

DR 77-20 - Home Occupations -
Hobbies.

ACTION

	DATE
COMMITTEE <u>No Action</u>	_____
M.A.P.C. _____	_____
B.C.C./B. CO. C. _____	_____

DR 77-20 - Home Occupations -
Hobbies.

8-15-77

MET W/ LINDE, FELDNER, DONNELLY
GALBRAITH & LYTLE

DISCUSSED POSSIBILITY OF AMENDING THE
HOME OCCUPATION PROVISION & ALSO THE
SECTION ON NOISE - 5.58.

LINDE EXPRESSED CONCERN OVER THE
APPLICATION OF H. OCCUP. REGS. TO HOBBYS
TO CONTROL SUCH THINGS AS AUTOMOBILE
REPAIR - RACE DRIVERS - WK. FOR FRIENDS.
ETC.

LINDE WILL WORK ON POSSIBILITY OF ESTABLISHING
NOISE LIMITATIONS FOR ALL USES IN
RES. AREAS. WILL GET BACK WITH US.

from: no date: _____

admin. adv. plans cur. plans social graphics

- | | | | | |
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| | <input type="checkbox"/> browne c. | | <input type="checkbox"/> dootille | <input type="checkbox"/> |
| | <input type="checkbox"/> stahschmidt | | | |
| | <input type="checkbox"/> forinash | <input type="checkbox"/> all staff | <input type="checkbox"/> information | |
| | <input type="checkbox"/> schranz | <input type="checkbox"/> comment | <input type="checkbox"/> files | |
| | <input type="checkbox"/> mcladden | <input type="checkbox"/> note & return | <input type="checkbox"/> signature | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> handle | <input type="checkbox"/> library | |

remarks: Set up DR. Compare w/
Tollman's de de & Powell's analysis
I don't think "Habbit" are useful, etc.
~~the~~ more level just doesn't apply to
living in the home is a bid with a woman or a boy
w/ a car

TS-100

THE CITY OF WICHITA

OFFICE OF CITY MANAGER

DATE July 29, 1977



TO Distribution

FROM Robert G. Finch, Deputy City Manager

SUBJECT Community Grievance Advisory Board
16th Quarterly Report

Your attention is directed to the attached copy of the 16th Quarterly Report of the Community Grievance Advisory Board which was received and filed by the City Commission on July 26, 1977. The Grievance Board makes six recommendations which are referred to the following agencies for review and comment:

Grievance Board Recommendation

Referred To

- | | |
|---|--|
| 1. Control of Parking of Jones' Buses on City Streets | Traffic Commission |
| 2. Amend 28.04.020 to Augment the Regulations on Home Occupations | MAPC |
| 3. Coordinate and Regulate Street Repairs and Street Closings | Public Works |
| 4. License and Provide Other Regulations for Cats in a Manner Similar to the Application of the Leash Law to Dogs | Environmental Health and Animal Control Advisory Committee |
| 5. Clarification of Parking Controls in the Wichita State University Campus Area | Police Department (with Traffic Engineering) |
| 6. Amend 20.04.020 to Include Locks in Minimum Standards for Residences | Police Department (with Central Inspection) |

Administrators receiving a copy of this memorandum are requested to bring the referred items to the attention of their agency or board and provide a recommendation as early as possible to permit this office to return a consolidated report on the Grievance Board's recommendation to the City Commission.

Robert G. Finch
Deputy City Manager

RGF/tsw
Attachment

Distribution
July 29, 1977
Page Two

Distribution:

Paul B. Graves, Traffic Engineer
Robert A. Lakin, Director of Planning
Ray W. Bruggeman, Director of Public Works
James Aiken, Environmental Health Director
Robert Feldner, Superintendent of Central Inspection
Richard LaMunyon, Chief of Police

WICHITA COMMUNITY GRIEVANCE ADVISORY BOARD
Room 150, City Hall

Steven Martens, Chairman
Fran Lee, First Vice-Chairman
Barbara Bowman, Second Vice-Chairman
Chester Hawkins
Johnie Pearl Nulan

July 19, 1977

TO: The Honorable Mayor and Board of Commissioners

I have the pleasure of transmitting to you the attached 16th Quarterly Report from the Community Grievance Office Advisory Board to the Board of City Commissioners. The report contains 6 recommendations which have been reviewed and considered by the Advisory Board. These 6 items are summarized as follows:

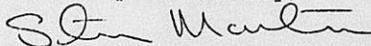
1. Control parking of Jones' buses on city streets.
2. Amend Chapter 28.04.020 to augment the regulations on home occupations.
3. Coordinate and regulate street repairs and street closings.
4. License and provide other regulations for cats in a manner similar to the application of the leash law to dogs.
5. Clarification of parking controls in the Wichita State University campus area.
6. Amend Chapter 20.04.020 to include locks in minimum standards for residences.

These 6 recommendations are covered in more depth in Section IV of the report.

At this time, I wish to take the opportunity to report to the City Commissioners the continuing success of the Grievance Office and to commend the staff for its handling of grievances and its attention to citizens' problems and complaints.

At the July meeting of the Advisory Board, I was accorded the honor of being elected Chairman. At the same time, Barbara Bowman was appointed as a replacement for Bob Neff who, having served with great distinction and dedication for 5½ years, was compelled by the press of business to decline an additional appointment.

Sincerely and Cordially,



Steven Martens

REPORT TO THE
BOARD OF CITY COMMISSIONERS
from
COMMUNITY GRIEVANCE ADVISORY BOARD
of
Sixteenth Quarterly Operations
of
Wichita Community Grievance Office
July 12, 1977

Section I - Introduction

This is the 16th in the series of Quarterly Reports of the Wichita Community Grievance Advisory Board to the City Manager and to the Board of City Commissioners. It is submitted by the Advisory Board in fulfillment of the requirements of the City ordinance. For the period covered by this report, ending June 30, 1977, the office functioned as required by ordinance and the Advisory Board guidelines.

Section II - Review of Period

The Grievance Office began operations on July 10, 1972. Since the first day of operations, the office has now received and handled 7,024 grievances and complaints of all descriptions. The volume of grievances is more than twice as great as it was in the first year, and the characteristics of the grievance have changed dramatically in the past 5 years. Most cases require considerably more effort for a satisfactory resolution, and many involve substantive issues and interpretations of law and policy. In a typical month, the Grievance Office will have jurisdiction in about 95% of the cases received.

The 1977 office budget is \$37,765. At the close of business May 31, the budget was underspent by \$810 which indicates an annual surplus of about \$1700.

The Office of the School Ombudsman is still a physical part of the Grievance Office area, and the arrangement has proven useful and effective.

The Grievance Office prepared and published an annual report to the citizens for 1976. Copies were distributed to the City Commissioners in January.

Since October, when the 14th Quarterly Report was prepared for this Board of City Commissioners, the following major activities have been handled by the Grievance Office: (The 15th Quarterly Report was devoted to the single subject of controlling the times at which trains would be permitted to cross streets).

1. The Grievance Office has continued with the Indian Hills - LHA complaints. The subject originated with the Grievance Office in 1976 when a petition, signed by 360 area residents, was presented to the Grievance Office and from there to the City Commission.

2. The Grievance Officer was assigned the responsibility of coordinating claims for damages from persons alleging harm to their residence as a consequence of construction work on the US-54 project.
3. The Grievance Office processed the request of a group of residents on Wood Lane for paving the 2½ block long roadway. Because of the characteristic of the traffic, the residents and the Grievance Officer saw no merit in installing a concrete roadway because of high costs. The Grievance Officer provided cost figures to the City Commission showing the relative expenses of asphalt vs. reinforced concrete for this particular street, and the City Commission modified the then paving policy to provide for alternate methods. In this one action, the residents of Wood Lane saved approximately \$40,000.
4. One of the most perplexing grievances handled by the office involved the accelerated acquisition of a parcel of residential property on South Grove. All of the property south had been acquired by the State Department of Transportation for the US-54 - Grove interchange, whereas the grievant's property and all to the north of it will, at some future date, be acquired by the City for the Grove Street improvements. The matter was successfully resolved by perfecting a hardship claim, and the grievant, who is now 85, has been satisfactorily relocated: her former residence was razed; at this time, it is the only razed property in the project.
5. As a result of a grievance received by the office and the subsequent discussion before the City Commission, Section 28.04.140 controlling parking on the required residential setback was resent to the Metropolitan Area Planning Commission for review and revisions. The changes proposed to the code have been followed closely by the Grievance Office, and the Grievance Officer has been authorized to discuss the recommendations when it is presented to the City Commission on August 2, 1977.
6. In the role of a citizen's advocate, the Grievance Officer succeeded in securing an exception to the street lighting policy from the City Commission for a mid-block light in the 1300 block of North Minnesota, and for 9 additional lights to be placed in identified high crime areas.
7. Again, as a citizen's advocate, the Grievance Officer successfully handled a petition requesting vacation of the

north 135 feet of Walnut Street, south of Irving. This action was taken in order to alleviate a disagreeable traffic condition, and as an alternative to paving the 1 block street. This action saved the residents on the street approximately \$25,000.

Section III - Budget

The 1975 budget was \$33,722, the 1976 budget was \$34,610 and was underspent by \$2,243, and the 1977 budget is \$37,765. The amount requested for 1978 is \$39,800. This will continue the present service level. The 1978 request was approved by the City Manager.

Section IV - Recommendations and Comments

In this section we continue the established practice of suggesting to the Board of City Commissioners corrective and ameliorative changes which develop out of the experiences of the Grievance Office. Some of the suggestions are minor, as are most in this report, but others have considerable significance and several resulted in new ordinances and policy changes.

1. A consistent item of complaint concerns parking of the Jones' school buses. Apparently, a bus is assigned to a driver and the driver is given general authority over the bus. The driver is required to find a place to park the unit between the morning and evening runs and over the weekends.

In many cases, the parking of the bus becomes a matter of inconvenience to neighbors. This is particularly true when the place to park the bus is the street.

The Jones' vehicles are under the same general control as other automobiles and commercial vehicles, and their parking is regulated by city ordinance.

Generally, the complaints are handled by discussion with Jones' personnel and temporary improvements are made. However, so long as the driver is given responsibility for finding a parking place, it is doubtful any permanent correction will be made without specifically designating the buses in the city code.

Therefore, we suggest to the City Commission the following:

- Chapter 11.52.020 (25) - For any school bus to park for longer than two hours upon any street or alley.
2. Chapter 28 of the city code (and presumably in the proposed new zoning code) rigidly defined the use of property for nonresidential uses. In addition, allowance is made in Chapter 28.04.020 for certain permitted "home occupations." We detect so-called hobbies are being used by some persons to circumvent

controls in residential areas. Although commercial activities are defined and controlled, hobbies can be pursued in any area with no control or regulation. As an example, the City Commission in October, 1966, adopted "noise standards for home occupations." The standards do not apply to hobbies. One of the objections people have is the use of residential property for automobile repair and body and fender work. In general, these uses generate sound pressures far in excess of the limits on noise in Chapter 28.04.020. Because the operator classifies his activities as a "hobby," he escapes normal regulations.

Presumably, the purpose of a zoning ordinance is to insure compatible living conditions in neighborhoods. By classifying an activity as a hobby or as something done for family and friends "at no profit" succeeds in exempting the perpetrator from the operation of the code.

It is our recommendation that Chapter 28.04.020 be amended by bracketing "hobbies" and "no profit activities" with home occupations. The same association should be carried over into the new zoning code.

3. One of the most consistent and frequent complaint areas is the uncoordinated and unregulated scheduling of street repairs and street closings. Some examples of the problem have existed in the downtown area for all of 1977: for example, adjacent to Main Street portions of 3rd, 2nd, and 1st, have been barricaded simultaneously for extended periods.

In our opinion, streets adjacent to each other should not be simultaneously closed to the public. Further, we suggest closings be coordinated to combine the work being done. This would include sewers, utilities, realignment and repairing. If things are to be done within six months, the street closing should be postponed until all the work can be handled at the same time.

4. Since February 20, 1977, the Grievance Officer has received 21 complaints about cats and the absence of controls over them. As you, of course, are well aware, dogs are very rigidly regulated under the new leash law. Cats, however, escape all controls and regulations.

It appears the wild, or so-called feral, proportion of cats in the total population is high. While many cat owners exercise control and authority over their pet, some do not and the feral cat escapes all human regulation.

In the case of dogs, the citizen may fall back upon the Health Department for capture of marauding dogs. He may require his neighbor to take extraordinary precaution with the dog, and the citizen has the reasonable comfort of knowing dogs are required to be vaccinated against rabies and other canine diseases and is registered to a particular owner. None of these assurances are available to people with regard to cats. There is no normal and simple way to control the animals, and the Health Department provides no "running at large pick up service."

In a memo dated March 30, 1977, the Grievance Officer made a number of proposals to the Health Department. This material is reproduced for the interest of the Commission. The proposals, in our opinion, would secure equivalence for dogs and cats and would provide essential protection for persons concerned with the depredations of cats.

"Following our telephone conversation of March 29 and the discussion about the dog controls which were enacted by the City Commission on Tuesday, I have developed several recommendations which in my opinion, based strictly upon the volume and substance of grievances received by this office, should be incorporated into a cat regulatory and control ordinance. Some of the points parallel those which already apply to dogs, but others are out of necessity peculiar to cats.

1. Conduct a city wide census to establish the number of cats for which ownership is acknowledged. I believe you plan a census survey on the dog population and the survey for cats could be included at only very minor additional cost.
2. Immediately require all owners of cats to secure inoculation against rabies and any other disease transmittable from the cat to the human and animal population.
3. At the time of vaccination, require registration by the veterinarian with the registration to be handled precisely as is done with dogs.

4. Mandate an identification tag to be issued by the veterinarian and to be affixed to the cat. The identification tag would contain at the minimum the name of the veterinarian and a registration number. Require the identification tag to be carried by the cat at all times.
5. Provide for the registration to constitute a permit to own the animal. Further, provide for the same relationships to the permit to apply as in the case of dogs. Establish the same fee schedule for violations of the code.
6. Declare the owner of a cat to be liable at civil law for all destruction caused by the cat to the private property of a complainant unless the owner of the property gave prior permission for the entry of the cat upon the property.
7. Assess the owner of a cat a fee of \$5 for each song bird killed by the cat and which act was witnessed by two or more unrelated persons.
8. Declare all cats not exhibiting a tag to be un-owned and subject to destruction.
9. Any resident of the City of Wichita to be permitted to install humane traps supplied by the Health Department and to be serviced by the department. All captured cats to be impounded and all untagged cats and all tagged cats not redeemed by the owner within 72 hours to be destroyed.

Our city code prohibits the destruction of song birds and squirrels within the city limits. What we are proposing is that an owned cat, as an extension of the owner, killing a song bird or a squirrel is to render the owner subject to the same penalty as though the owner shot or otherwise killed the protected animal.

This office is not in a position to estimate the cat population of Wichita nor of the ratio of feral cats in the total population. Observations and a conservative re-evaluation of complaints indicate the feral percentage far higher than that of the dog population. Perhaps the feral dog with his propensity for joining packs is more visible than the individualistic feral cat.

At the risk of repetition, we point out that under our present city code a person is completely powerless to either secure action or to take action against predatory cats. Our code prohibits the discharge of a firearm and

restricts traps to the authority of the Health Director. Likewise, the code prohibits the use of poisonous baits and provides no barrier to the entry of an uninvited cat, feral or otherwise.

What I have proposed in this group of recommendations is the placement of responsibility for cats upon the owners and legal provision for eliminating the unowned and unclaimed part of the cat population. You may want to include coverage on cat bites and cat scratches. I believe it has been established that rabies can be transmitted from the cat to the human through a scratch which breaks the skin."

5. This item concerns parking regulations and controls in the Wichita State University campus area. Parking on some of the streets north of 17th in the campus area is controlled by the University security force. Along other streets, virtually indistinguishable, parking regulations is the responsibility of the Wichita Police Department. The juxtaposition of the two authorities causes confusion and misunderstanding to many persons. We advise that the total area east of Hillside, north of 17th, south of 21st, and west of Oliver, be monitored exclusively by either one or the other authority.
6. The Grievance Officer has worked with the Police Department, the Board of Housing Standards and Appeals, and with the Board of Crime and Correction for amendments to the city code to require security devices on doors and windows on residential property.

Chapter 20.04.020, the "minimum standards for basic equipment and facilities in residences," specifies that each dwelling unit shall have certain minimum amenities. Nothing is said in our city code about required locks for doors and windows.

In the event the City Commission adopts a requirement for door locks and window latches, we suggest the police be given emergency powers to require locks when in the judgement of the officer the device is inadequate or insubstantial or is needed for the safety of the inhabitant. This type of authority would parallel some of the emergency powers of the fire department.

Section V - Statistical Tables and Records

GRIEVANCE OFFICE - CASE SUMMARY - 1977

Month-(ending 25th)	Method of Contact				Grievance Office (Griev Against City)		Area of Jurisdiction (Not Involving Griev Against City)						
	Total	Visit	Letter	Phone	Total	Justifi- cation	Sedg Co	State	Fed Gov	Schools	City Comm	Private Sector	Un- Class
January	118	33	9	76	106 (90%)	73 (62%)	2	2	1	0	0	6	2
February	120	33	2	85	110 (92%)	98 (82%)	1	9	1	0	4	5	5
March	122	27	8	87	115 (94%)	105 (86%)	0	2	1	0	3	6	11
April	130	29	5	96	123 (95%)	101 (76%)	3	6	0	0	0	7	5
May	140	43	3	94	133 (95%)	107 (76%)	1	5	0	0	1	11	5
June	147	47	6	94	141 (96%)	128 (87%)	1	12	0	0	2	30	7
July													
August													
September													
October													
November													
December													
Total, Year to Date	777	212	33	532	728	612	8	36	3	0	10	65	35
1976	This month	145	26	6	113	140	0	4	0	0	0	1	3
	To Date	729	132	57	540	675	4	18	3	0	12	25	24
1975	This month	141	28	5	108	124	3	4	0	1	0	4	5
	To Date	766	174	53	539	653	4	48	4	4	9	17	26
1974	This month	234	25	96	113	210	3	7	1	3	0	7	1
	To Date	805	145	161	420	686	12	48	10	8	0	31	
1973	This month	122	26	7	89	100	0	7	1	0	1	12	0
	To Date	623	129	49	445	514	20	16	5	0	6	52	5

Page 3 - Classification

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	TOTAL 1977
<u>Metro Trans Authority</u>	1	1	1		1	1							5
<u>Parks</u>													
Parks	1			2		1							4
Forestry	1	2		6	2	3							14
Recreation	1		1		2								4
<u>Planning</u>													
Planning													
Zoning	2	3	6	4	2	3							20
BZA		1		1									2
Other					1								1
<u>Urban Renewal</u>													
Housing Rehabilitation	2				2								4
Other	1		1										2
<u>Water</u>													
Service	8	4	4		2	2							20
Bills	2	1	3	2	2	2							10
Other	2	3	3			1							9

Page 4 - Classification

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	TOTAL 1977
<u>Courts</u>		1	1			1							3
<u>Mediation/Arbitration</u>	6	3		1									10
<u>Sedwick County</u>	2	1		3	1	1							8
<u>State of Kansas</u>													
Social Services	1	1	1										3
Department of Trans	1	3		5	2	11							22
Corporation Commission	4	4											11
Other	2	1	1	1	3	1							6
<u>Federal Government</u>	1	1	1										3
<u>Private Sector</u>													
Landlord-Tenant	1			2									3
Employer-Employee	1	2		1		1							5
Other	3	1	3	3	1	4							15
Neighbors		2	3	1	9	25							40
<u>Unclassified</u>	4	5	11	5	5	7							30