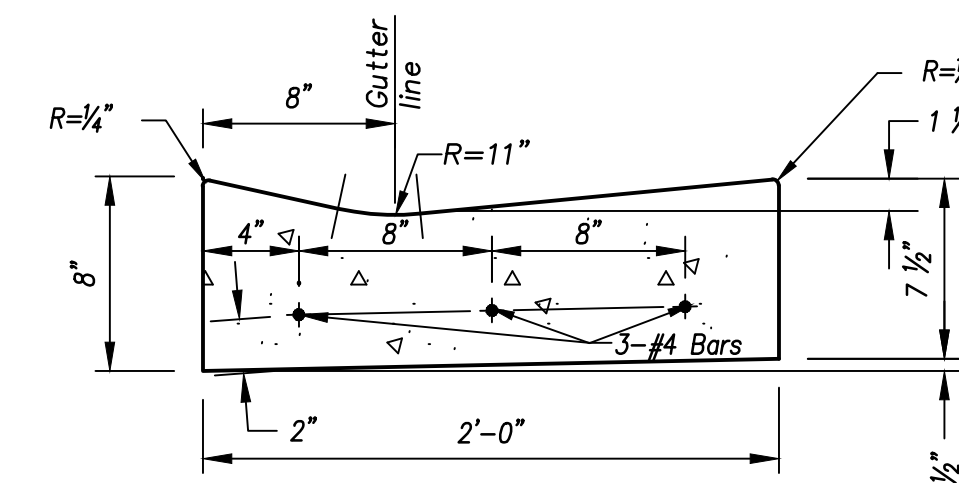
NOTE: in transitions, water shall flow from the gutter of Type "B" curb to the lip of Type "B-Dry" curb at 0.5% min. slope.

Curb & Gutter Notes:

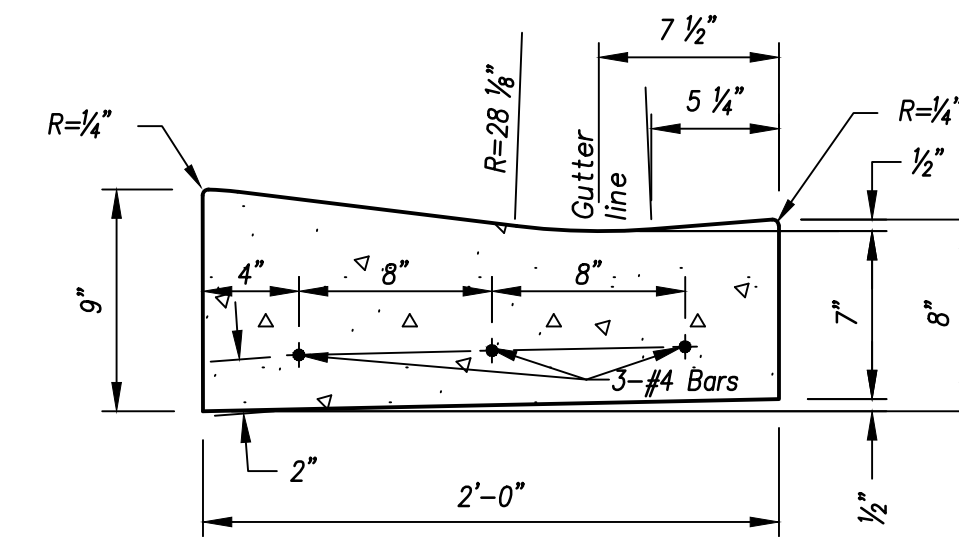
1. The Overland Park Municipal Code (OPMC) and Overland Park Design and Construction Standards Manual (OPDCSM) are incorporated, except as otherwise noted.
2. 1/2" preformed expansion joints shall be placed at points of curvature, curb returns, curb inlets, and at 250' centers. The expansion joints shall be sealed in accordance with OPDCSM. Contraction joints shall be 2" deep, and placed at 15' intervals equally spaced between expansion joints.
3. All concrete used in this work shall meet the requirements of the OPMC. KCMMB4K Concrete shall be used throughout.
4. For hand-formed curb all reinforcing steel shall be supported on fabricated steel bar supports @ 3'-0" maximum spacing, or as directed by the City Engineer.
5. See sidewalk ramp details for typical sidewalk ramp curb & gutter sections.

CONCRETE CURB & GUTTER

Not to Scale



Standard Type "C" Curb*



Type "C-1" Curb *

(Use w/ type "A" curb)

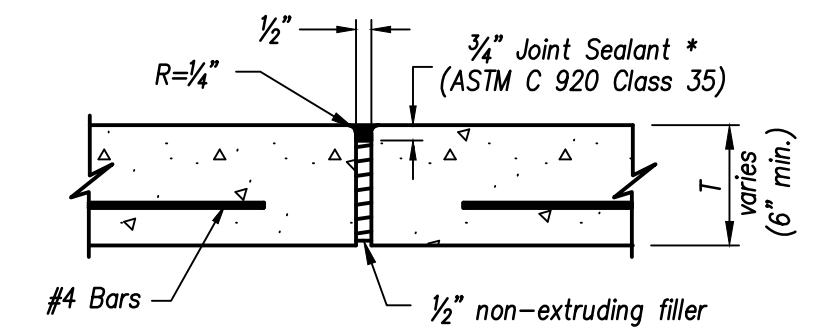
* Use for commercial entrances

Curb & Gutter Notes:

1. The Overland Park Municipal Code (OPMC) and Overland Park Design and Construction Standards Manual (OPDCSM) are incorporated, except as otherwise noted.
2. 1/2" preformed expansion joints shall be placed at points of curvature, curb returns, curb inlets, and at 250' centers. The expansion joints shall be sealed in accordance with OPDCSM. Contraction joints shall be 2" deep, and placed at 15' intervals equally spaced between expansion joints.
3. All concrete used in this work shall meet the requirements of the OPMC. KCMMB4K Concrete shall be used throughout.
4. For hand-formed curb all reinforcing steel shall be supported on fabricated steel bar supports @ 3'-0" maximum spacing, or as directed by the City Engineer.
5. See sidewalk ramp details for typical sidewalk ramp curb & gutter sections.

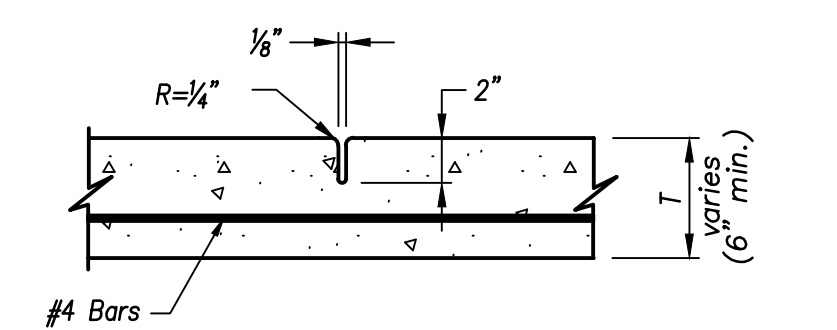
CONCRETE CURB & GUTTER

Not to Scale



* - Joint Sealant shall be installed within 48 Hours of curb placement

Expansion Joint



Contraction Joint

JOINT DETAILS

Not to Scale

Year 2016 Edition

REVISIONS:	
07/01/03	Concrete Mix Designation;
Jan. 2006	Notes
Feb. 2008	OPMC Reference
RELATED ORDINANCES:	
OPMC Title 13	

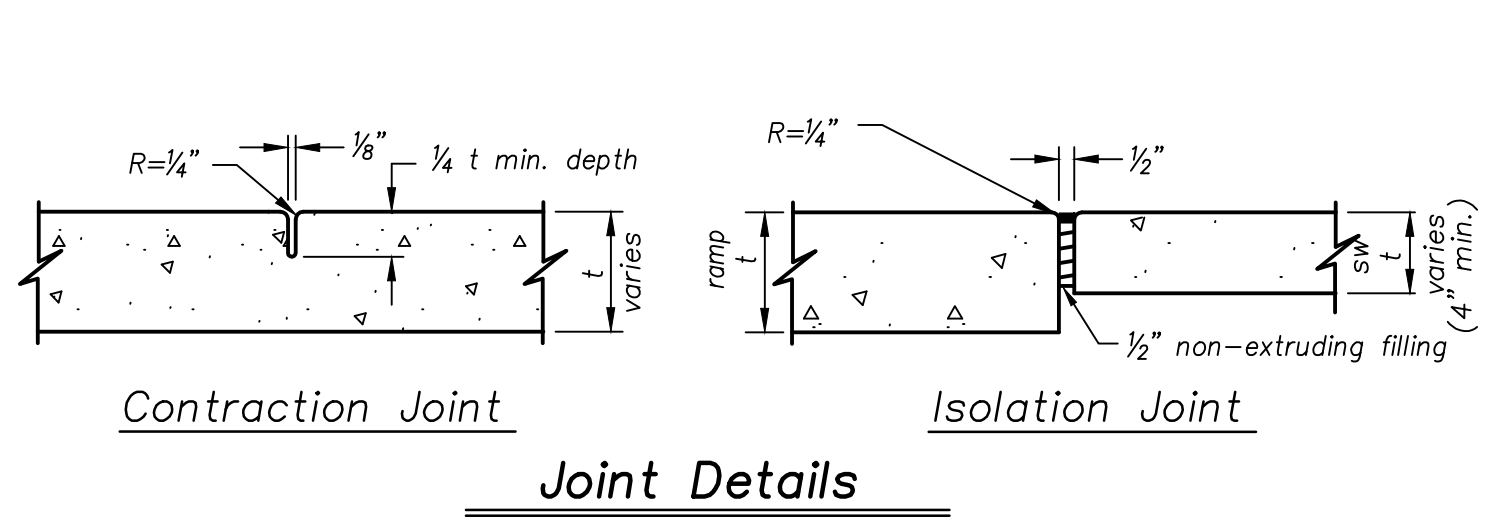
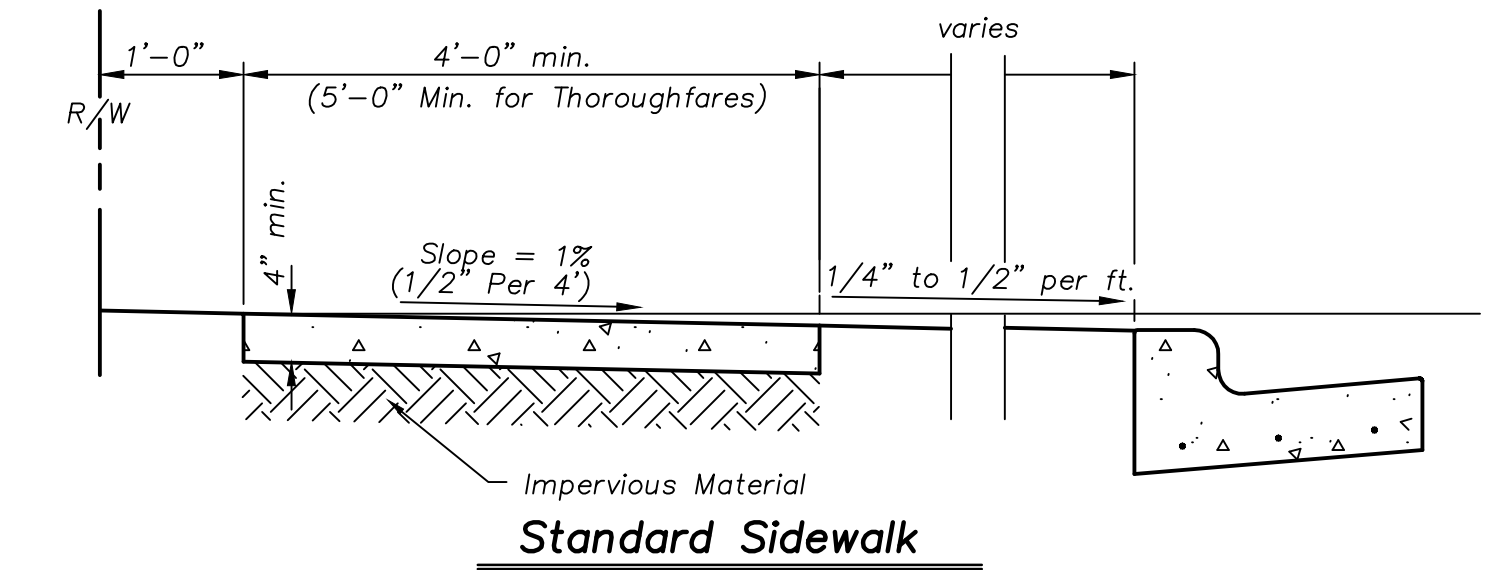
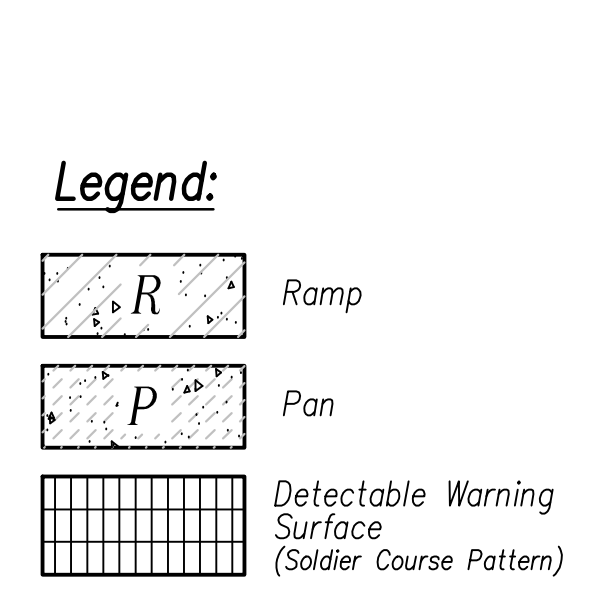
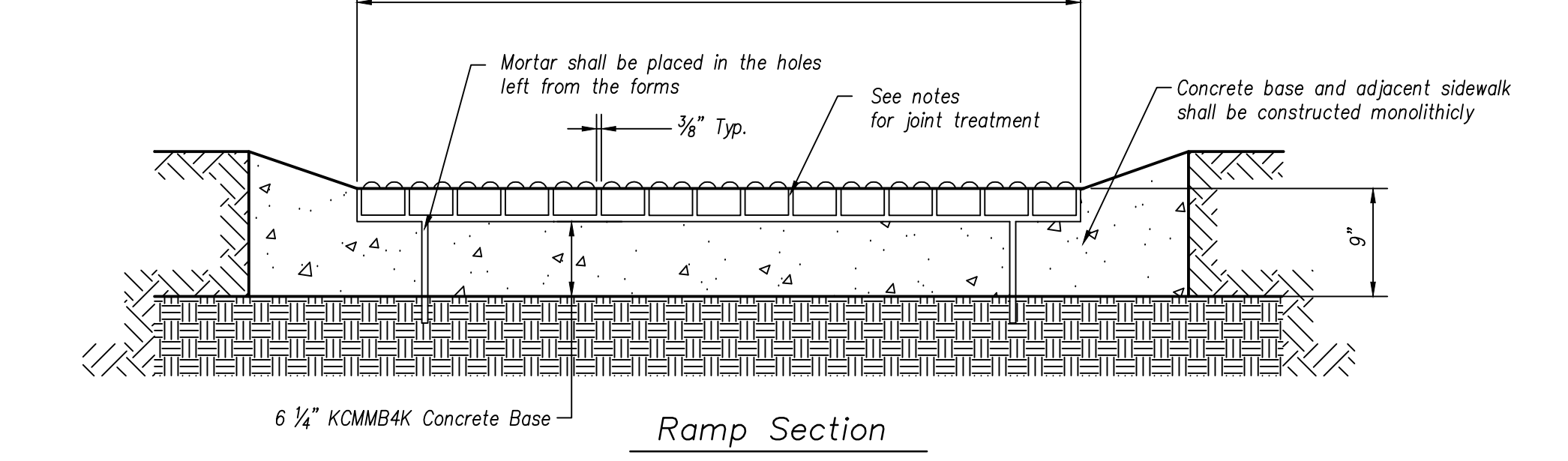
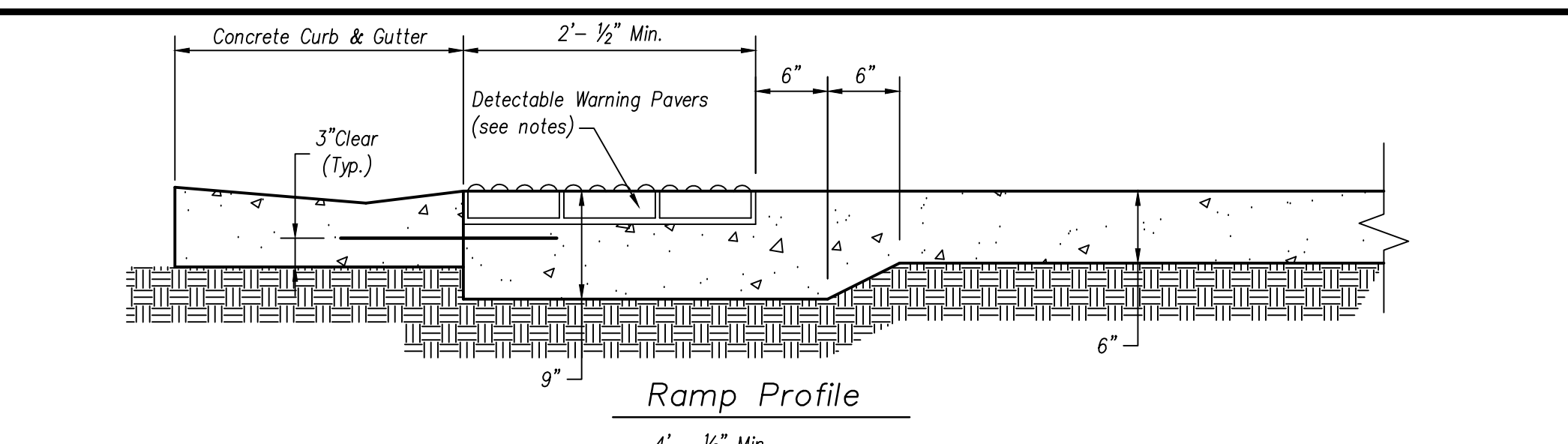
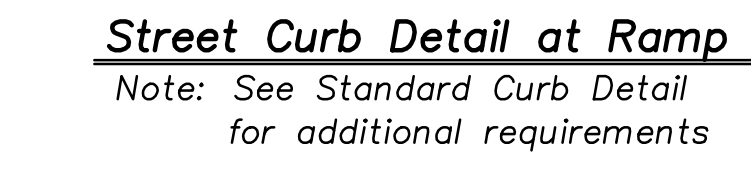
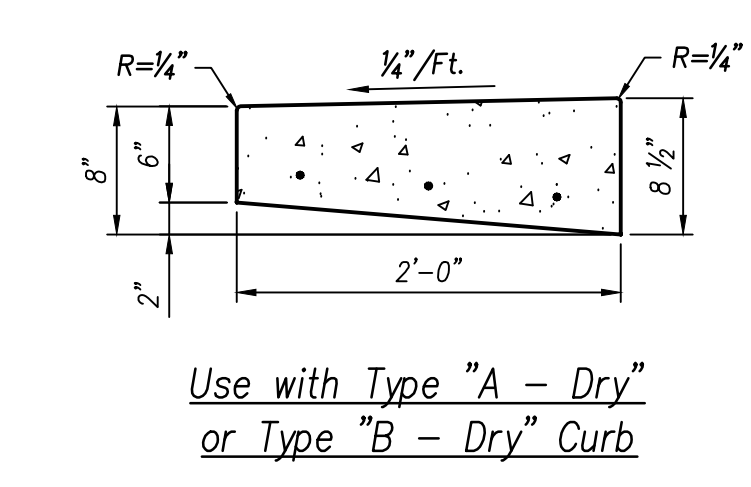
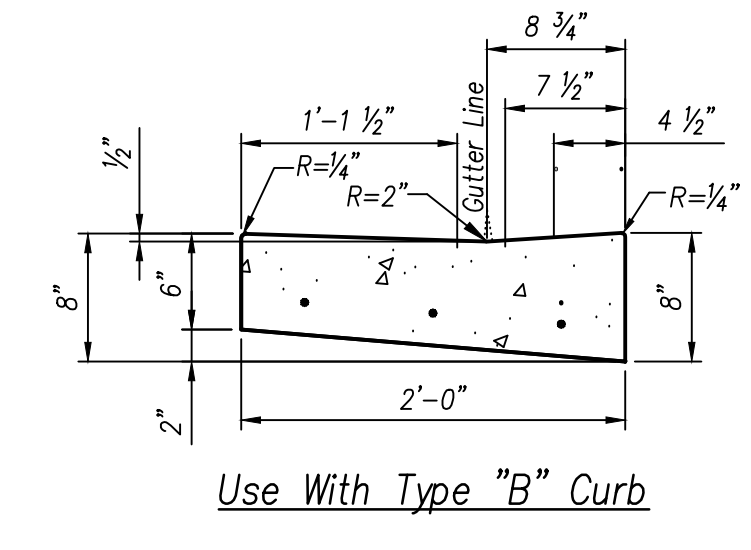
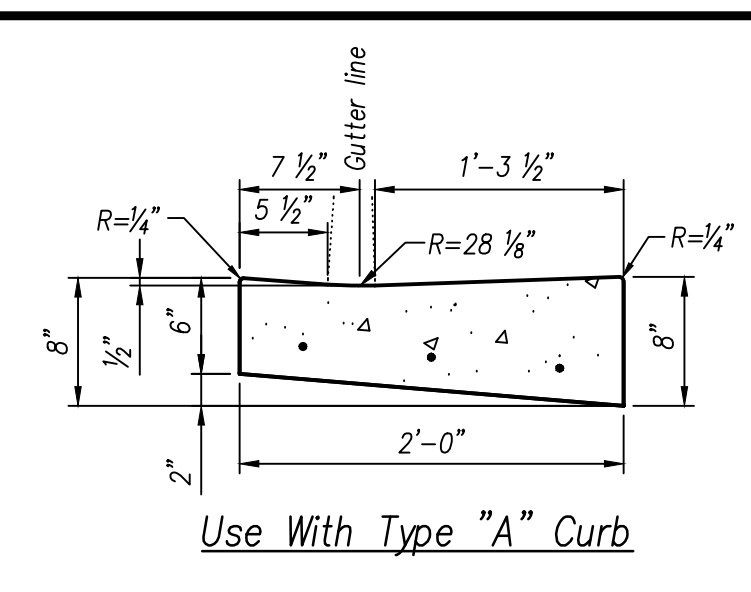
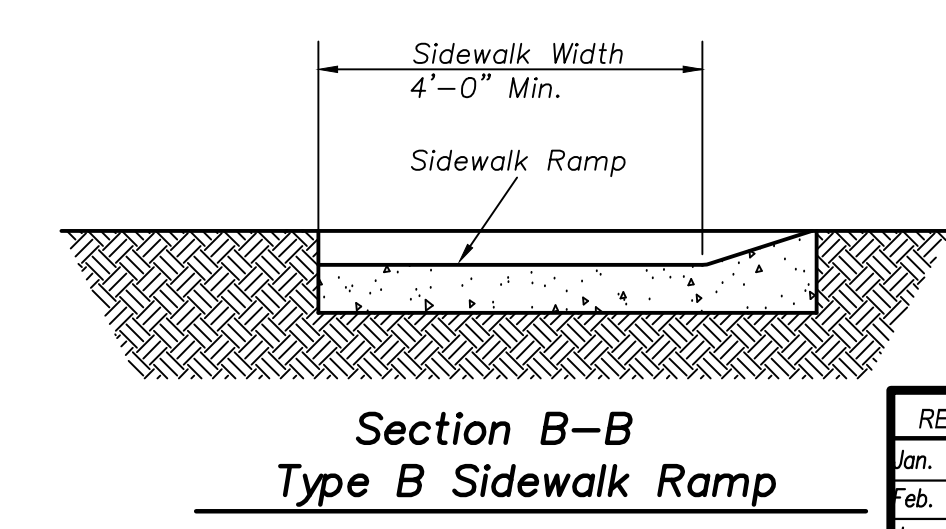
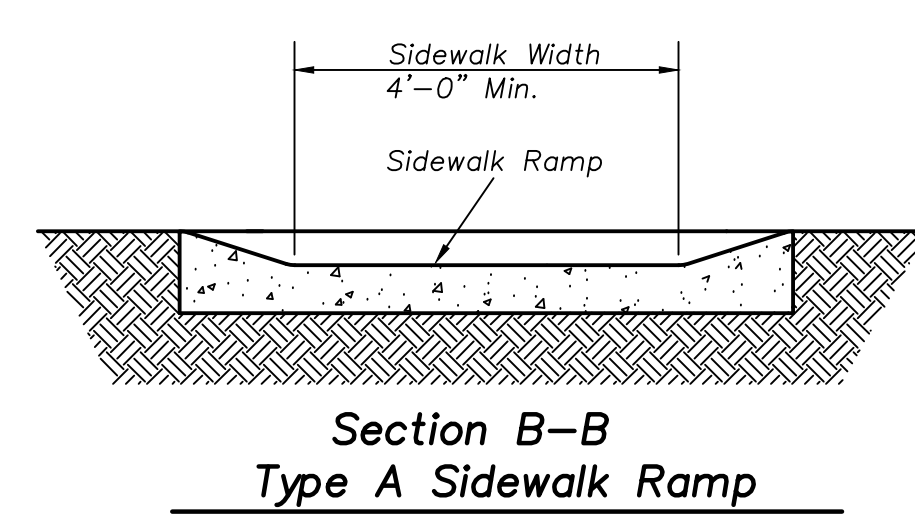
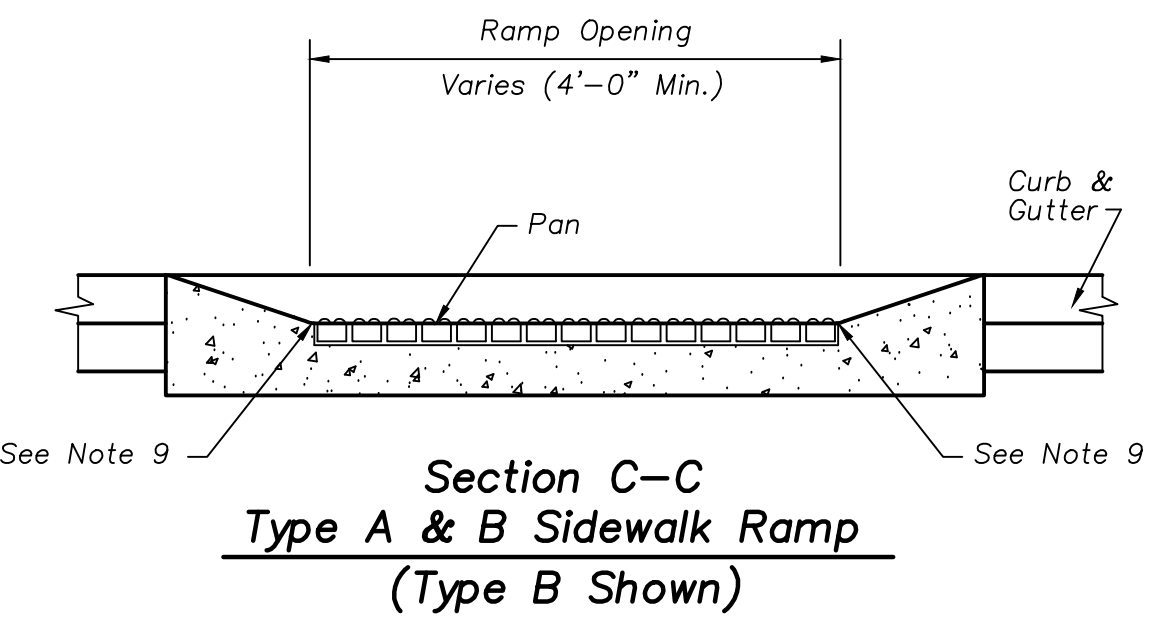
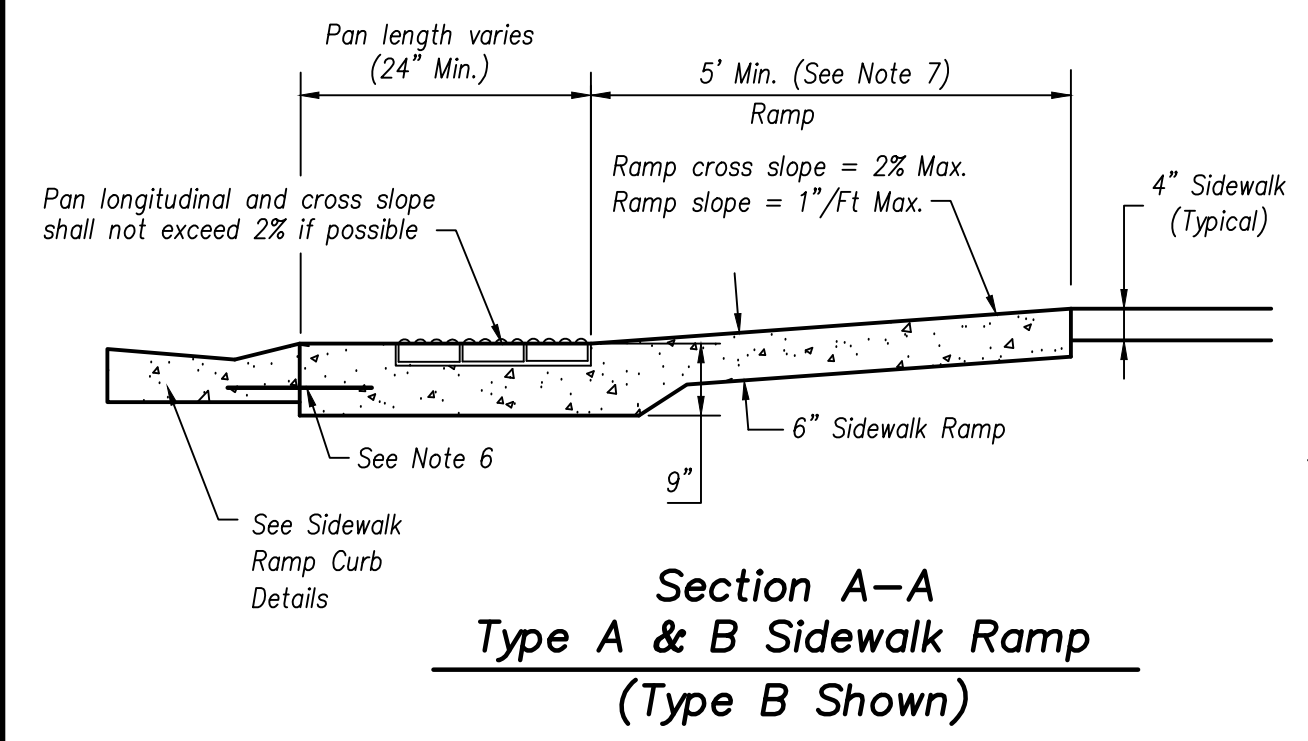
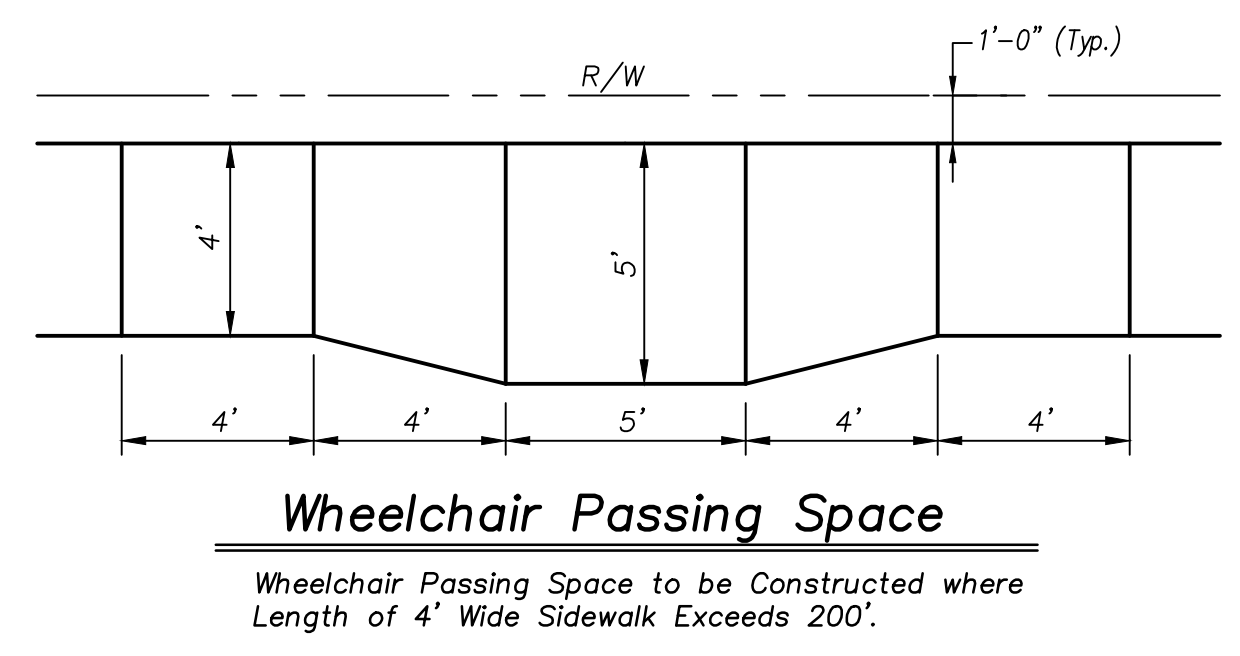
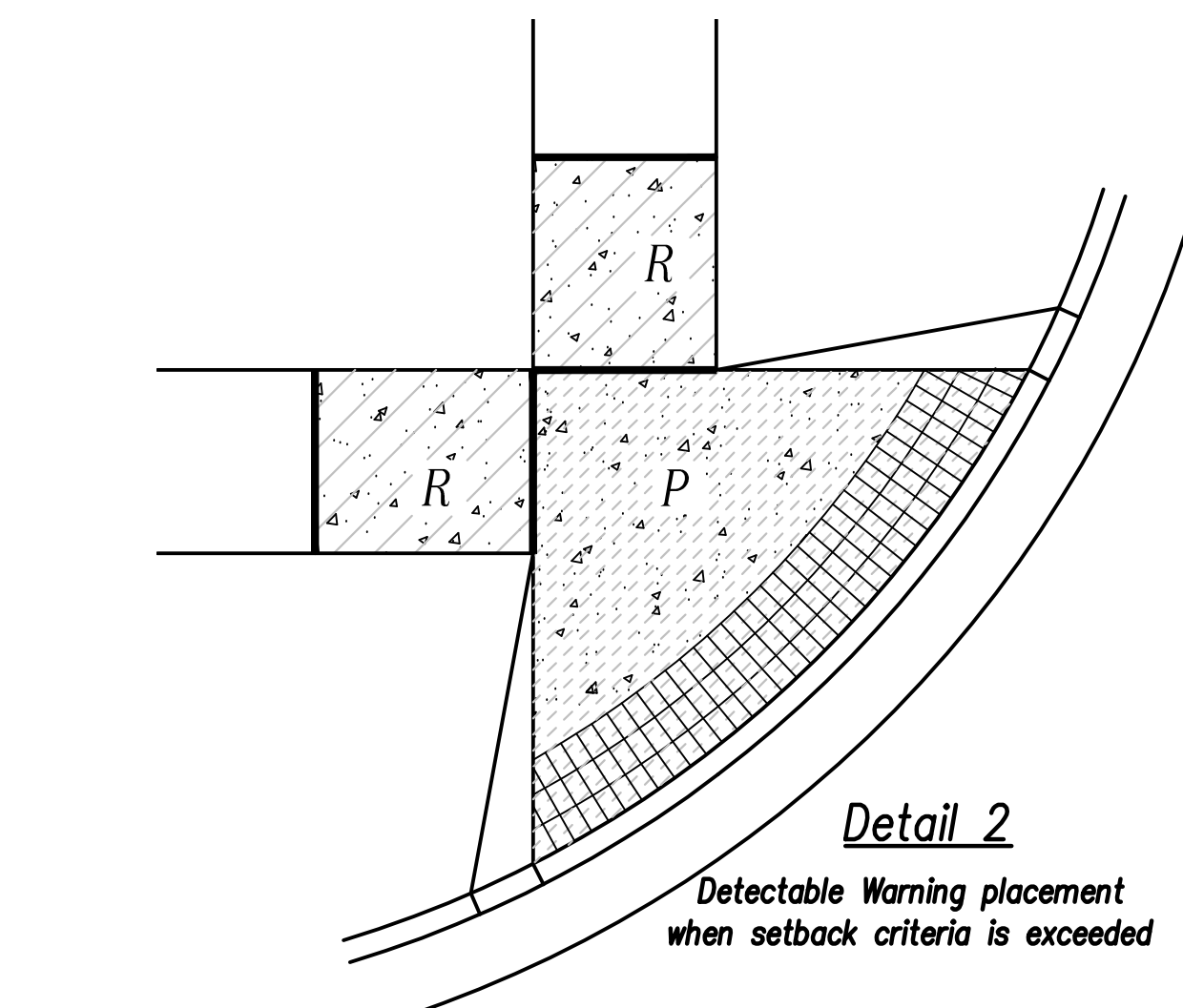
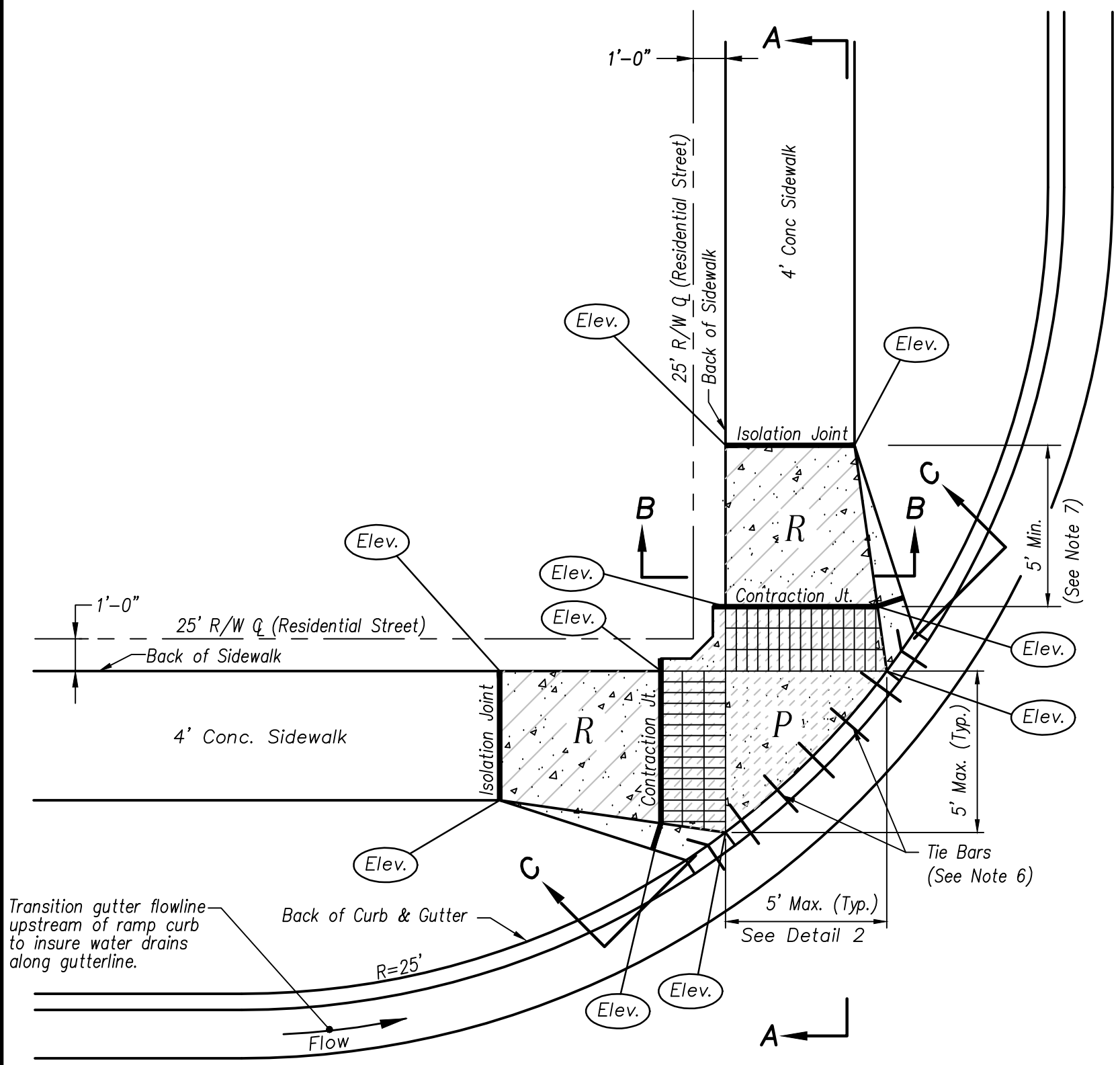
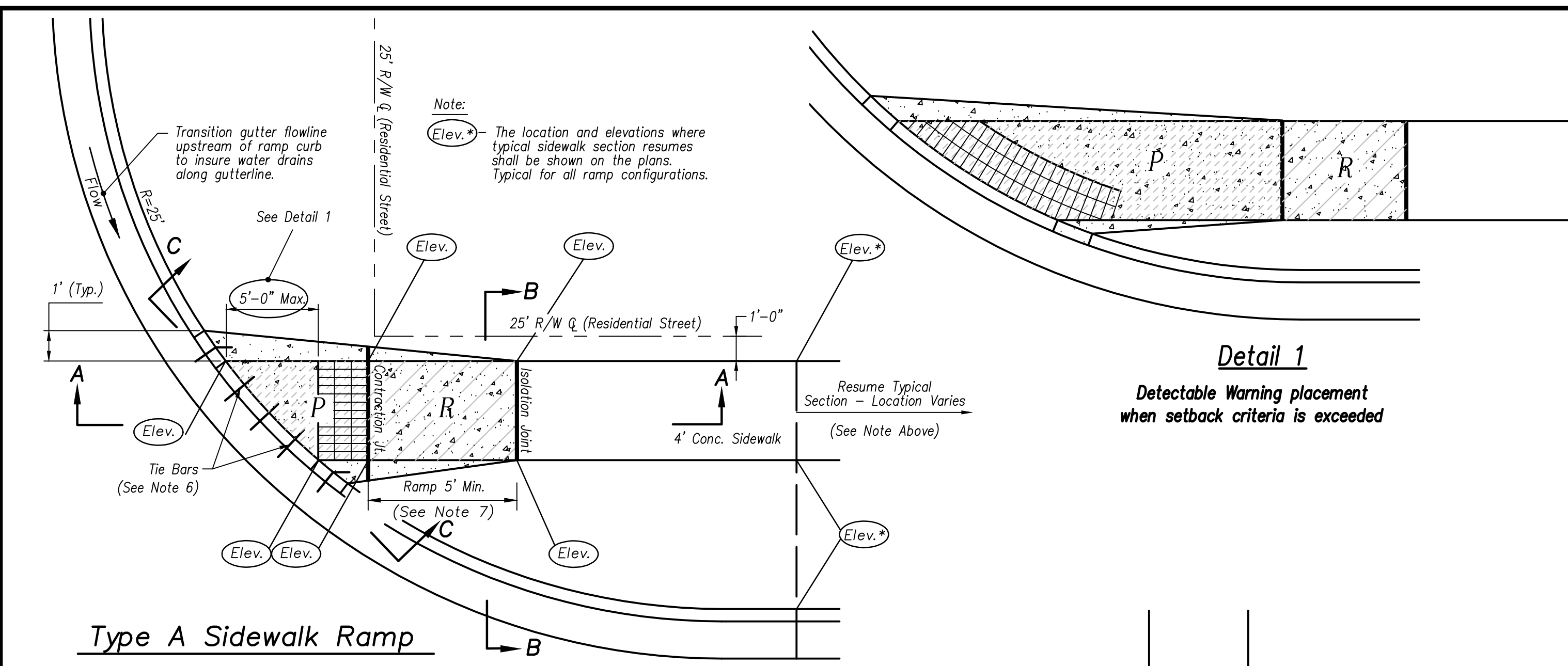


DEPARTMENT OF PUBLIC WORKS
STANDARD DETAILS

CONCRETE CURB WITH ASPHALT PAVEMENT
(COLLECTOR AND RESIDENTIAL STREETS)

DATE: 09/28/99

SHEET: 7



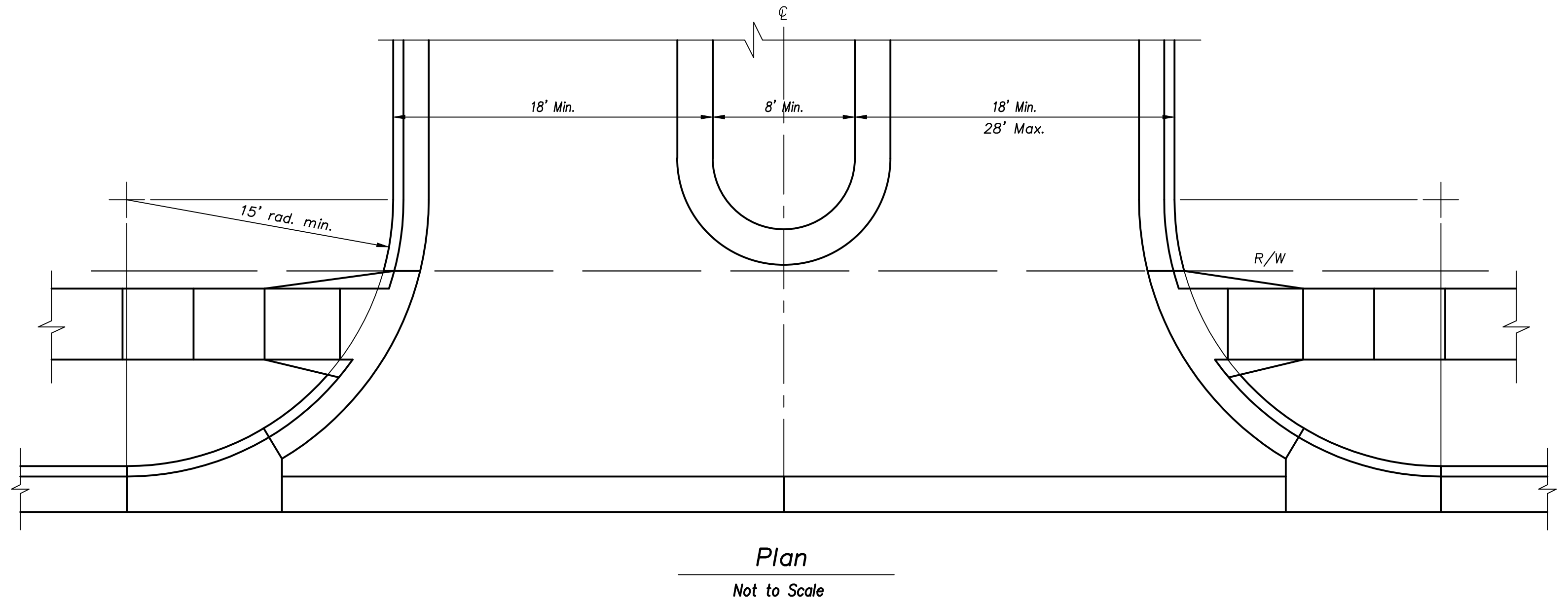
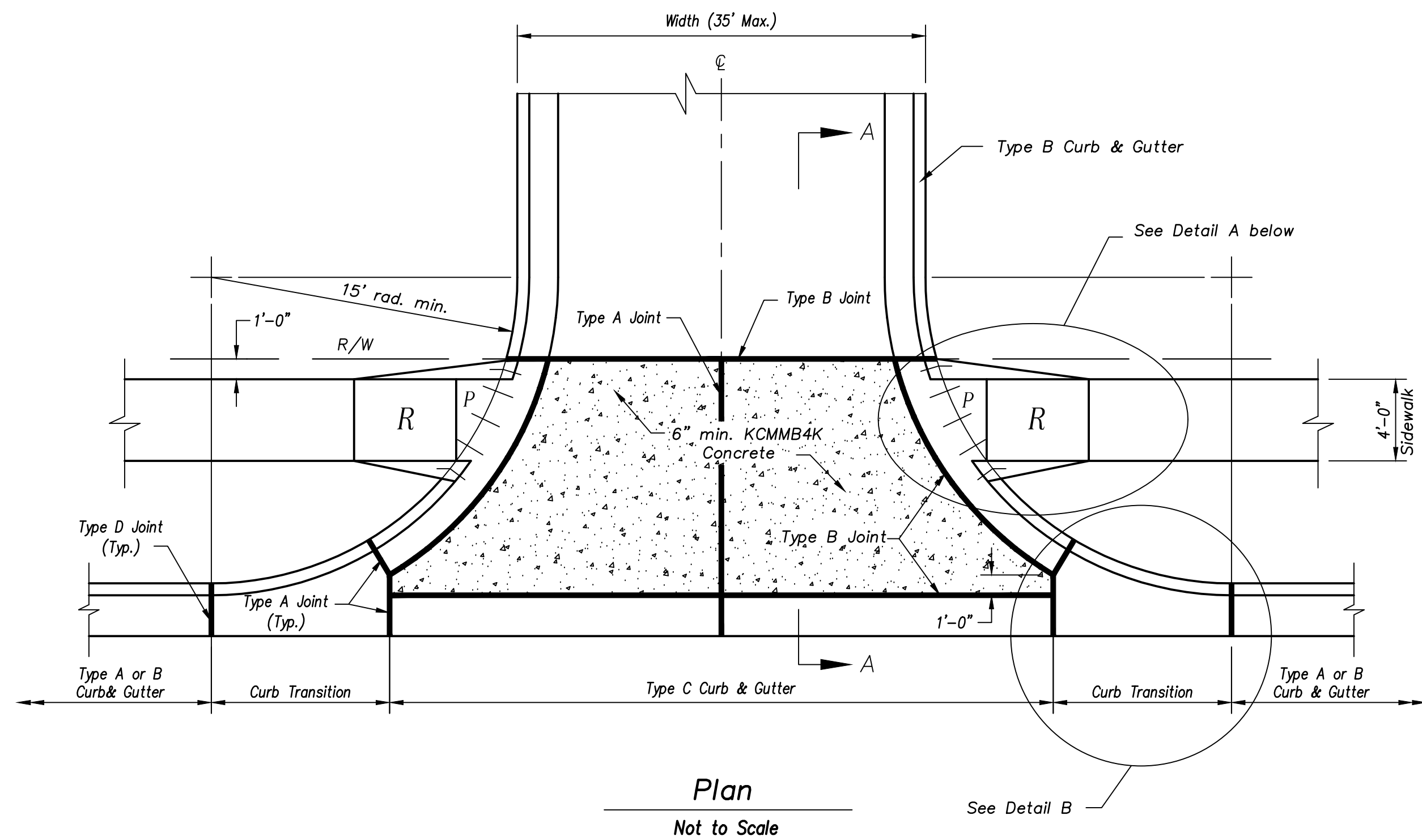
- Sidewalk & Sidewalk Ramp Notes:**
- Overland Park Municipal Code (OPMC) and Overland Park Design and Construction Standards Manual (OPDCSM) are incorporated, except as otherwise noted. KCMMB4K Concrete shall be used throughout.
 - Sidewalk ramp location determined from the intersection of the extension of back of sidewalk and back of curb & gutter.
 - ADA compliance will be measured at points labeled (Elev.). Slope between these points shall be calculated and shown on the plans. Chord distance from PC & PT to fully depressed curb section of curb return shall be shown on the plans.
 - Longitudinal joint spacing and Landing length to match width of sidewalk (4' Min.).
 - Isolation joints shall be placed where walk abuts driveways and similar structures, and 250' centers max.
 - Install 18" tie bars #4 epoxy coated @ 18" o.c. and through wings as shown.
 - Sidewalk Ramp shall be lengthened to provide ADA compliant slope but need not exceed 15' regardless of resulting slope.
 - ADA maximum ramp slope = 1"/Ft.
ADA maximum cross slope = 2%.
 - Curb depression at ramp opening shall be staked prior to curb construction.
 - See Curb Replacement Details for additional requirements.
 - No casting or utility boxes shall be allowed in ramps, landings or pans.
 - Do not scale these drawings for dimensions.
- Paver Brick Notes:**
- Paving Brick shall be 2 1/4" x 3 5/8" x 7 5/8" and shall meet the requirements of ASTM C902 for Class SX Type 1 Brick and ASTM C1272. See Approved Materials List for pre-approved brick and alternative products.
 - The bricks shall be placed in a Soldier Course pattern on Type A ramps or in Herringbone or Soldier Course pattern on Type B ramps as shown.
 - The bricks shall be saw cut only and any brick shall not be less than 25% of a full brick. Any partial truncated dome shall be removed.
 - Type M mortar shall be used for the setting bed and grouted joints in accordance with ASTM C270, Table 1 (Masonry Cement Type only).
 - Detectable warning surface to extend a minimum of 2 ft. in direction of travel.

REVISIONS:	
Jan. 2004	ADA Compliance
Feb. 2005	Miscellaneous
Jan. 2006	ADA Compliance
Dec. 2006	ADA Compliance
RELATED ORDINANCES:	
OPMC Title 13	

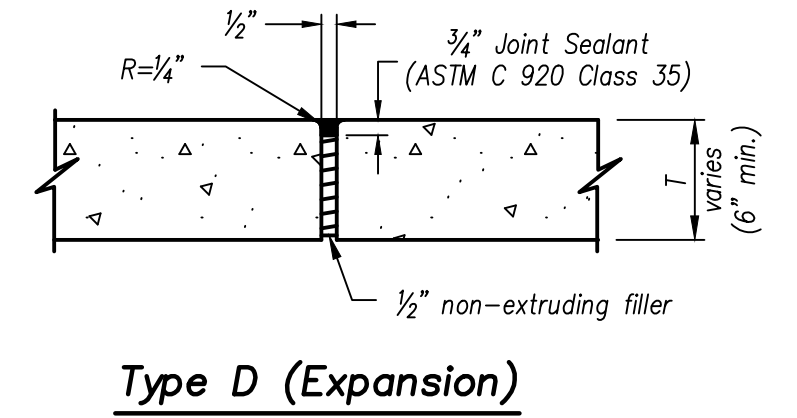
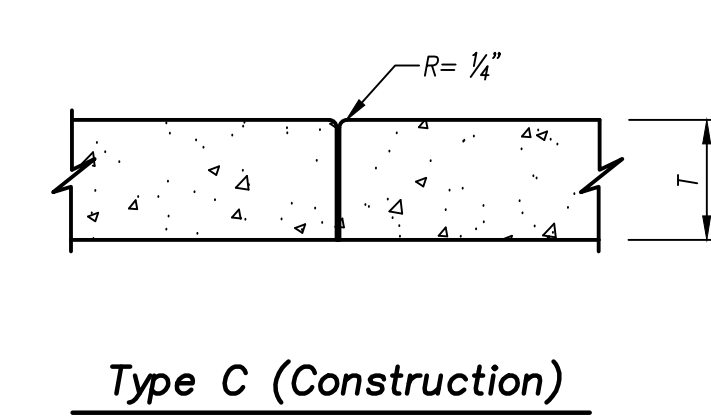
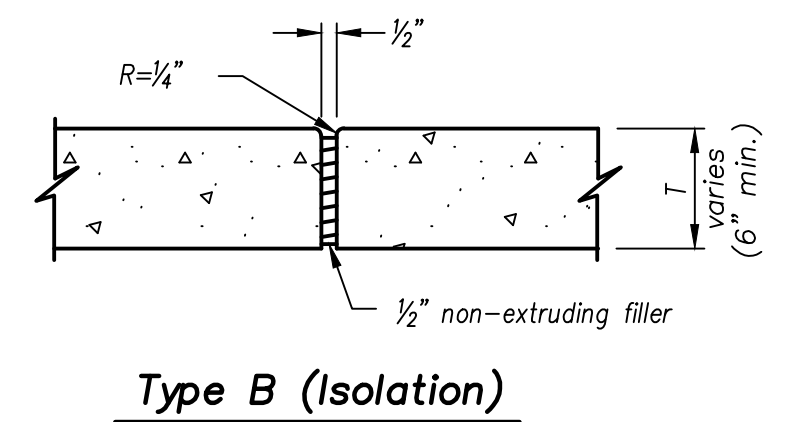
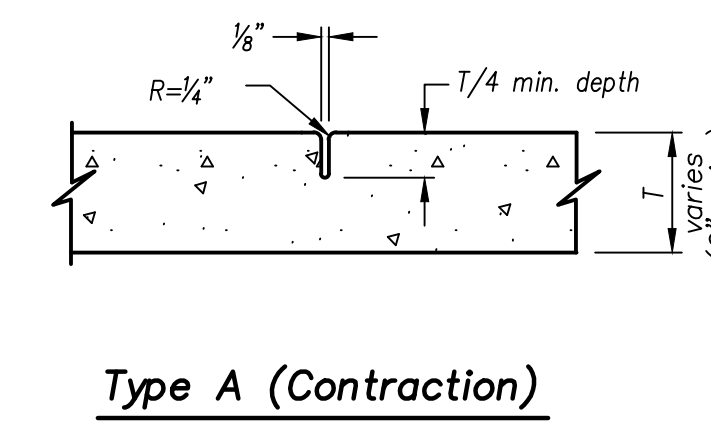
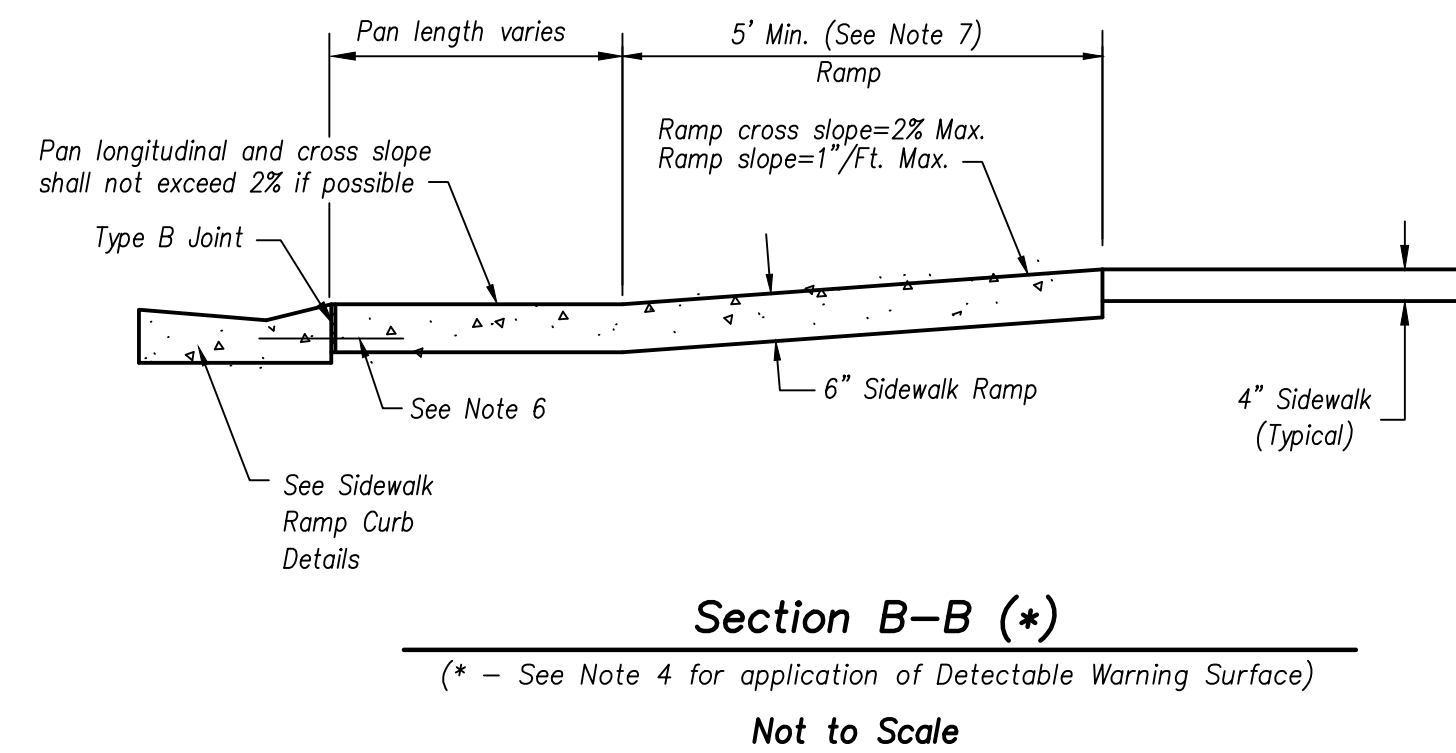
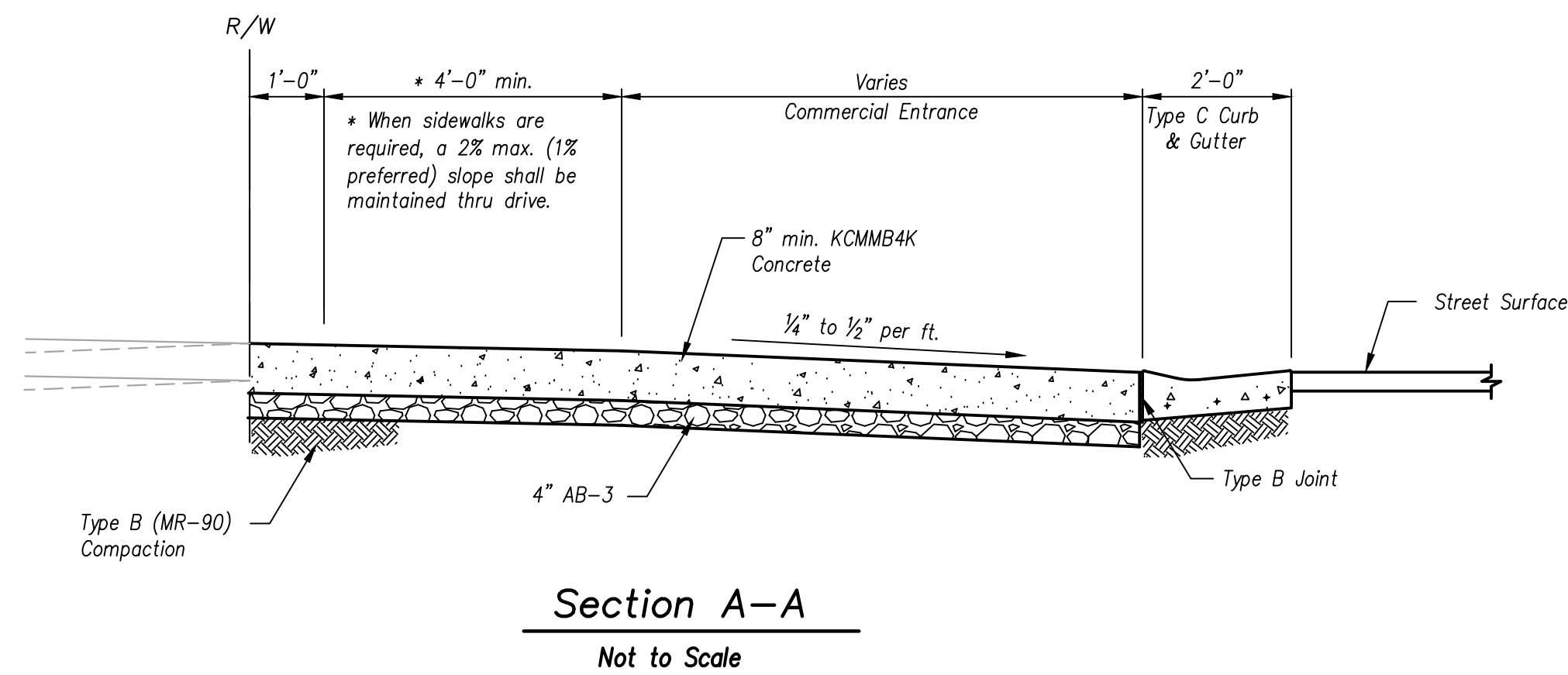
OVERLAND PARK KANSAS
ABOVE AND BEYOND. BY DESIGN.

DEPARTMENT OF PUBLIC WORKS
STANDARD DETAILS

SIDEWALK & SIDEWALK RAMP DETAILS

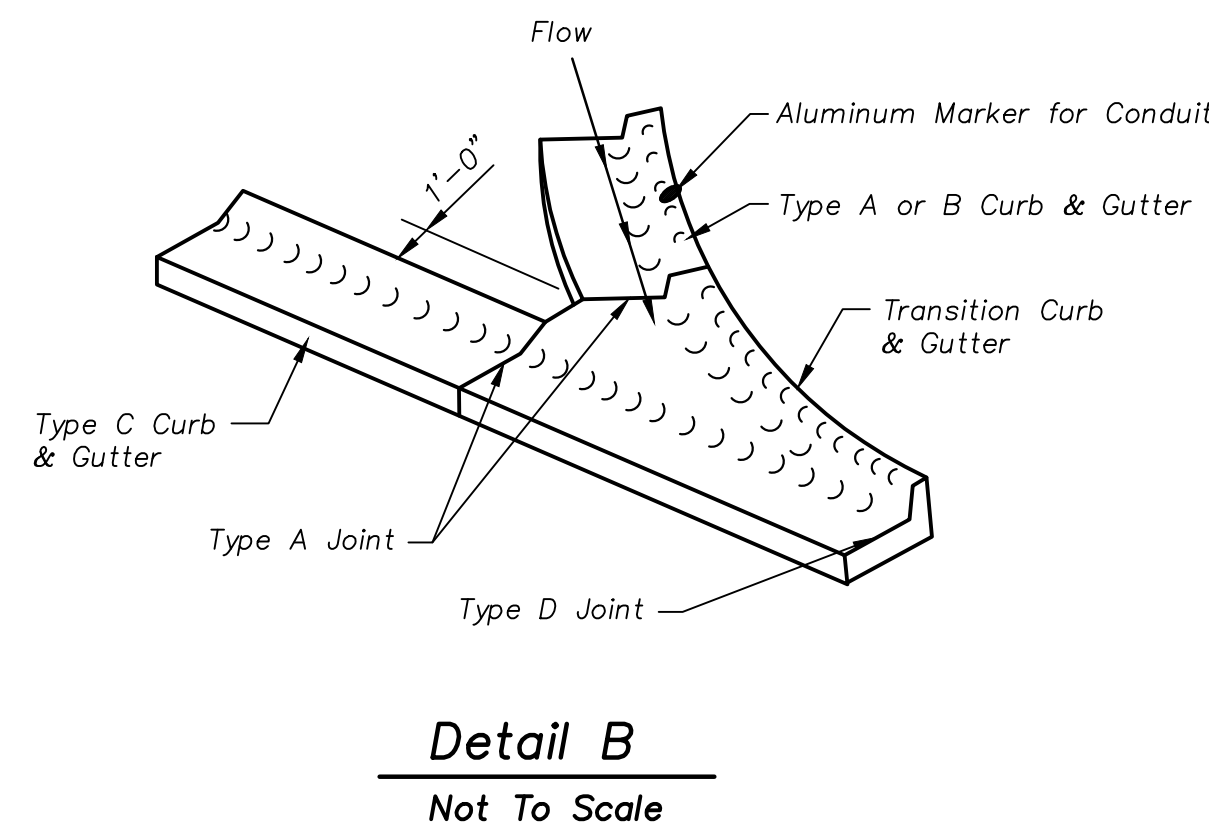
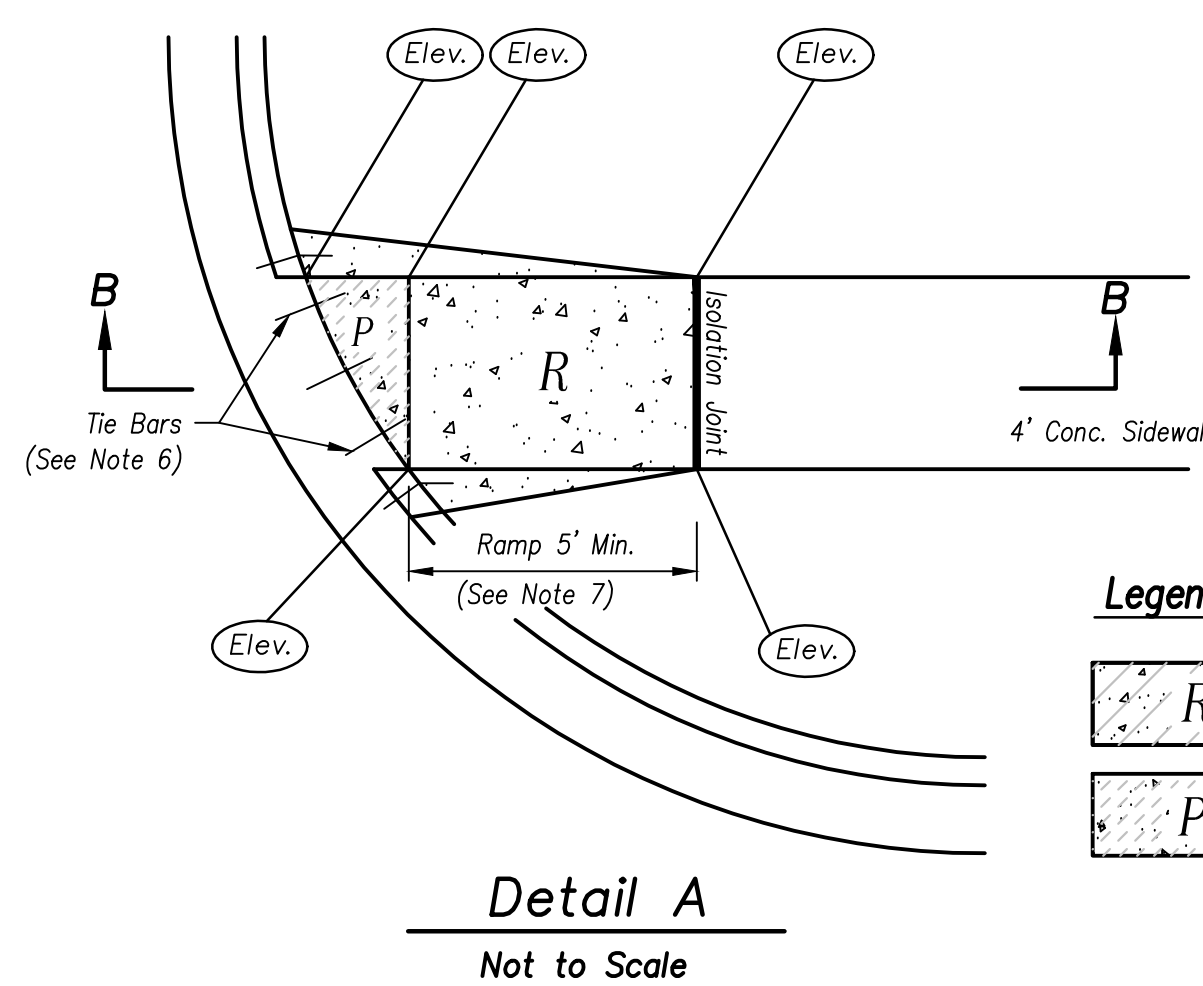


COMMERCIAL ENTRANCE WITH MEDIAN



JOINT DETAILS

Not to Scale



COMMERCIAL ENTRANCE DETAIL

Commercial Drive Notes:

- Overland Park Municipal Code (OPMC) and Overland Park Design and Construction Standards Manual (OPDCSM) are incorporated, except as otherwise noted.
- KCMMB4K Concrete shall be used throughout.
- Concrete pavement shall be jointed with Type A joints. No jointed slab shall exceed 12' x 12'.
- Detectable warning surfaces are not allowed at non-signalized entrances. For signalized entrances use Type A ramp as shown on "Sidewalk and Sidewalk Ramp Details".
- ADA compliance will be measured at points labeled (Elev.).
- Install 18" tie bars #4 epoxy coated @ 18" o.c. and through wings as shown.
- Sidewalk Ramp shall be lengthened to provide ADA compliance slope but need not exceed 15'.
- ADA maximum ramp slope = 1"/Ft. ADA maximum cross slope = 2%.
- Top of curb elevations shall be shown at quarter points and curb returns.
- Any additional steel reinforcement shall be approved by the City Engineer.
- See Curb Replacement Detail for additional requirements.

REVISIONS:	
07/01/03	Concrete Mix Designation;
Jan. 2005	ADA Compliance;
Feb. 2008	Miscellaneous;
Jan. 2009	Joint Locations; Miscellaneous;
RELATED ORDINANCES:	
OPMC Title 13	

Year 2016 Edition

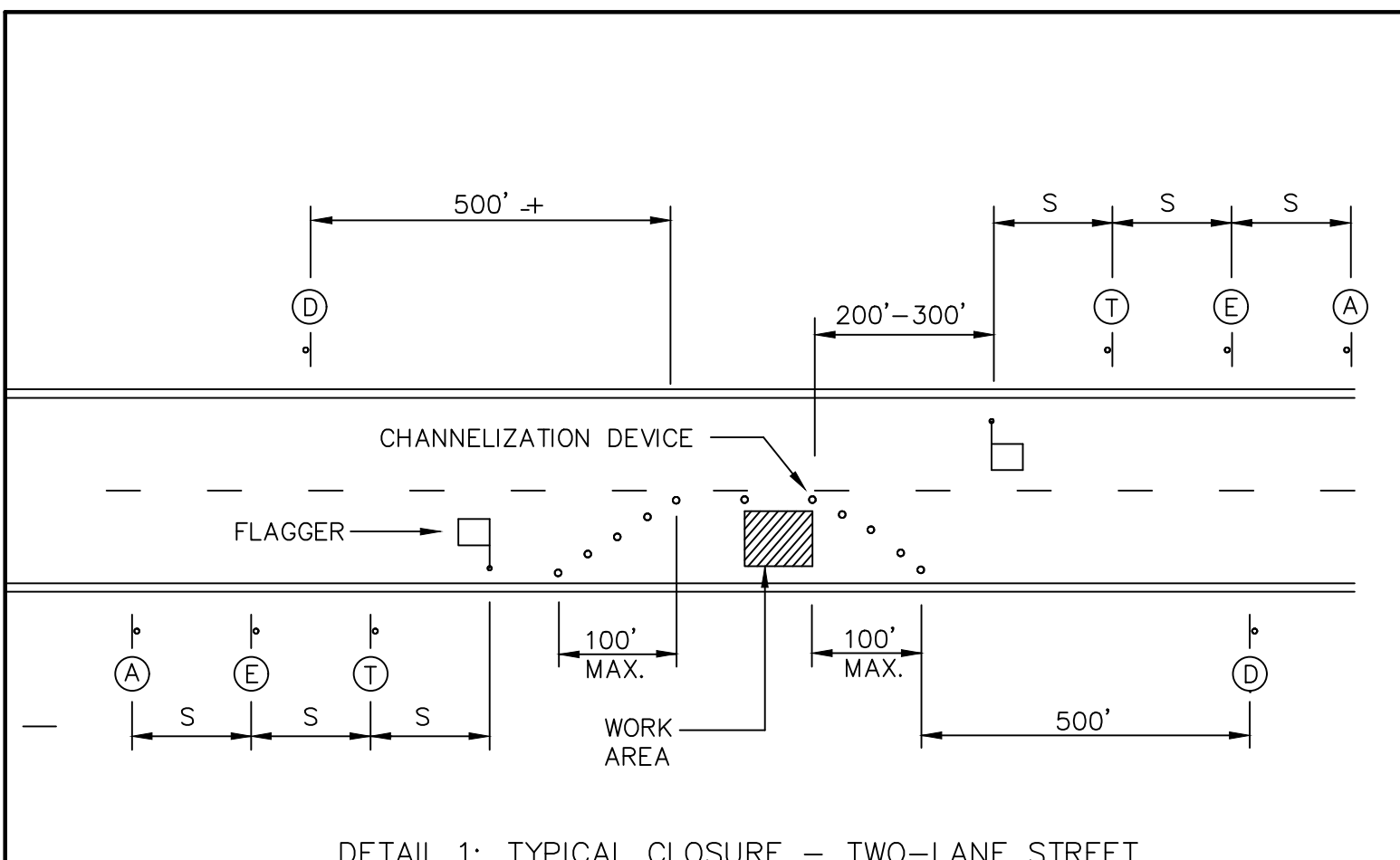
**OVERLAND PARK
KANSAS**
ABOVE AND BEYOND. BY DESIGN.

**DEPARTMENT OF PUBLIC WORKS
STANDARD DETAILS**

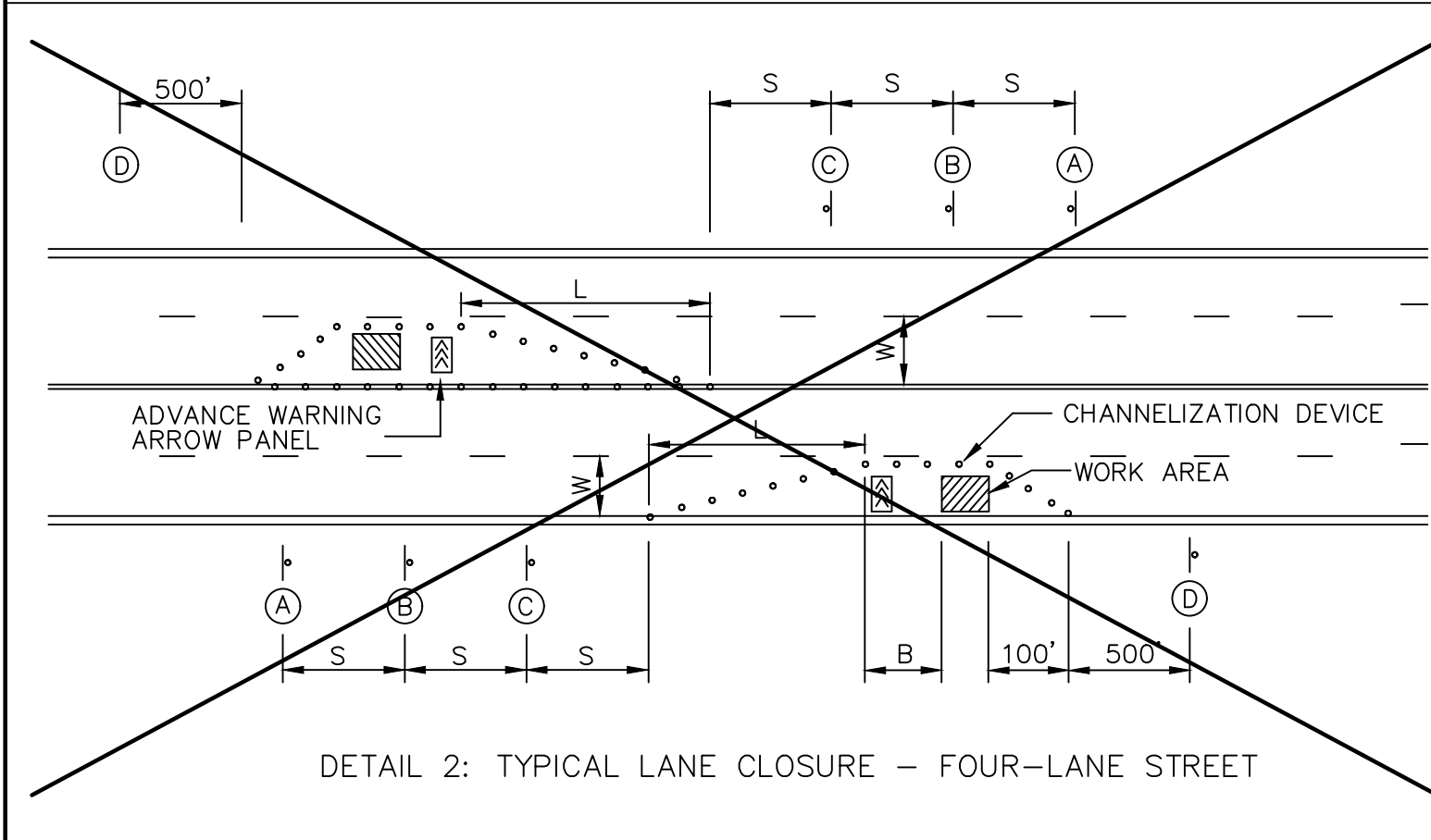
COMMERCIAL ENTRANCE DETAIL

DATE: 08/10/98 SHEET: 9

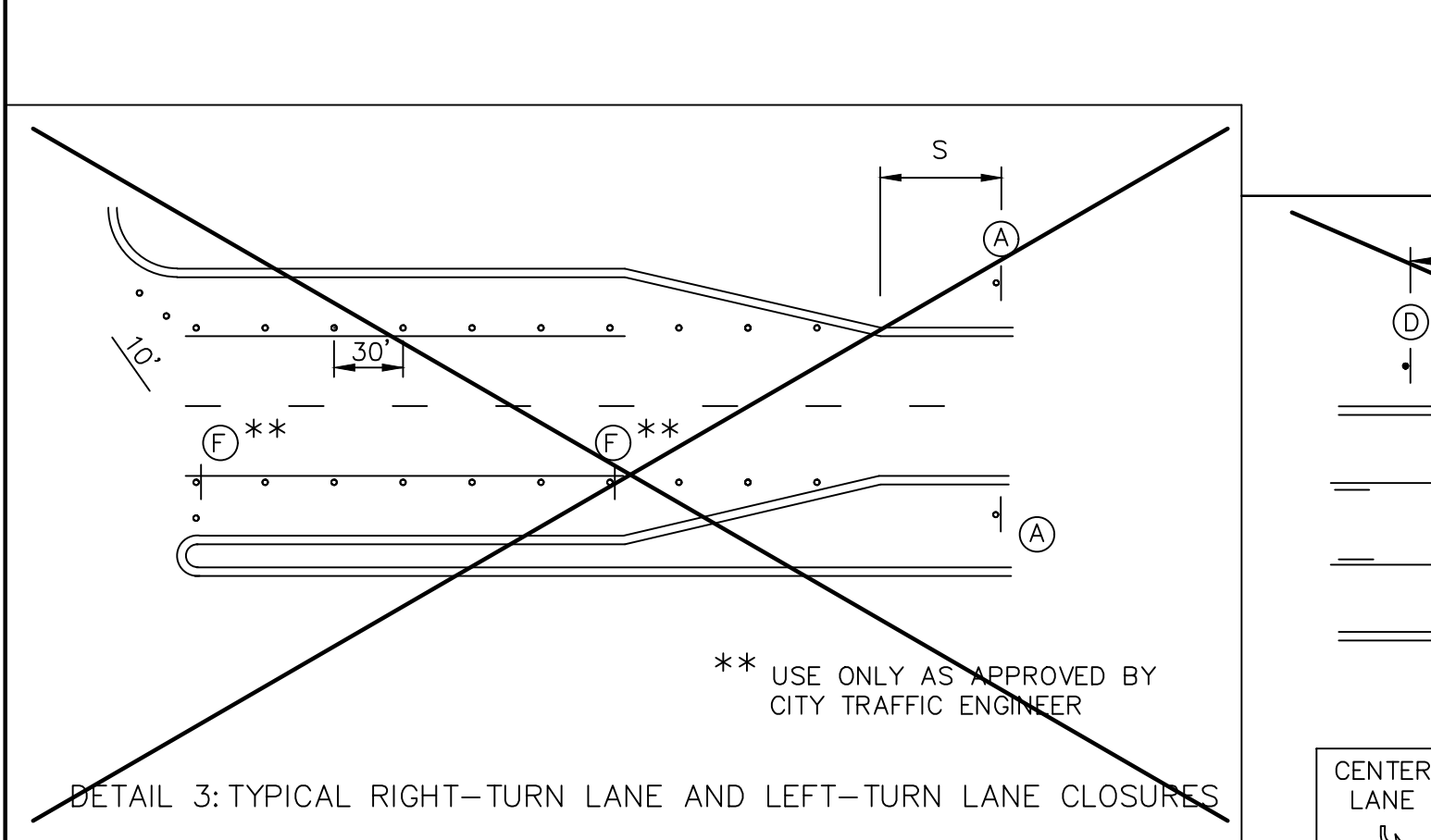
DWG: F:\PROJECTS\014-3299\171-Sylvester Powell Community Center\40-Design\AutoCAD\Final Plans\Sheets\RD\BR\DETAILS\F_TC-DETAILS.dwg
 DATE: Jun 07, 2017 11:15am
 USER: aurbaneak
 PROJECT: 014-3299\171-Sylvester Powell Community Center\40-Design\AutoCAD\Final Plans\Sheets\RD\BR\DETAILS\F_TC-DETAILS.dwg
 XREFS: T_P\BLK_171_43299



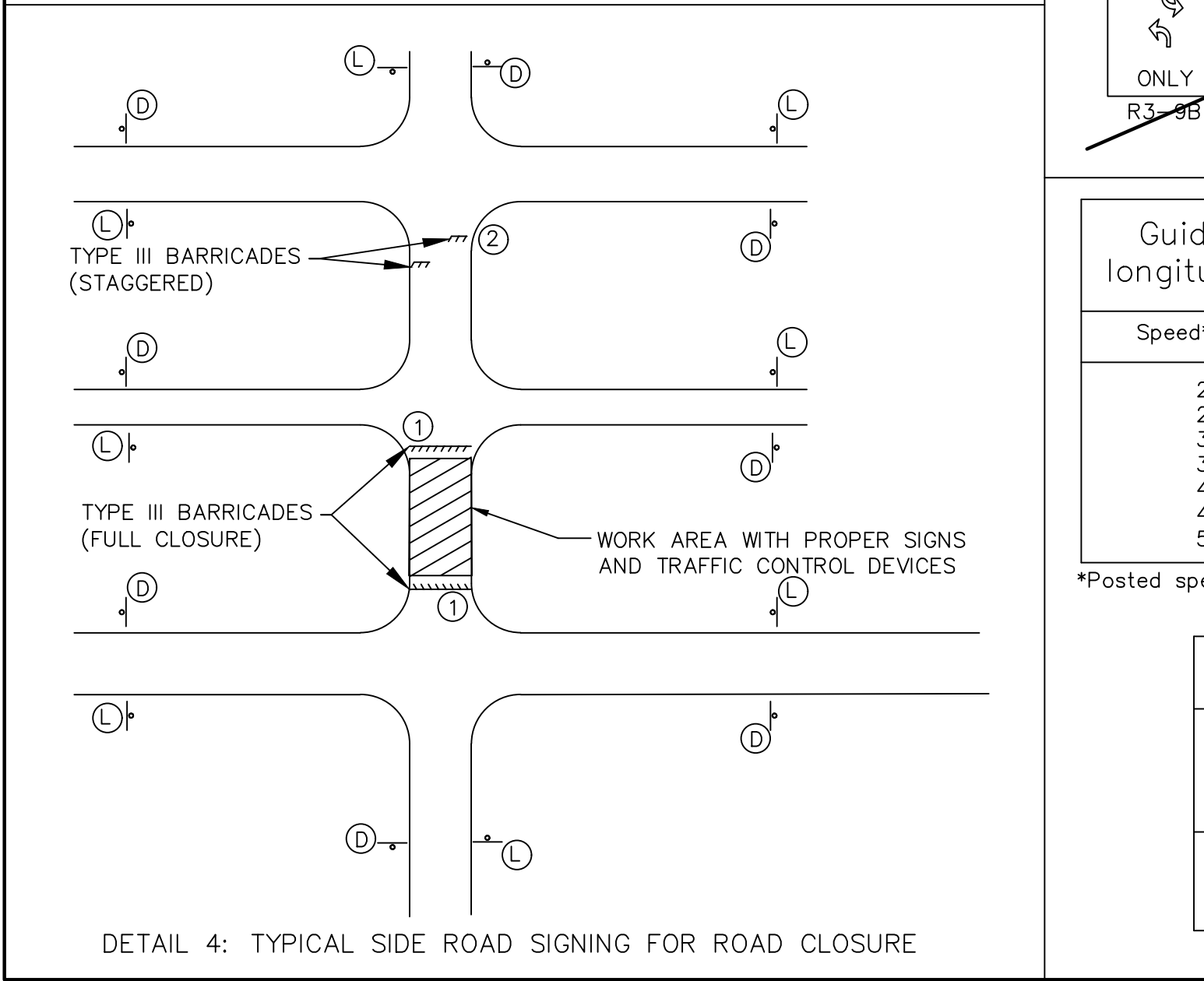
DETAIL 1: TYPICAL CLOSURE - TWO-LANE STREET



DETAIL 2: TYPICAL LANE CLOSURE - FOUR-LANE STREET



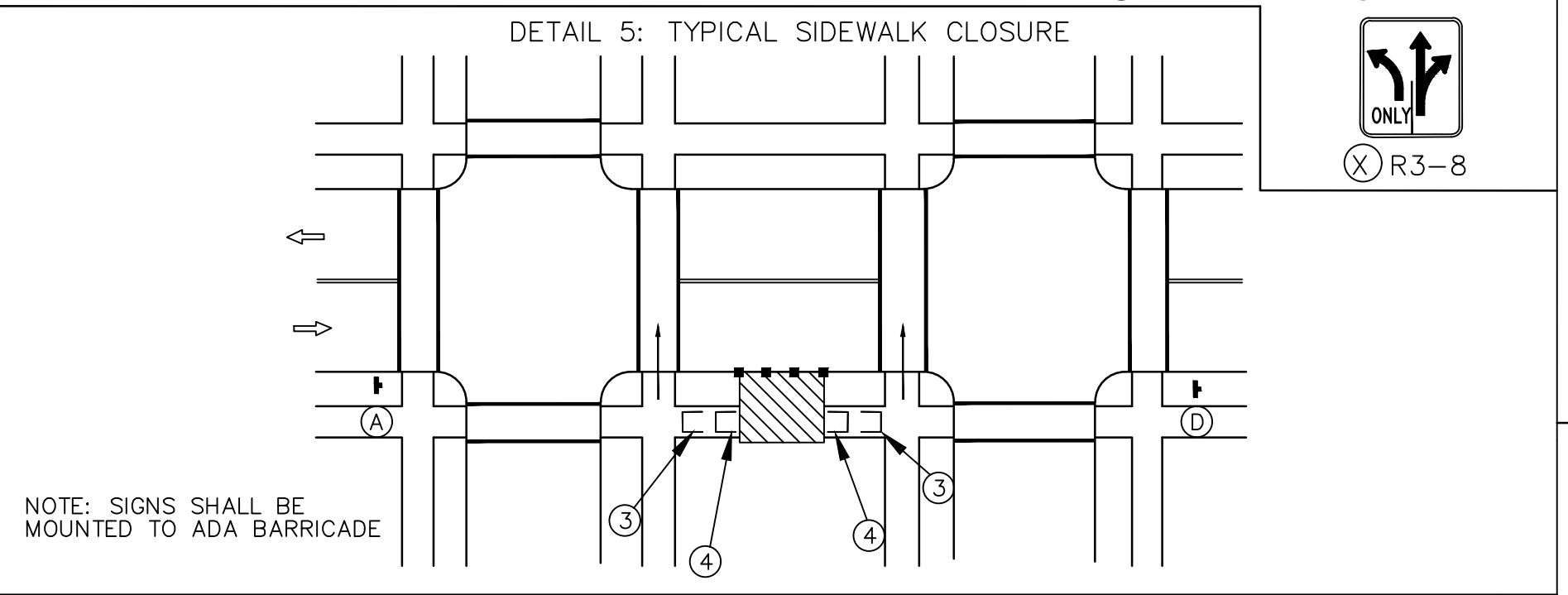
DETAIL 3: TYPICAL RIGHT-TURN LANE AND LEFT-TURN LANE CLOSURES



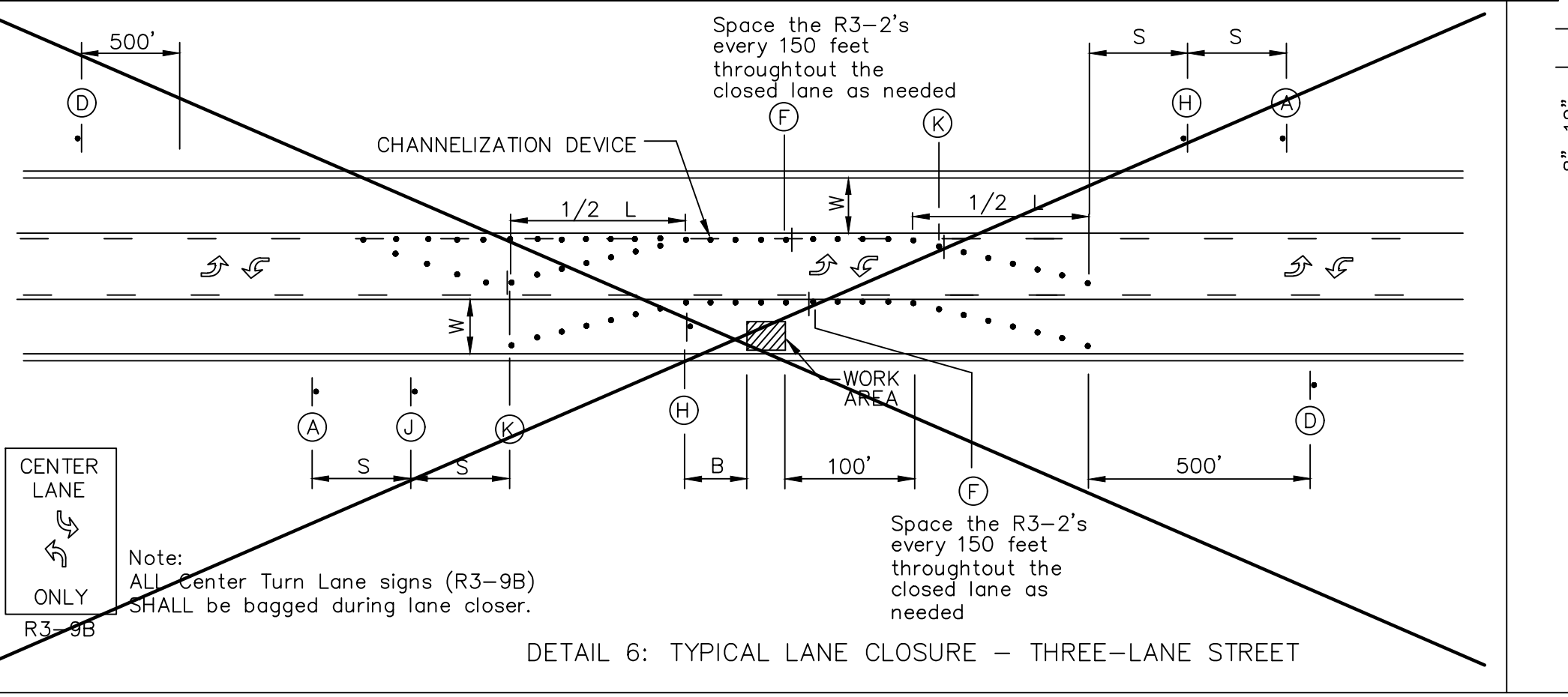
DETAIL 4: TYPICAL SIDE ROAD SIGNING FOR ROAD CLOSURE

SIGN LEGEND

(A) ROAD WORK AHEAD	(B) CENTER OR LEFT RIGHT LANE CLOSED AHEAD	(C) W4-2	(D) END ROAD WORK	(E) ONE LANE ROAD AHEAD	(F) R3-2
(G) W20-1	(H) W20-5	(I) W20-4	(J) R3-7 (L)	(K) R3-7 (R)	(L) G20-2
(M) R4-7A	(N) W20-3	(O) W20-2	(P) M4-9(L)	(Q) M4-9(R)	(R) M4-9(S)
(S) END DETOUR	(T) DETOUR	(U) STOP	(V) KEEP RIGHT	(W) ROAD CLOSED AHEAD	(X) DETOUR AHEAD
(Y) LANE MUST TURN	(Z) W6-3	(AA) W1-4aR	(AB) W1-4aL	(AC) R4-7A	(AD) W20-3
(AE) M4-8a	(AF) M4-10(L)	(AG) M4-10(R)	(AH) R1-1	(AI) W12-1	(AJ) R6-1(L)
(AK) R6-1(R)	(AL) R11-2	(AM) R11-4	(AN) R9-11A	(AO) R9-9	(AP) R2-1
(AQ) W20-7A	(AR) G20-5aP	(AS) R3-2	(AT) R3-8	(AU) W20-2	(AV) M4-9(L)
(AW) M4-9(R)	(AX) M4-9(S)	(AY) W20-2	(AZ) W20-2	(BA) W20-2	(BB) W20-2



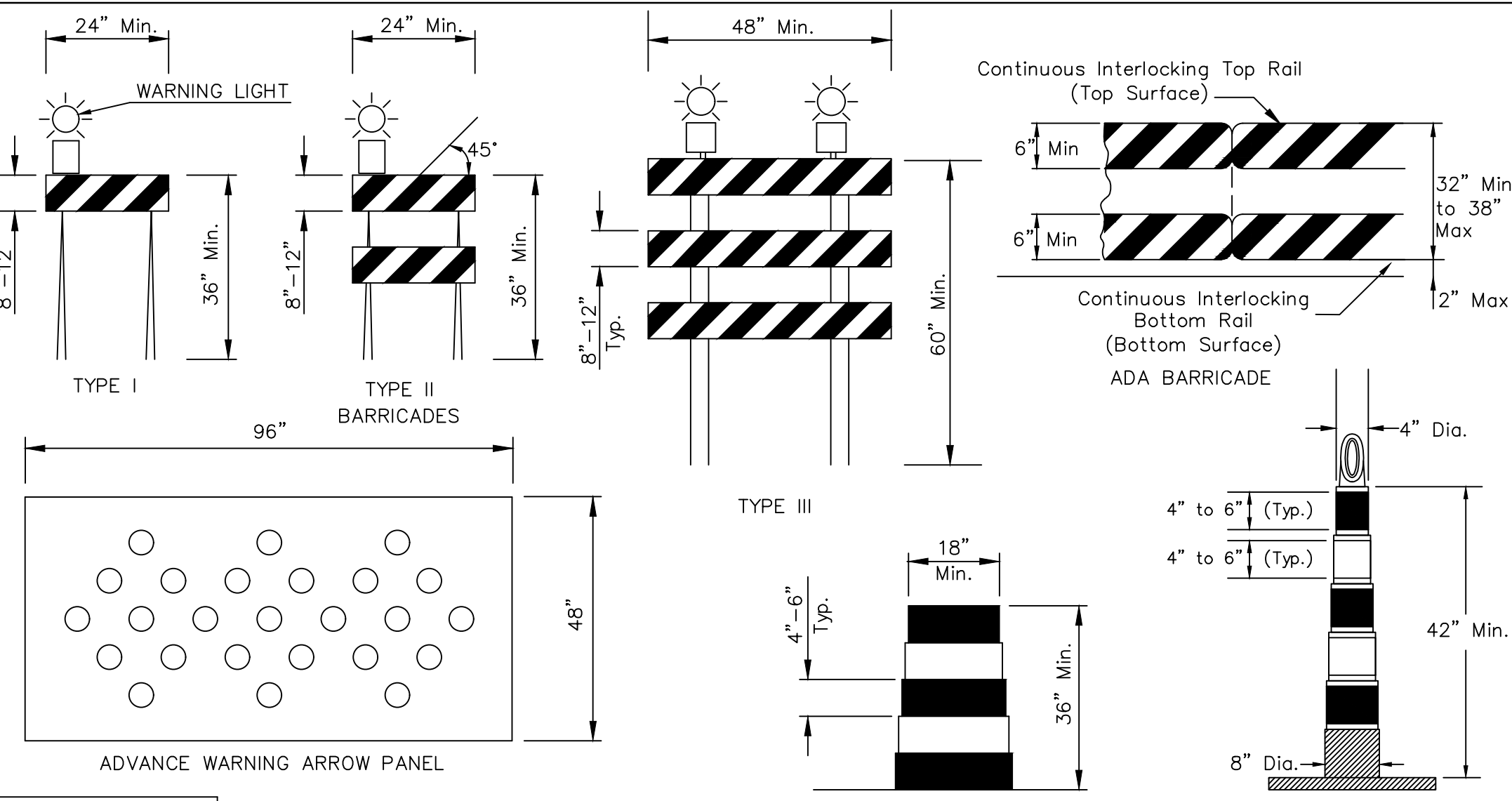
DETAIL 5: TYPICAL SIDEWALK CLOSURE



DETAIL 6: TYPICAL LANE CLOSURE - THREE-LANE STREET

GENERAL NOTES:

- All signs, barricades, drums, markings and other traffic control devices shall conform to the Manual on Uniform Traffic Control Devices (MUTCD), most current edition.
- All traffic control devices shall be standard in size, shape, color and message, in good condition, and reflectorized. All signs and barricades in place at night shall be reflectorized with high intensity sheeting. All signs shall be securely mounted with height and lateral location as described in the MUTCD.
- Warning lights shall be used on all channelization devices and warning signs in place at night except drums that are fully reflectorized with high intensity reflective sheeting. Type A Low Intensity Flashing Warning lights shall be mounted on warning signs as well as barricades where used singly. Type C Steady-Burn lights shall be mounted on barricades where used in series to delineate the edge of the travel way.
- Advance Warning Arrow Panels shall be used for all lane closures on multi-lane streets but should not be used in lieu of proper traffic control signs, barricades and channelization devices.
- Flaggers shall be used where indicated on the plans, where construction vehicles interact with normal traffic or where construction activities impose a restriction on traffic, as directed by the Engineer in charge of construction. Where flaggers are used, advance signing shall be erected as shown above or as specified in the MUTCD. Flaggers shall meet the requirements in the MUTCD in regard to character, training, attire and behavior.
- Channelization devices used in the street shall be either drums, cones or Triline channelizers.
- Traffic control devices not in use or not applicable shall be either covered or removed from the work area.
- The Contractor shall place as many barricades as needed to effectively shield pedestrians and traffic from exposed objects, excavations and construction activities. ADA Pedestrian Barricades shall be installed around all excavations left open during non-construction times or as directed by the Engineer in charge of construction.
- Access shall be maintained to all driveways and side streets unless noted otherwise on the plans.
- Construction materials shall be kept off of sidewalks, consolidated in one location within City Right-Of-Way, and removed daily unless otherwise approved by the Engineer in charge of construction.
- Dirt, mud and other construction debris on streets and sidewalks shall be removed immediately.
- The Contractor shall not perform any work that will restrict traffic in any way between the hours of 7:00 a.m. and 8:30 a.m. or 4:30 p.m. and 6:00 p.m.
- The Contractor shall be responsible for maintaining all traffic control devices on an around-the-clock basis, whether or not work is actively being pursued and any deficiencies noted shall be corrected immediately.
- The traffic control requirements shown on these plans are minimum requirements only and do not attempt to address in depth the variety of situations that may occur once construction has started. In no way do the requirements shown on these plans relieve the contractor of his responsibility for selecting the proper traffic control devices and implementation procedures that will assure the safety of motorist, pedestrians, and workers at all times. Any additional quantities of traffic control devices necessary to complete the contract or as ordered by the Engineer shall be considered subsidiary to the contract bid price.
- Construction vehicles parked along streets and construction signs shall not restrict sight distance for vehicles exiting at streets or any drives.
- Should the contractor fail to enforce the traffic control plan or fail to clean, replace or otherwise maintain the traffic control devices when directed to do so by the Engineer or representative, the City/Controlling Jurisdiction may take one or more of the following actions:
 - Employ another agency to correct deficiencies in signing or warning devices and deduct the cost from the contractor's pay estimate
 - Suspend all pay Estimates until deficiencies are corrected.
 - Stop the work until deficiencies are corrected.
 - Place the contractor in default.
- The Contractor shall keep roadway closures due to construction activities to a minimum.
- The Contractor shall notify enforcement and emergency agencies before the start of construction to request their cooperation and to provide coordination of services when emergencies arise during the construction at the project site. When the contractor completes this notification with enforcement and emergency agencies, a report shall be furnished to the engineer on the status of incident management.
- The Contractor should, at the request of the Engineer, place reduced speed limit signing and work zone speed limit signing in advance of all active work zone areas. Work zone speed limit reduction shall not be greater than 10 mph throughout construction areas without advanced signing in place. Contractor shall cover or replace all speed limit signs in conflict with the work zone speed limit throughout the construction area.



Guidelines for length of longitudinal buffer space (B)

Speed* (mph)	Length (Feet)
20	35
25	55
30	85
35	120
40	170
45	220
50	300

*Posted speed

MAXIMUM CHANNELIZATION SPACING IN FEET *

Speed Limit M.P.H.	Along Taper	
	Before Taper	After Taper
20	20	40
25	25	50
30	30	60
35	35	70
40	40	80
45	45	90
50	50	100
55	55	100

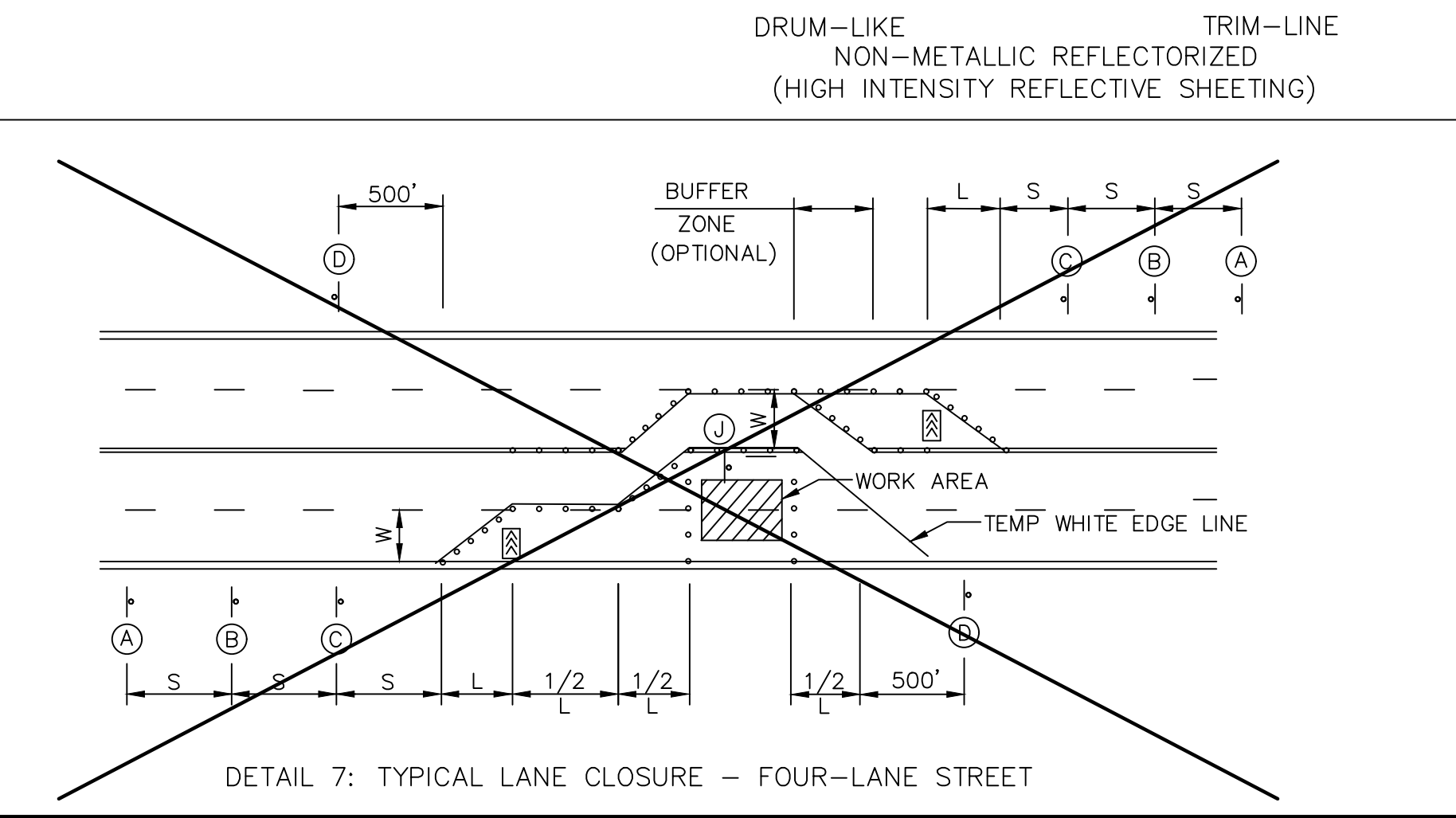
TAPER DETAIL

Speed Limit M.P.H.	Minimum Taper Length (L)			Minimum Number of Channelizing Devices for Taper
	10	11	12	
20	70	75	80	5
25	105	115	125	6
30	150	165	180	7
35	205	225	245	8
40	270	295	320	9
45	450	495	540	13
50	500	550	600	13
55	550	605	660	13

* The maximum distance in feet between devices in a taper should not exceed 1.0 times the speed limit in MPH.

SIGN SPACING(S)

Speed Limit M.P.H.	Spacing (Feet)
≤ 30	100
35 - 45	350
≥ 55	500



DETAIL 7: TYPICAL LANE CLOSURE - FOUR-LANE STREET

7301 West 133rd Street, Suite 200
 Overland Park, KS 66213-4750
 TEL 913.381.1170
 FAX 913.381.1174
 www.molssonassociates.com

REV. NO.	DATE	REVISIONS DESCRIPTION	BY

NOT FOR CONSTRUCTION

TRAFFIC CONTROL DETAILS
SYLVESTER POWELL COMMUNITY CENTER
MISSION, KANSAS

2017

drawn by: AKU	checked by: RSC
approved by: PBM	QA/QC by: JAF
project no.: 014-3299	drawing no.: F_TC-DETAILS
date: 6/6/2017	

SHEET
10 of 10